

I Mina'trentai Ocho Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
245-38 (COR)	Telo T. Taitague	AN ACT TO <i>AMEND</i> SECTION 3 OF PUBLIC LAW 37-116, RELATIVE TO EXTENDING THE SUNSET PROVISION FOR THE TEMPORARY EXEMPTION OF CANNABIS LABORATORY TESTING REQUIREMENTS FROM TWO (2) YEARS TO FIVE (5) YEARS AFTER THE DATE OF ENACTMENT.	12/12/25 9:49 a.m.	12/22/25	Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement.	Request: 12/22/25 Waiver: 12/23/25	1/8/26 8:30 a.m.	1/23/26	



OFFICE OF SENATOR
Telo T. Taitague
 CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
 Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
 2238 Archbishop Flores St.
 Hagatna, Guam 96910
 (671) 989-8356
 senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

January 21, 2026

The Honorable Frank F. Blas Jr.
Speaker

I Mina'trentai Ocho na Liheslaturan Guåhan
 Guam Congress Building
 163 Chalan Santo Papa
 Hagåtña, Guam 96910

VIA: Honorable Vice Speaker V. Anthony Ada 
 Chairperson, Committee on Rules

RE: Committee Report on Bill No. 245-38 (COR)- As Introduced

Buenas yan Håfa adai, Speaker Blas

Transmitted herewith is the Committee Report on **Bill No. 245-38 (COR)-** Introduced by Telo T. Taitague- *"An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment."*

Committee votes are as follows:

<u>1</u>	TO DO PASS
<u>0</u>	TO NOT PASS
<u>3</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Sincerely,


TELO T. TAITAGUE
 Senator



COMMITTEE ON RULES
RECEIVED:
 January 21, 2026 3:08 a.m.
Marie Crisostomo



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
2238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

COMMITTEE REPORT

Bill No. 245-38 (COR)

Introduced by Telo T. Taitague

*“An Act to Amend Section 3 of Public
Law 37-116, Relative to Extending the
Sunset Provision for the Temporary
Exemption of Cannabis Laboratory
Testing Requirements from Two (2) Years
to Five (5) Years After the Date of
Enactment.”*



OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement

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2238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

January 20, 2026

MEMORANDUM:

TO: All Members
*Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement*

FROM: Senator Telo T. Taitague
Committee Chairperson

SUBJECT: Committee Report on Bill No. 245-38 (COR)- As Introduced

Transmitted herewith for your consideration is the Committee Report on **Bill No. 245-38 (COR)-** Introduced by Telo T. Taitague- *"An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment."*

This report includes the following:

- Copy of COR Referral of Bill No. 245-38 (COR)
- Notice of Public Hearing
- Public Hearing Agenda
- Public Hearing Sign-in Sheet
- Written Testimonies and Additional Documents
- Committee Vote Sheet and E-mails
- Committee Report Digest
- Copy of Bill No. 245-38 (COR), As Introduced
- Copy of Fiscal Note Waiver from the Bureau of Budget & Management Research

Please take the appropriate action on the attached vote sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os ma'åse'!

Senator Telo T. Taitague - Chairperson




COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature

December 22, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

Attorney Darleen Hiton
Legislative Legal Counsel

From: **Vice Speaker V. Anthony Ada** 
Chairperson, Committee on Rules

Subject: **Referral of Bill No. 245-38 (COR)**

Håfa Adai,

As per my authority as Chairperson of the Committee on Rules and subject to §6.01(d)(1), Rule VI of our Standing Rules, I am forwarding the referral of **Bill No. 245-38 (COR)** – Telo T. Taitague. – “AN ACT TO *AMEND* SECTION 3 OF PUBLIC LAW 37-116, RELATIVE TO EXTENDING THE SUNSET PROVISION FOR THE TEMPORARY EXEMPTION OF CANNABIS LABORATORY TESTING REQUIREMENTS FROM TWO (2) YEARS TO FIVE (5) YEARS AFTER THE DATE OF ENACTMENT.”

Please ensure that the subject bill is referred to the Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement chaired by Senator Telo T. Taitague. I also request that the same be copied to the Prime Sponsor of the subject bill and to Management Information Services (MIS) for posting on our website.

A copy of the bill is available on our legislative website.

Should you have any questions or concerns, please feel free to contact Kamarin Nelson, Committee on Rules Director at 671-472-2461.





Senator Telo Taitague <senatortelot@gmail.com>

FIRST NOTICE of Public Hearing – Thursday, January 8, 2026 beginning at 8:30 a.m.

2 messages

Senator Telo Taitague <senatortelot@gmail.com>

30 December 2025 at 09:47

To: phnotice@guamlegislature.gov

Cc: Ed Pocaigue <sgtarms@guamlegislature.gov>

Bcc: Rowena Fejeran <senatortelot.rowena@gmail.com>, senatortelot.charissa@gmail.com, Alana Ungacta <senatortelot.alana@gmail.com>, Isah Peredo <senatortelot.isah@gmail.com>

December 30, 2025

MEMORANDUM**To:** All Senators, Stakeholders and Media**From:** Senator Telo T. Taitague, Chairperson**Subject:** **FIRST NOTICE of Public Hearing – Thursday, January 8, 2026 beginning at 8:30 a.m.***Håfa Adai!*

Please be advised that the *Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections, and Retirement* will conduct a public hearing on **Thursday, January 8, 2026 beginning at 8:30 a.m.**, in the Guam Congress Building, Public Hearing Room. The Committee will hear and accept testimonies on the following agenda items:

8:30 a.m.:

I. Bill No. 245-38 (COR)- Introduced by Telo T. Taitague- “An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment.”

9:00 a.m. to 12:00 p.m.:**II. Roundtable Hearing on the Cannabis Industry Act**

a. **Cannabis Control Board Responsibilities**- Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp program; Annual reporting obligations; Status of

- Cannabis Control Board member terms and cannabis summit efforts.
- b. **Status Update on Program Implementation-** Current licensing activity; Interagency coordination; Laboratory license application status; Seed-to-sale agreement with METRC; Banking considerations.
 - c. **Barriers to Program Implementation-** Regulatory and licensing challenges; Enforcement coordination; Zoning, financing, and business feasibility; Hemp program development alignment.

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Telo T. Taitague at senatortelot@gmail.com or call (671) 989-8356. Testimony and other documents related to the agenda items can be viewed at: [Thursday, January 8, 2026, 830AM_Shared Public Hearing Drive File](#). The drive file is periodically updated as testimony is received.

In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance or accommodation, including virtual attendance via Zoom, should contact the Office of Senator Telo T. Taitague at (671) 989-8356 or email senatortelot@gmail.com.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117, and stream online via *I Liheslaturan Guåhan's* live feed on YouTube <https://www.youtube.com/@GuamLegislatureMedia/streams>.

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Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague
38th Guam Legislature


Chairperson


Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
Tel: (671) 989-8356

Email: senatortelot@gmail.com

2 attachments

 **FIRST NOTICE_01.08.26 Public Hearing.pdf**
343K

 **Bill No. 245-38 (COR)-2.pdf**
722K

Ed Pocaigue <sgtarms@guamlegislature.gov>
To: Senator Telo Taitague <senatortelot@gmail.com>

30 December 2025 at 09:51

Hafa A dai,


Posted on calendar.

[Quoted text hidden]



Edward S. Pocaigue, Jr.
Sergeant-at-Arms

I Mina'trentai Ocho Na Liheslaturan Guåhan
Guam Congress Building, 1st Floor
163 Chalan Santo Papa
Hagåtña, Guam 96910

 1-671-969-3514

 sgtarms@guamlegislature.gov

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OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
2238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 30, 2025

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telo T. Taitague, Chairperson

Subject: **FIRST NOTICE of Public Hearing – Thursday, January 8, 2026 beginning at 8:30 a.m.**

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9:00 a.m. to 12:00 p.m.:

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- a. **Cannabis Control Board Responsibilities-** Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp program; Annual reporting obligations; Status of Cannabis Control Board member terms and cannabis summit efforts.
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FIRST NOTICE of Public Hearing – Thursday, January 8, 2026 beginning at 8:30 a.m.

FIRST NOTICE of Public Hearing – Thursday, January 8, 2026 beginning at 8:30 a.m.



PUBLIC HEARING

Posted on: 12/30/2025 09:31 AM

Posted by: Charissa Manibusan, Committee Director

Public Hearing Date: 01/08/2026 08:30 AM

Department(s):
GUAM LEGISLATURE (/notices?department_id=92)

Division(s):
OFFICE OF SENATOR TELO TAITAGUE (/notices?division_id=282)

Notice Topic(s): PUBLIC HEARING (/notices?topic_id=74)

Types of Notice: PUBLIC HEARING (/notices?type_id=7)

For Audience(s): PUBLIC (/notices?public=1)

Share this notice

December 30, 2025

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telo T. Taitague, Chairperson

Subject: FIRST NOTICE of Public Hearing – Thursday, January 8, 2026 beginning at 8:30 a.m.

Håfa Adai!

Please be advised that the *Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections, and Retirement* will conduct a public hearing on **Thursday, January 8, 2026 beginning at 8:30 a.m.**, in the Guam Congress Building, Public Hearing Room. The Committee will hear and accept testimonies on the following agenda items:

8:30 a.m.:

I. Bill No. 245-38 (COR)-

([https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%20245-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%20245-38%20(COR).pdf)) Introduced by Telo T. Taitague- "An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment."

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- a. **Cannabis Control Board Responsibilities-** Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp program; Annual reporting obligations; Status of Cannabis Control Board member terms and cannabis summit efforts.
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If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Telo T. Taitague at senatortelot@gmail.com

(mailto:senatortelot@gmail.com) or call (671) 989-8356.

Testimony and other documents related to the agenda items can be submitted by Thursday, January 8, 2026, 8:30 AM. Shared Public

be viewed at: [Thursday, January 8, 2026, 8:30AM - Shared Public Hearing Drive File](#)

https://drive.google.com/drive/folders/1n_gyMNMsvPvcvv4EsVPYAk3dUmt58MMq?usp=sharing). The drive file is periodically updated as testimony is received.

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Senator Telo Taitague <senatortelot@gmail.com>

SECOND NOTICE of Public Hearing – Thursday, January 8, 2026 beginning at 8:30 a.m.

1 message

Senator Telo Taitague <senatortelot@gmail.com>

6 January 2026 at 06:57

To: phnotice@guamlegislature.gov

Cc: Ed Pocaigue <sgtarms@guamlegislature.gov>

Bcc: senatortelot.charissa@gmail.com, Rowena Fejeran <senatortelot.rowena@gmail.com>, Alana Ungacta <senatortelot.alana@gmail.com>, Isah Peredo <senatortelot.isah@gmail.com>

January 6, 2026

MEMORANDUM**To:** All Senators, Stakeholders and Media**From:** Senator Telo T. Taitague, Chairperson**Subject:** **SECOND NOTICE of Public Hearing – Thursday, January 8, 2026 beginning at 8:30 a.m.***Håfa Adai!*

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Si Yu'os Ma'åse,

Create a Great Day!


Senator Telo T. Taitague
38th Guam Legislature


Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
Tel: (671) 989-8356
Email: senatortelot@gmail.com

3 attachments

 **Bill No. 245-38 (COR).pdf**
722K

 **SECOND NOTICE_01.08.26 Public Hearing.pdf**
343K

 **12.23.25_FN_WAIVER_B245-38 (COR).pdf**
1058K



OFFICE OF SENATOR
Telo T. Taitague
CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
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(671) 989-8356
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I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

January 6, 2026

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telo T. Taitague, Chairperson

Subject: **SECOND NOTICE of Public Hearing – Thursday, January 8, 2026 beginning at 8:30 a.m.**

Håfa Adai!

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- a. **Cannabis Control Board Responsibilities-** Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp program; Annual reporting obligations; Status of Cannabis Control Board member terms and cannabis summit efforts.
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SECOND NOTICE of Public Hearing – Thursday, January 8, 2026 beginning at 8:30 a.m.

SECOND NOTICE of Public Hearing – Thursday, January 8, 2026 beginning at 8:30 a.m.

PUBLIC HEARING

-  **Posted on:** 01/06/2026 06:49 AM
-  **Posted by:** Charissa Manibusan, Committee Director
-  **Public Hearing Date:** 01/08/2026 08:30 AM
-  **Department(s):** GUAM LEGISLATURE (/notices?department_id=92)
-  **Division(s):** OFFICE OF SENATOR TELO TAITAGUE (/notices?division_id=282)
-  **Notice Topic(s):** PUBLIC HEARING (/notices?topic_id=74)
-  **Types of Notice:** PUBLIC HEARING (/notices?type_id=7)
-  **For Audience(s):** PUBLIC (/notices?public=1)
-  **Share this notice**



January 6, 2026

MEMORANDUM

To: All Senators, Stakeholders and Media

From: Senator Telo T. Taitague, Chairperson

Subject: SECOND NOTICE of Public Hearing – Thursday, January 8, 2026 beginning at 8:30 a.m.

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8:30 a.m.:

I.

Bill No. 245-38

(COR)-

[https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%20245-38%20\(COR\).pdf](https://guamlegislature.gov/38th_Guam_Legislature/Bills_Introduced_38th/Bill%20No.%20245-38%20(COR).pdf)
 Introduced by Telo T. Taitague- “An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment.”

9:00 a.m. to 12:00 p.m.:

II.

Roundtable Hearing on the Cannabis Industry Act

a.

Cannabis Control Board Responsibilities- Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp program; Annual reporting obligations; Status of Cannabis Control Board member terms and cannabis summit efforts.

b.

Status Update on Program Implementation- Current licensing activity; Interagency coordination; Laboratory license application status; Seed-to-sale agreement with METRC; Banking considerations.

c.

Barriers to Program Implementation- Regulatory and licensing challenges; Enforcement coordination; Zoning, financing, and business feasibility; Hemp program development alignment.

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The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117, and stream online via *Liheslaturan Guåhan's* live feed on YouTube <https://www.youtube.com/@GuamLegislatureMedia/streams> (<https://www.youtube.com/@GuamLegislatureMedia/streams>).

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PO BOX 368, HAGATNA, GUAM 96932
 T. +1 671.637.KUAM
 F. +1 671.637.9865

New Order	Revised/Add-On	Info. Update
Office of Senator Telo Taitague - 38th Guam		
Advertiser Name	Legislature	
Address	Suite 407 DNA Bldg; 238 Archbishop Flores St. Hagatna, Guam 96910	
Point of Contact	Charissa Manibusan	

Order Number	_____
Order Entry Date	_____
Customer PO #	2638PO003
Product Code	_____
RECEIVABLES ACCOUNT	
<input checked="" type="checkbox"/> Cash	<input type="checkbox"/> Trade <input type="checkbox"/> Other
ORDER DESCRIPTION	
PRODUCTION INFORMATION	
Cart #	Title: Length:

FOR INTERNAL PURPOSES ONLY		Media Consultant	Christie SA
Notary Required	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	Billing	Per Spot <input type="checkbox"/> Package <input checked="" type="checkbox"/> Trade <input type="checkbox"/>

Station	Inc Acct	Rate	Start Date	End Date	AbsTime/Prog. Event	Length	Spot Type	Cart #	M	T	W	TH	F	SA	SU	Per Wk	Total #	Total \$
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KUAM TV

1x :15 Second Commercial on TV8 or TV11 from 7am - 5:59pm - First Notice (Air date:12/30/25)
 1x :15 Second Commercial on TV8 or TV11 from 7am - 5:59pm - First Notice (KUAM Match)
 1x :15 Second Commercial on TV8 or TV11 from 7am - 5:59pm - Second Notice (Air date: 01/06/26)
 1x :15 Second Commercial on TV8 or TV11 from 7am - 5:59pm - Second Notice (KUAM Match)
 1x :15 Second TV Production (text and music bed only)

Shelf# & Title: 189U - Public Hearing 010826

Contract for Public Hearing on January 08, 202; 1st and 2nd Notice

MONTHLY TOTALS										SPECIAL INSTRUCTIONS						ORDER TOTALS		
Jan	Feb	Mar	Apr	May	June	July	Aug	Sep	Oct							Total Spots	PKG	Total Dollars
																		\$ 500.00

TV COMMERCIAL FORMAT: We ask that all commercials be formatted to originate in HD 1920x1080 and conform to a 4x3 pillar for Title Safe dimensions for graphics. These will be downconverted on our SD channels. Should a commercial spot be produced in SD, it should be formatted in 720x486 DI format resolution and will be upconverted on HD Channels (DOCOMO 608 and 611).

RESTRICTIONS: 48-hour deadline is KUAM's quality control to ensure that your advertisement airing meets the highest standards. If there is a rush, KUAM is not responsible for quality and standard concerns on behalf of the client.

PAYMENT IS DUE UPON RECEIPT OF NOTICE. In the event of cancellation of this contract prior to its scheduled expiration date and/or failure to remit payment of invoice[s] within 60 days of invoice date, all spots that have run prior to the cancellation date and/or schedules adhered to will be billed at the Rate Card. Client understands and agrees that a finance charge of 10% per month shall accrue on all accounts remaining unpaid one (1) month after invoice date. Client agrees to pay a USD\$25.00 service fee per returned check. There will be a 5% surcharge for all credit card transactions. If payment is not made as required, KUAM may, its option, without notice or demand payment, declare Client's credit account in default, in which case Client's entire balance[s] that are due and payable will be forwarded for collection. Client agrees to accept all consequences and to pay all costs, including attorney's fees, court fees, court costs and other expenses incurred as deemed necessary by KUAM to settle the account.

NON DISCRIMINATION CLAUSE: KUAM/Pacific Telestations, LLC does not discriminate on the basis of race or ethnicity in the placement, scheduling and completion of purchase of advertising. Any order for advertising that includes any such restriction will not be accepted.

CDManibusan

ACCEPTED BY CLIENT

Christie San Agustin

ACCEPTED BY STATION

OFFICE OF SENATOR



Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guahan • 38th Guam Legislature

NOTICE OF PUBLIC HEARING

Guam Legislature, Public Hearing Room

Thursday, January 8, 2026 beginning at 8:30 a.m.

AGENDA

The Committee will hear and accept testimony on the following:

8:30 a.m.

I. Bill No. 245-38 (COR)- Introduced by Telo T. Taitague- "An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment."



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

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(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guahan • 38th Guam Legislature

NOTICE OF PUBLIC HEARING
Guam Legislature, Public Hearing Room
Thursday, January 8, 2026 beginning at 8:30 a.m.

AGENDA

The Committee will hear and accept testimony on the following:

II. Roundtable Hearing on the Cannabis Industry Act

A. Cannabis Control Board Responsibilities- Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp program; Annual reporting obligations; Status of Cannabis Control Board member terms and cannabis summit efforts.



OFFICE OF SENATOR

Telo J. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

NOTICE OF PUBLIC HEARING
Guam Legislature, Public Hearing Room
Thursday, January 8, 2026 beginning at 8:30 a.m.

AGENDA

The Committee will hear and accept testimony on the following:

B. Status Update on Program Implementation- Current licensing activity; Interagency coordination; Laboratory license application status; Seed-to-sale agreement with METRC; Banking considerations.

C. Barriers to Program Implementation- Regulatory and licensing challenges; Enforcement coordination; Zoning, financing, and business feasibility; Hemp program development alignment.



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guahan • 38th Guam Legislature

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Telo T. Taitague via electronic mail at senatortelot@gmail.com or call (671) 989-8356.

In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance of accommodation should contact the Office of Senator Telo T. Taitague at (671) 989-8356 or email senatortelot@gmail.com.

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117, and stream online via I Liheslaturan Guahan's live feed on YouTube

<https://www.youtube.com/@GuamLegislatureMedia/streams>. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.

This ad is paid for by legislature funds.



Senator Telo Taitague <senatortelot@gmail.com>

Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

4 messages

Senator Telo Taitague <senatortelot@gmail.com>

22 December 2025 at 10:04

To: "Marie P. Lizama" <marie.lizama@revtax.guam.gov>, "Michael S. San Agustin" <Michael.SanAgustin@revtax.guam.gov>

Cc: senatortelot.charissa@gmail.com, Andrea Pellacani <senatortelot.andrea@gmail.com>, Alana Ungacta <senatortelot.alana@gmail.com>, Isah Peredo <senatortelot.isah@gmail.com>

Hafa adai Director Lizama,

Please see the attached invitation from Senator Taitague to a public hearing on **Thursday, January 8, 2026 on Bill No. 245-38 and a Roundtable Hearing on the Cannabis Industry Act.** Please kindly confirm receipt of this email, and DRT attendance, at your earliest convenience.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building
238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com

2 attachments

**Bill No. 245-38 (COR).pdf**

722K

**DRT Invitation- Bil 245-38 and Cannabis Industry Act Roundtable.pdf**

249K

Senator Telo Taitague <senatortelot@gmail.com>

5 January 2026 at 13:21

To: "Marie P. Lizama" <marie.lizama@revtax.guam.gov>, "Michael S. San Agustin" <Michael.SanAgustin@revtax.guam.gov>

Cc: senatortelot.charissa@gmail.com, Andrea Pellacani <senatortelot.andrea@gmail.com>, Alana Ungacta



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 22, 2025

Transmitted via Electronic Mail

Marie P. Lizama, Director
Department of Revenue and Taxation
Marie.lizama@revtax.guam.gov

Subject: Invitation to provide testimony at the Cannabis Industry Act Roundtable

Hafa Adai Director Lizama,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a public hearing on **Thursday, January 8, 2026 in the Guam Congress Building, Public Hearing room** for the following agenda item:

8:00 a.m. to 9:00 a.m.

- I. **Bill No. 237-38 (COR)**- Introduced by Telo T. Taitague, Therese M. Terlaje, Chris Barnett, Shelly V. Calvo, Sabina Flores Perez - "An Act to Add a New Chapter 8, Division 1, Title 17, Guam Administrative Rules and Regulations, Relative to the Department of Labor Promulgation of Rules and Regulations for the Implementation and Enforcement of the Guam Registered Apprenticeship Program Pursuant to Public Law 35-39."
- II. **Bill No. 245-38 (COR)**- Introduced by Telo T. Taitague- "An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment."

9:00 a.m. to 12:00 p.m.:

- III. **Roundtable Hearing on the Cannabis Industry Act**
 - a. Cannabis Control Board Responsibilities- Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp

- program; Annual reporting obligations; Status of Cannabis Control Board member terms and cannabis summit efforts.
- b. Status Update on Program Implementation- Current licensing activity; Interagency coordination; Laboratory license application status; Seed-to-sale agreement with METRC; Banking considerations.
 - c. Barriers to Program Implementation- Regulatory and licensing challenges; Enforcement coordination; Zoning, financing, and business feasibility; Hemp program development alignment.

In preparation for this roundtable, the Committee respectfully requests the following information be provided no later than Tuesday, December 30, 2025:

Cannabis Control Board Membership and Terms

- A current roster of all Cannabis Control Board members, including appointed members and agency designees, with contact information for the purpose of extending invitations to the roundtable;
- Term start and end dates for all appointed members; and
- Identification of any vacant, expired, or holdover positions.

Certified Responsible Officials

- A list of all individuals currently certified or approved as Responsible Officials under the Cannabis Industry Act, including their associated applicant entities and contact information, for the purpose of extending invitations to participate in the roundtable.

The Committee appreciates your feedback on Bill No. 245-38 (COR), and looks forward to your participation in the roundtable discussion.

Should your office have materials, data, or written testimony relevant to the agenda topics, we encourage you to submit them in advance for inclusion in the official hearing record.

Si Yu'os Ma'ãse' for your continued collaboration and service to our community.

Respectfully



Senator Telo T. Taitague, Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

Guam EPA Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

4 messages

Senator Telo Taitague <senatortelot@gmail.com>
To: michelle.lastimoza@epa.guam.gov

22 December 2025 at 11:09

Hafa adai Administrator Lastimoza,

Please see the attached invitation from Senator Taitague to a public hearing on **Thursday, January 8, 2026 on Bill No. 245-38 and a Roundtable Hearing on the Cannabis Industry Act.** Please kindly confirm receipt of this email, and DRT attendance, at your earliest convenience.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague
38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
Tel: (671) 989-8356
Email: senatortelot@gmail.com

2 attachments



Guam EPA Invitation- Bil 245-38 and Cannabis Industry Act Roundtable.pdf
739K



Bill No. 245-38 (COR).pdf
722K

Michelle Lastimoza <michelle.lastimoza@epa.guam.gov>

22 December 2025 at 11:15

To: Senator Telo Taitague <senatortelot@gmail.com>

Cc: Glenn San Nicolas <glenn.sannicolas@epa.guam.gov>, Arlene Acfalle <arlene.acfalle@epa.guam.gov>

Good morning, Senator.



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 22, 2025

Transmitted via Electronic Mail

Michelle Lastimoza, Administrator,
Guam Environmental Protection Agency
michelle.lastimoza@epa.guam.gov

Subject: Invitation to provide testimony at the Cannabis Industry Act Roundtable

Hafa Adai Administrator Lastimoza,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a public hearing on **Thursday, January 8, 2026 in the Guam Congress Building, Public Hearing room** for the following agenda item:

~~8:00~~ **8:30 a.m. to 9:00 a.m.**

- I. ~~Bill No. 237-38 (COR)- Introduced by Telo T. Taitague, Therese M. Terlaje, Chris Barnett, Shelly V. Calvo, Sabina Flores Perez— “An Act to Add a New Chapter 8, Division 1, Title 17, Guam Administrative Rules and Regulations, Relative to the Department of Labor Promulgation of Rules and Regulations for the Implementation and Enforcement of the Guam Registered Apprenticeship Program Pursuant to Public Law 35-39.”~~ **POSTPONED**
- II. **Bill No. 245-38 (COR)-** Introduced by Telo T. Taitague- “An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment.”

9:00 a.m. to 12:00 p.m.:

- III. **Roundtable Hearing on the Cannabis Industry Act**
 - a. Cannabis Control Board Responsibilities- Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp program; Annual reporting obligations; Status of Cannabis Control Board member terms and cannabis summit efforts.

- b. Status Update on Program Implementation- Current licensing activity; Interagency coordination; Laboratory license application status; Seed-to-sale agreement with METRC; Banking considerations.
- c. Barriers to Program Implementation- Regulatory and licensing challenges; Enforcement coordination; Zoning, financing, and business feasibility; Hemp program development alignment.

In preparation for this roundtable, the Committee respectfully requests the following information be provided no later than Tuesday, December 30, 2025:

Cannabis Control Board Membership and Terms

- A current roster of all Cannabis Control Board members, including appointed members and agency designees, with contact information for the purpose of extending invitations to the roundtable;
- Term start and end dates for all appointed members; and
- Identification of any vacant, expired, or holdover positions.

Certified Responsible Officials

- A list of all individuals currently certified or approved as Responsible Officials under the Cannabis Industry Act, including their associated applicant entities and contact information, for the purpose of extending invitations to participate in the roundtable.

The Committee appreciates your feedback on Bill No. 245-38 (COR), and looks forward to your participation in the roundtable discussion.

Should your office have materials, data, or written testimony relevant to the agenda topics, we encourage you to submit them in advance for inclusion in the official hearing record.

Si Yu'os Ma'ãse' for your continued collaboration and service to our community.

Respectfully,



Senator Telo T. Taitague, Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

DPHSS Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

5 messages

Senator Telo Taitague <senatortelot@gmail.com>

22 December 2025 at 11:04

To: "Theresa C. Arriola" <Theresa.c.arriola@dphss.guam.gov>

Cc: Joaquin Blaz <Joaquin.Blaz@dphss.guam.gov>, "Peter John D. Camacho" <peterjohn.camacho@dphss.guam.gov>, "Amanda L. Shelton" <Amanda.Shelton@dphss.guam.gov>, Heidi Quinata <Heidi.Quinata@dphss.guam.gov>

Hafa adai Director Arriola,

Please see the attached invitation from Senator Taitague to a public hearing on **Thursday, January 8, 2026 on Bill No. 245-38 and a Roundtable Hearing on the Cannabis Industry Act.** Please kindly confirm receipt of this email, and DPHSS's attendance, at your earliest convenience.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building
238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com

2 attachments

**Bill No. 245-38 (COR).pdf**

722K

**DPHSS Invitation - Bil 245-38 and Cannabis Industry Act Roundtable.pdf**

361K

Senator Telo Taitague <senatortelot@gmail.com>

22 December 2025 at 13:54

To: "Theresa C. Arriola" <Theresa.c.arriola@dphss.guam.gov>

Cc: Joaquin Blaz <Joaquin.Blaz@dphss.guam.gov>, "Peter John D. Camacho" <peterjohn.camacho@dphss.guam.gov>, "Amanda L. Shelton" <Amanda.Shelton@dphss.guam.gov>, Heidi Quinata <Heidi.Quinata@dphss.guam.gov>



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 22, 2025

Transmitted via Electronic Mail

Theresa Arriola, Director,
Department of Public Health and Social Services
Theresa.c.arriola@dphss.guam.gov

Subject: Invitation to provide testimony at the Cannabis Industry Act Roundtable

Hafa Adai Director Arriola,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a public hearing on **Thursday, January 8, 2026 in the Guam Congress Building, Public Hearing room** for the following agenda item:

8:00am 8:30 a.m. to 9:00 a.m.

~~I. **Bill No. 237-38 (COR)** Introduced by Telo T. Taitague, Therese M. Terlaje, Chris Barnett, Shelly V. Calvo, Sabina Flores Perez — “An Act to Add a New Chapter 8, Division 1, Title 17, Guam Administrative Rules and Regulations, Relative to the Department of Labor Promulgation of Rules and Regulations for the Implementation and Enforcement of the Guam Registered Apprenticeship Program Pursuant to Public Law 35-39.” **POSTPONED**~~

II. **Bill No. 245-38 (COR)**- Introduced by Telo T. Taitague- “An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment.”

9:00 a.m. to 12:00 p.m.:

III. **Roundtable Hearing on the Cannabis Industry Act**

- a. Cannabis Control Board Responsibilities- Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp

- program; Annual reporting obligations; Status of Cannabis Control Board member terms and cannabis summit efforts.
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The Committee appreciates your feedback on Bill No. 245-38 (COR), and looks forward to your participation in the roundtable discussion.

Should your office have materials, data, or written testimony relevant to the agenda topics, we encourage you to submit them in advance for inclusion in the official hearing record.

Si Yu'os Ma'ãse' for your continued collaboration and service to our community.

Respectfully,



Senator Telo T. Taitague, Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

DLM Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

4 messages

Senator Telo Taitague <senatortelot@gmail.com>
To: dlmdir@land.guam.gov

22 December 2025 at 11:09

Hafa adai Director Borja,

Please see the attached invitation from Senator Taitague to a public hearing on **Thursday, January 8, 2026 on Bill No. 245-38 and a Roundtable Hearing on the Cannabis Industry Act.** Please kindly confirm receipt of this email, and DRT attendance, at your earliest convenience.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague
38th Guam Legislature


Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
Tel: (671) 989-8356
Email: senatortelot@gmail.com

2 attachments

 **DLM Invitation- Bil 245-38 and Cannabis Industry Act Roundtable.pdf**
739K

 **Bill No. 245-38 (COR).pdf**
722K

Senator Telo Taitague <senatortelot@gmail.com>
To: dlmdir@land.guam.gov

22 December 2025 at 14:03

Hafa Adai Director Borja,



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 22, 2025

Transmitted via Electronic Mail

Joseph M. Borja, Director,
Department of Land Management
dlmdir@land.guam.gov

Subject: Invitation to provide testimony at the Cannabis Industry Act Roundtable

Hafa Adai Director Borja,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a public hearing on **Thursday, January 8, 2026 in the Guam Congress Building, Public Hearing room** for the following agenda item:

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The Committee appreciates your feedback on Bill No. 245-38 (COR), and looks forward to your participation in the roundtable discussion.

Should your office have materials, data, or written testimony relevant to the agenda topics, we encourage you to submit them in advance for inclusion in the official hearing record.

Si Yu'os Ma'ãse' for your continued collaboration and service to our community.

Respectfully,



Senator Telo T. Taitague, Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

DoAg Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

6 messages

Senator Telo Taitague <senatortelot@gmail.com>
To: Chelsa Muna <chelsa.muna@doag.guam.gov>

22 December 2025 at 11:04

Hafa adai Director Muña,

Please see the attached invitation from Senator Taitague to a public hearing on **Thursday, January 8, 2026 on Bill No. 245-38 and a Roundtable Hearing on the Cannabis Industry Act.** Please kindly confirm receipt of this email, and DoAg's attendance, at your earliest convenience.

*Si Yu'os Ma'åse,****Create a Great Day!****Senator Telo T. Taitague*

38th Guam Legislature

Chairperson**Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement**Suite 407 DNA Building
238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com

2 attachments**Bill No. 245-38 (COR).pdf**

722K

**DoAg Invitation - Bil 245-38 and Cannabis Industry Act Roundtable.pdf**

375K

Senator Telo Taitague <senatortelot@gmail.com>
To: Chelsa Muna <chelsa.muna@doag.guam.gov>

22 December 2025 at 13:53

Hafa Adai Director Muña,



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 22, 2025

Transmitted via Electronic Mail

Chelsa Muña, Director, Department of Agriculture

chelsa.muna@doag.guam.gov

Subject: Invitation to provide testimony at the Cannabis Industry Act Roundtable

Hafa Adai Director Muña,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a public hearing on **Thursday, January 8, 2026 in the Guam Congress Building, Public Hearing room** for the following agenda item:

8:00 a.m. 8:30am to 9:00 a.m.

~~I. **Bill No. 237-38 (COR)** Introduced by Telo T. Taitague, Therese M. Terlaje, Chris Barnett, Shelly V. Calvo, Sabina Flores Perez – “An Act to Add a New Chapter 8, Division 1, Title 17, Guam Administrative Rules and Regulations, Relative to the Department of Labor Promulgation of Rules and Regulations for the Implementation and Enforcement of the Guam Registered Apprenticeship Program Pursuant to Public Law 35-39.” **POSTPONED**~~

II. **Bill No. 245-38 (COR)**- Introduced by Telo T. Taitague- “An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment.”

9:00 a.m. to 12:00 p.m.:

III. **Roundtable Hearing on the Cannabis Industry Act**

- a. Cannabis Control Board Responsibilities- Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp program; Annual reporting obligations; Status of Cannabis Control Board member

- terms and cannabis summit efforts.
- b. Status Update on Program Implementation- Current licensing activity; Interagency coordination; Laboratory license application status; Seed-to-sale agreement with METRC; Banking considerations.
 - c. Barriers to Program Implementation- Regulatory and licensing challenges; Enforcement coordination; Zoning, financing, and business feasibility; Hemp program development alignment.

In preparation for this roundtable, the Committee respectfully requests the following information be provided no later than Tuesday, December 30, 2025:

Cannabis Control Board Membership and Terms

- A current roster of all Cannabis Control Board members, including appointed members and agency designees, with contact information for the purpose of extending invitations to the roundtable;
- Term start and end dates for all appointed members; and
- Identification of any vacant, expired, or holdover positions.

Certified Responsible Officials

- A list of all individuals currently certified or approved as Responsible Officials under the Cannabis Industry Act, including their associated applicant entities and contact information, for the purpose of extending invitations to participate in the roundtable.

The Committee appreciates your feedback on Bill No. 245-38 (COR), and looks forward to your participation in the roundtable discussion.

Should your office have materials, data, or written testimony relevant to the agenda topics, we encourage you to submit them in advance for inclusion in the official hearing record.

Si Yu'os Ma'âse' for your continued collaboration and service to our community.

Respectfully,



Senator Telo T. Taitague, Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

GBHWC Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

5 messages

Senator Telo Taitague <senatortelot@gmail.com>

22 December 2025 at 11:05

To: Carissa Pangelinan <Carissa.Pangelinan@gbhwc.guam.gov>

Hafa adai Director Pangelinan,

Please see the attached invitation from Senator Taitague to a public hearing on **Thursday, January 8, 2026 on Bill No. 245-38 and a Roundtable Hearing on the Cannabis Industry Act**. Please kindly confirm receipt of this email, and GBHWC's attendance, at your earliest convenience.

*Si Yu'os Ma'åse,***Create a Great Day!***Senator Telo T. Taitague*

38th Guam Legislature

Chairperson**Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement**


Suite 407 DNA Building

238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com

2 attachments **Bill No. 245-38 (COR).pdf**
722K **GBHWC Invitation - Bil 245-38 and Cannabis Industry Act Roundtable.pdf**
363K

Senator Telo Taitague <senatortelot@gmail.com>

22 December 2025 at 13:55

To: Carissa Pangelinan <Carissa.Pangelinan@gbhwc.guam.gov>

Hafa Adai Director Pangelinan,

Please see the attached updated invitation. I kindly ask that you confirm receipt.

*Si Yu'os Ma'åse,***Create a Great Day!***Senator Telo T. Taitague*

38th Guam Legislature

Chairperson



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 22, 2025

Transmitted via Electronic Mail

Carissa Pangelinan, Director
Guam Behavioral Health & Wellness Center
Carissa.Pangelinan@gbhwc.guam.gov

Subject: Invitation to provide testimony at the Cannabis Industry Act Roundtable

Hafa Adai Director Pangelinan,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a public hearing on **Thursday, January 8, 2026 in the Guam Congress Building, Public Hearing room** for the following agenda item:

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The Committee appreciates your feedback on Bill No. 245-38 (COR), and looks forward to your participation in the roundtable discussion.

Should your office have materials, data, or written testimony relevant to the agenda topics, we encourage you to submit them in advance for inclusion in the official hearing record.

Si Yu'os Ma'ãse' for your continued collaboration and service to our community.

Respectfully,



Senator Telo T. Taitague, Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

GFD Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

Senator Telo Taitague <senatortelot@gmail.com>

22 December 2025 at 14:01

To: darren.burrier@gfd.guam.gov

Hafa Adai Chief Burrier,

Please see the attached updated invitation. I kindly ask that you confirm receipt.

*Si Yu'os Ma'åse,****Create a Great Day!****Senator Telo T. Taitague*

38th Guam Legislature

Chairperson**Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement**Suite 407 DNA Building
238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com

[Quoted text hidden]

**GFD Invitation- Bil 245-38 and Cannabis Industry Act Roundtable.pdf**

740K



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 22, 2025

Transmitted via Electronic Mail

Darren D. Burrier, Fire Chief
Guam Fire Department (GFD)
Darren.burrier@gfd.guam.gov

Subject: Invitation to provide testimony at the Cannabis Industry Act Roundtable

Hafa Adai Chief Burrier,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a public hearing on **Thursday, January 8, 2026 in the Guam Congress Building, Public Hearing room** for the following agenda item:

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The Committee appreciates your feedback on Bill No. 245-38 (COR), and looks forward to your participation in the roundtable discussion.

Should your office have materials, data, or written testimony relevant to the agenda topics, we encourage you to submit them in advance for inclusion in the official hearing record.

Si Yu'os Ma'ãse' for your continued collaboration and service to our community.

Respectfully,



Senator Telo T. Taitague, Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

GPA Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

6 messages

Senator Telo Taitague <senatortelot@gmail.com>
To: John M Benavente <jbenavente@gpagwa.com>

22 December 2025 at 11:18

Hafa adai General Manager Benavente,

Please see the attached invitation from Senator Taitague to a public hearing on **Thursday, January 8, 2026 on Bill No. 245-38 and a Roundtable Hearing on the Cannabis Industry Act.** Please kindly confirm receipt of this email, and DRT attendance, at your earliest convenience.

Si Yu'os Ma'åse,***Create a Great Day!****Senator Telo T. Taitague*
38th Guam Legislature**Chairperson****Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement**Suite 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
Tel: (671) 989-8356
Email: senatortelot@gmail.com

2 attachments**GPA Invitation- Bil 245-38 and Cannabis Industry Act Roundtable.pdf**

739K

**Bill No. 245-38 (COR).pdf**

722K

Senator Telo Taitague <senatortelot@gmail.com>
To: John M Benavente <jbenavente@gpagwa.com>

22 December 2025 at 13:58

Hafa Adai General Manager Benavente,



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 22, 2025

Transmitted via Electronic Mail

John Benavente, General Manager,
Guam Power Authority
jbenavente@gpagwa.com

Subject: Invitation to provide testimony at the Cannabis Industry Act Roundtable

Hafa Adai General Manager Benavente,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a public hearing on **Thursday, January 8, 2026 in the Guam Congress Building, Public Hearing room** for the following agenda item:

8:00 ~~8:30~~ a.m. to 9:00 a.m.

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POSTPONED

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Should your office have materials, data, or written testimony relevant to the agenda topics, we encourage you to submit them in advance for inclusion in the official hearing record.

Si Yu'os Ma'äse' for your continued collaboration and service to our community.

Respectfully,



Senator Telo T. Taitague, Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

GPD Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

4 messages

Senator Telo Taitague <senatortelot@gmail.com>
To: GPD Chief <chief@gpd.guam.gov>
Cc: "Susan C. Reyes" <susan.reyes@gpd.guam.gov>

22 December 2025 at 11:09

Hafa adai Chief Ignacio,

Please see the attached invitation from Senator Taitague to a public hearing on **Thursday, January 8, 2026 on Bill No. 245-38 and a Roundtable Hearing on the Cannabis Industry Act.** Please kindly confirm receipt of this email, and DRT attendance, at your earliest convenience.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague
38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
Tel: (671) 989-8356
Email: senatortelot@gmail.com

2 attachments



GPD Invitation- Bil 245-38 and Cannabis Industry Act Roundtable.pdf

739K



Bill No. 245-38 (COR).pdf

722K

Senator Telo Taitague <senatortelot@gmail.com>
To: GPD Chief <chief@gpd.guam.gov>

22 December 2025 at 13:46

Hafa Adai Chief Ignacio,



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 22, 2025

Transmitted via Electronic Mail

Stephen Ignacio, Chief of Police

Guam Police Department

chief@gpd.guam.gov

Subject: Invitation to provide testimony at the Cannabis Industry Act Roundtable

Hafa Adai Chief Ignacio,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a public hearing on **Thursday, January 8, 2026 in the Guam Congress Building, Public Hearing room** for the following agenda item:

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Si Yu'os Ma'ãse' for your continued collaboration and service to our community.

Respectfully,



Senator Telo T. Taitague, Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

GVB Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

5 messages

Senator Telo Taitague <senatortelot@gmail.com>

22 December 2025 at 11:05

To: info@visitguam.com

Cc: kiana.yabut@visitguam.org, Valerie Sablan <valerie.sablan@visitguam.org>

Hafa adai President/CEO Biscoe Lee,

Please see the attached invitation from Senator Taitague to a public hearing on **Thursday, January 8, 2026 on Bill No. 245-38 and a Roundtable Hearing on the Cannabis Industry Act.** Please kindly confirm receipt of this email, and GVB's attendance, at your earliest convenience.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building
238 Archbishop Flores St.

Hagatna, Guam 96910

Tel: (671) 989-8356

Email: senatortelot@gmail.com

2 attachments



Bill No. 245-38 (COR).pdf

722K



GVB Invitation - Bil 245-38 and Cannabis Industry Act Roundtable.pdf

370K

Senator Telo Taitague <senatortelot@gmail.com>

22 December 2025 at 13:56

To: info@visitguam.com

Cc: kiana.yabut@visitguam.org, Valerie Sablan <valerie.sablan@visitguam.org>

Hafa Adai President/CEO Biscoe Lee,



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 22, 2025

Transmitted via Electronic Mail

Régine Biscoe Lee, President/CEO
Guam Visitors Bureau
info@visitguam.com

Subject: Invitation to provide testimony at the Cannabis Industry Act Roundtable

Hafa Adai President/CEO Biscoe Lee,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a public hearing on **Thursday, January 8, 2026 in the Guam Congress Building, Public Hearing room** for the following agenda item:

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Si Yu'os Ma'ãse' for your continued collaboration and service to our community.

Respectfully,



Senator Telo T. Taitague, Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

GWA Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

4 messages

Senator Telo Taitague <senatortelot@gmail.com>
To: "Miguel C. Bordallo" <mcbordallo@guamwaterworks.org>

22 December 2025 at 11:11

Hafa adai General Manager Bordallo,

Please see the attached invitation from Senator Taitague to a public hearing on **Thursday, January 8, 2026 on Bill No. 245-38 and a Roundtable Hearing on the Cannabis Industry Act.** Please kindly confirm receipt of this email, and DRT attendance, at your earliest convenience.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague
38th Guam Legislature


Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building
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Hagatna, Guam 96910
Tel: (671) 989-8356
Email: senatortelot@gmail.com

2 attachments

 **GWA Invitation- Bil 245-38 and Cannabis Industry Act Roundtable.pdf**
739K

 **Bill No. 245-38 (COR).pdf**
722K

Senator Telo Taitague <senatortelot@gmail.com>
To: "Miguel C. Bordallo" <mcbordallo@guamwaterworks.org>

22 December 2025 at 13:54

Hafa Adai General Manager Bordallo,



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 22, 2025

Transmitted via Electronic Mail

Miguel Bordallo, General Manager,
Guam Waterworks Authority
mcbordallo@guamwaterworks.org

Subject: Invitation to provide testimony at the Cannabis Industry Act Roundtable

Hafa Adai General Manager Bordallo,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a public hearing on **Thursday, January 8, 2026 in the Guam Congress Building, Public Hearing room** for the following agenda item:

~~8:00~~ **8:30 a.m. to 9:00 a.m.**

~~I. **Bill No. 237-38 (COR)**- Introduced by Telo T. Taitague, Therese M. Terlaje, Chris Barnett, Shelly V. Calvo, Sabina Flores Perez— "An Act to Add a New Chapter 8, Division 1, Title 17, Guam Administrative Rules and Regulations, Relative to the Department of Labor Promulgation of Rules and Regulations for the Implementation and Enforcement of the Guam Registered Apprenticeship Program Pursuant to Public Law 35-39." **POSTPONED**~~

II. **Bill No. 245-38 (COR)**- Introduced by Telo T. Taitague- "An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment."

9:00 a.m. to 12:00 p.m.:

III. **Roundtable Hearing on the Cannabis Industry Act**

- a. Cannabis Control Board Responsibilities- Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp program; Annual reporting obligations; Status of Cannabis Control Board member terms and cannabis summit efforts.

- b. Status Update on Program Implementation- Current licensing activity; Interagency coordination; Laboratory license application status; Seed-to-sale agreement with METRC; Banking considerations.
- c. Barriers to Program Implementation- Regulatory and licensing challenges; Enforcement coordination; Zoning, financing, and business feasibility; Hemp program development alignment.

In preparation for this roundtable, the Committee respectfully requests the following information be provided no later than Tuesday, December 30, 2025:

Cannabis Control Board Membership and Terms

- A current roster of all Cannabis Control Board members, including appointed members and agency designees, with contact information for the purpose of extending invitations to the roundtable;
- Term start and end dates for all appointed members; and
- Identification of any vacant, expired, or holdover positions.

Certified Responsible Officials

- A list of all individuals currently certified or approved as Responsible Officials under the Cannabis Industry Act, including their associated applicant entities and contact information, for the purpose of extending invitations to participate in the roundtable.

The Committee appreciates your feedback on Bill No. 245-38 (COR), and looks forward to your participation in the roundtable discussion.

Should your office have materials, data, or written testimony relevant to the agenda topics, we encourage you to submit them in advance for inclusion in the official hearing record.

Si Yu'os Ma'ãse' for your continued collaboration and service to our community.

Respectfully,



Senator Telo T. Taitague, Chairperson



Senator Telo Taitague <senatortelot@gmail.com>

V. Williams Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

6 messages

Senator Telo Taitague <senatortelot@gmail.com>
To: [REDACTED]@gmail.com

22 December 2025 at 11:09

Hafa adai Ms. Williams,

Please see the attached invitation from Senator Taitague to a public hearing on **Thursday, January 8, 2026 on Bill No. 245-38 and a Roundtable Hearing on the Cannabis Industry Act.** Please kindly confirm receipt of this email, and DRT attendance, at your earliest convenience.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague
38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

Suite 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910
Tel: (671) 989-8356
Email: senatortelot@gmail.com

2 attachments

V. Williams Invitation- Bil 245-38 and Cannabis Industry Act Roundtable.pdf
739K



Bill No. 245-38 (COR).pdf
722K

Senator Telo Taitague <senatortelot@gmail.com>
To: [REDACTED]@gmail.com

22 December 2025 at 14:05

Hafa Adai Ms. Williams,



OFFICE OF SENATOR

Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations,
Regulatory Affairs, Technology, Justice, Elections, and Retirement

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I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

December 22, 2025

Transmitted via Electronic Mail

Vanessa Williams

[\[REDACTED\]@gmail.com](#)

Subject: Invitation to provide testimony at the Cannabis Industry Act Roundtable

Hafa Adai Ms. Williams,

This letter is to notify you that the Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections and Retirement has set a public hearing on **Thursday, January 8, 2026 in the Guam Congress Building, Public Hearing room** for the following agenda item:

~~8:00~~ **8:30 a.m. to 9:00 a.m.**

- I. ~~Bill No. 237-38 (COR)- Introduced by Telo T. Taitague, Therese M. Terlaje, Chris Barnett, Shelly V. Calvo, Sabina Flores Perez - "An Act to Add a New Chapter 8, Division 1, Title 17, Guam Administrative Rules and Regulations, Relative to the Department of Labor Promulgation of Rules and Regulations for the Implementation and Enforcement of the Guam Registered Apprenticeship Program Pursuant to Public Law 35-39."~~ **POSTPONED**
- II. **Bill No. 245-38 (COR)-** Introduced by Telo T. Taitague- "An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment."

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 - a. Cannabis Control Board Responsibilities- Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp program; Annual reporting obligations; Status of Cannabis Control Board member terms and cannabis summit efforts.
 - b. Status Update on Program Implementation- Current licensing activity;

Interagency coordination; Laboratory license application status; Seed-to-sale agreement with METRC; Banking considerations.

- c. Barriers to Program Implementation- Regulatory and licensing challenges; Enforcement coordination; Zoning, financing, and business feasibility; Hemp program development alignment.

In preparation for this roundtable, the Committee respectfully requests the following information be provided no later than Tuesday, December 30, 2025:

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- A current roster of all Cannabis Control Board members, including appointed members and agency designees, with contact information for the purpose of extending invitations to the roundtable;
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Certified Responsible Officials

- A list of all individuals currently certified or approved as Responsible Officials under the Cannabis Industry Act, including their associated applicant entities and contact information, for the purpose of extending invitations to participate in the roundtable.

The Committee appreciates your feedback on Bill No. 245-38 (COR), and looks forward to your participation in the roundtable discussion.

Should your office have materials, data, or written testimony relevant to the agenda topics, we encourage you to submit them in advance for inclusion in the official hearing record.

Si Yu'os Ma'âse' for your continued collaboration and service to our community.

Respectfully,



Senator Telo T. Taitague, Chairperson



OFFICE OF SENATOR
Telo T. Taitague

CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
Affairs, Technology, Justice, Elections, and Retirement

Ste. 407 DNA Building
2238 Archbishop Flores St.
Hagatna, Guam 96910
(671) 989-8356
senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guahan • 38th Guam Legislature

PUBLIC HEARING AGENDA

Thursday, January 8, 2026 beginning at 8:30 a.m.

Guam Legislature, Public Hearing Room

The Committee will hear and accept testimony on the following:

8:30 a.m.:

- I. **Bill No. 245-38 (COR)**- Introduced by Telo T. Taitague- "An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment."

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- a. **Cannabis Control Board Responsibilities**- Statutory monthly meeting requirements; Enforcement and prosecution responsibilities under the Cannabis Industry Act; Adoption of regulations necessary for the development of a hemp program; Annual reporting obligations; Status of Cannabis Control Board member terms and cannabis summit efforts.
- b. **Status Update on Program Implementation**- Current licensing activity; Interagency coordination; Laboratory license application status; Seed-to-sale agreement with METRC; Banking considerations.
- c. **Barriers to Program Implementation**- Regulatory and licensing challenges; Enforcement coordination; Zoning, financing, and business feasibility; Hemp program development alignment.

If you are interested in participating in the Public Hearing to provide testimony, please contact the Office of Senator Telo T. Taitague via electronic mail at senatortelot@gmail.com or call (671) 989-8356.

In compliance with the Americans with Disabilities Act (ADA), individuals requiring assistance of accommodation should contact the Office of Senator Telo T. Taitague at (671) 989-8356 or email senatortelot@gmail.com .

The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117, and stream online via *I Liheslaturan Guahan's* live feed on YouTube <https://www.youtube.com/@GuamLegislatureMedia/streams>. A recording of the hearing will be available online via Guam Legislature Media on YouTube after the hearing.



OFFICE OF SENATOR
Telo T. Taitague
 CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
 Affairs, Technology, Justice, Elections, and Retirement

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 2238 Archbishop Flores St.
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 senatortelot@gmail.com

I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

PUBLIC HEARING SIGN-IN SHEET

Thursday, January 8, 2026 – 8:30 AM
 Public Hearing Room, Guam Congress Building

Bill No. 245-38 (COR) – Telo T. Taitague– “AN ACT TO AMEND SECTION 3 OF PUBLIC LAW 37-116, RELATIVE TO EXTENDING THE SUNSET PROVISION FOR THE TEMPORARY EXEMPTION OF CANNABIS LABORATORY TESTING REQUIREMENTS FROM TWO (2) YEARS TO FIVE (5) YEARS AFTER THE DATE OF ENACTMENT.”

NAME:	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFORMATION (PHONE #/EMAIL)
1. Jonathan Sagsag	Self	SUPPORT <input checked="" type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input checked="" type="checkbox"/>	[REDACTED]
2. Chelsea Munz	DOAG	SUPPORT <input checked="" type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input checked="" type="checkbox"/> ORAL <input type="checkbox"/>	
3.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
4.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
5.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
6.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
7.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
8.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
9.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
10.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	



OFFICE OF SENATOR
Telo T. Taitague
 CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
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I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

PUBLIC HEARING SIGN-IN SHEET

Thursday, January 8, 2026 – 8:30 AM
 Public Hearing Room, Guam Congress Building

Bill No. 245-38 (COR) – Telo T. Taitague– “AN ACT TO AMEND SECTION 3 OF PUBLIC LAW 37-116, RELATIVE TO EXTENDING THE SUNSET PROVISION FOR THE TEMPORARY EXEMPTION OF CANNABIS LABORATORY TESTING REQUIREMENTS FROM TWO (2) YEARS TO FIVE (5) YEARS AFTER THE DATE OF ENACTMENT.”

NAME:	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFORMATION (PHONE #/EMAIL)
1. MARIE LIZAMA	DRT	SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input checked="" type="checkbox"/> ORAL <input checked="" type="checkbox"/>	(b)(1) [REDACTED]
2. Stephen Roberto	Lwanis Real Deal	SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
3.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
4.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
5.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
6.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
7.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
8.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
9.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
10.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	



OFFICE OF SENATOR
Telo T. Taitague
 CHAIRWOMAN

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory
 Affairs, Technology, Justice, Elections, and Retirement

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I Mina'trentai Ocho Na Liheslaturan Guåhan • 38th Guam Legislature

PUBLIC HEARING SIGN-IN SHEET

Thursday, January 8, 2026 – 8:30 AM
 Public Hearing Room, Guam Congress Building

Bill No. 245-38 (COR) – Telo T. Taitague– “AN ACT TO AMEND SECTION 3 OF PUBLIC LAW 37-116, RELATIVE TO EXTENDING THE SUNSET PROVISION FOR THE TEMPORARY EXEMPTION OF CANNABIS LABORATORY TESTING REQUIREMENTS FROM TWO (2) YEARS TO FIVE (5) YEARS AFTER THE DATE OF ENACTMENT.”

NAME:	AGENCY/ ORGANIZATION	POSITION	TESTIMONY	CONTACT INFORMATION (PHONE #/EMAIL)
1. AMANDA SHELTON	DPHSS	SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	(671) [REDACTED]
2.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
3.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
4.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
5.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
6.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
7.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
8.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
9.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	
10.		SUPPORT <input type="checkbox"/> OPPOSE <input type="checkbox"/>	WRITTEN <input type="checkbox"/> ORAL <input type="checkbox"/>	



LOURDES A. LEON GUERRERO
Governor
JOSHUA F. TENORIO
Lieutenant Governor

GUAM BEHAVIORAL HEALTH AND WELLNESS CENTER

Sagan Salut Tataotao yan Hinemlo' Guahan

790 Gov. Carlos G. Camacho Rd.
Tamuning, Guam 96913
TEL: (671) 647-1901
FAX: (671) 649-6948



CARISSA E. PANGELINAN, EdD
Director
JAMES P. COOPER-NURSE, PhD
Deputy Director

January 6, 2026

Honorable Telo T. Taitague
Chairperson, Committee on Economic Investment, Military Buildup, Regional Relations, Technology,
Regulatory Affairs, Justice, Elections, and Retirement
Suite 407 DNA Building
238 Archbishop Flores St.
Hagatna, Guam 96910

Subject: Testimony for Bill 245-38 and Cannabis Industry Act Round Table Hearing

Buenas yan Hafa Adai Senator Taitague,

While Guam Behavioral Health and Wellness Center (GBHWC) does not take a position on cannabis legislation specifically Bill 245-38, we are thankful for the opportunity to approach the conversation from a behavioral health and public health perspective, focusing on prevention, treatment, and harm reduction.

GBHWC would like to address the following key questions as outlined in your request:

1. What is required for clearance by your agency as part of the adult use cannabis licensing process? Are these posted anywhere, like on your website or on DRT's website?

Currently, applicants do not require anything from GBHWC as a part of the adult use cannabis licensing process.

2. What can be done to make it easier for applicants to comply with your requirements for clearance? This question does not apply to GBHWC.

3. What do you believe your role is in enforcement of cannabis businesses?

As the island's single state agency for behavioral health and substance use, GBHWC plays a role in regulation and oversight of the cannabis industry, particularly as it relates to public health, prevention, and treatment.

GBHWC may provide subject-matter expertise on substance use, addiction, and mental health to inform cannabis policy, rulemaking, and enforcement standards. This includes advising regulatory bodies on product labeling and safeguards intended to reduce youth access and high-risk use. GBHWC can also contribute to compliance and enforcement coordination by sharing treatment data, identifying



LOURDES A. LEON GUERRERO
Governor
JOSHUA F. TENORIO
Lieutenant Governor

**GUAM BEHAVIORAL HEALTH
AND WELLNESS CENTER**
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CARISSA E. PANGELINAN, EdD
Director
JAMES P. COOPER-NURSE, PhD
Deputy Director

emerging public health risks, and collaborating with compliance and enforcement agencies such as Department of Revenue and Taxation and Department of Public Health and Social Services.

Additionally, GBHWC will support prevention and education efforts by participating in educational campaigns, monitoring trends in cannabis use, and funding community prevention programs. GBHWC will continue to oversee and strengthen the treatment and recovery system by ensuring the individuals who develop cannabis use disorders have access to appropriate services.

4. Without rules for indoor cultivators, how does your agency intend to protect workers as well as enforce quality and safety controls on cannabis products grown indoors?

Guam Behavioral Health and Wellness Center will continue to provide treatment services and ensure accessibility to all on the island, including workers and vendors of the cannabis industry.

5. What amendments would you make to the existing law or rules to make the process more efficient and beneficial for cannabis businesses, patients and other customers?

We respectfully recommend a review of existing Tobacco statutes such as the Tobacco Control Act of 1998 and the Youth Protection Act of 2017 to determine whether select provisions could be amended to include cannabis products. This may promote regulatory consistency and allow agencies to capitalize on systems already established for the Tobacco industry.

Additionally, as marijuana has been legalized, increased public acceptance has altered perceptions around its use. This evolving landscape has contributed to uncertainty within the workplace, particularly for government employers seeking to balance employee rights, operational needs, and public safety. Legislative review and guidance may help reduce this ambiguity.

We would like to sincerely thank you for the opportunity to provide testimony and contribute to this important discussion. We look forward to continued collaboration in ensuring that all individuals have equitable access to the services they need.

Un Dangkolo Na Si Yu'os Ma'ase

Carissa E. Pangelinan, EdD
Director



LOURDES A. LEON GUERRERO
MAGA'HAGAN GUAHAN
GOVERNOR OF GUAM

JOSHUA F. TENORIO
SEGUNDO MAGA'LAHEN GUAHAN
LT. GOVERNOR OF GUAM

GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
MENTON SALUT PUPBLEKO YAN SETBISION SUSIAT



THERESA C. ARRIOLA, MBA
DIRECTOR

PETERJOHN D. CAMACHO, MPH
DEPUTY DIRECTOR

AMANDA LEE SHELTON, MPA
DEPUTY DIRECTOR

January 8, 2026

Senator Telo T. Taitague
Chairwoman

Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs,
Technology, Justice, Elections, and Retirement
Ste. 407 DNA Building
2238 Archbishop Flores St.
Hagatna, Guam 96910
senatortelo@gmail.com

**TESTIMONY OF THE DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
ON BILL NO. 245-38 (COR)**

***Buenas yan Håfa Adai* Chairperson and Honorable Members of the Committee:**

The Department of Public Health and Social Services (DPHSS) respectfully thanks you for the opportunity to present testimony on **Bill No. 245-38 (COR), AN ACT TO AMEND SECTION 3 OF PUBLIC LAW 37-116, RELATIVE TO EXTENDING THE SUNSET PROVISION FOR THE TEMPORARY EXEMPTION OF CANNABIS LABORATORY TESTING REQUIREMENTS FROM TWO (2) YEARS TO FIVE (5) YEARS AFTER THE DATE OF ENACTMENT.**

As the regulatory agency charged with protecting public health and overseeing compliance with applicable health and safety standards, DPHSS does **not support nor oppose** the proposed extension of the sunset provision from two (2) years to five (5) years after enactment.

While the Department is not taking a position on the bill, we understand the **intent and context** in which this legislation is being proposed. The existing sunset provision for the temporary laboratory testing exemption is approximately **six months from taking effect**, and the original purpose of Public Law 37-116 was to provide temporary regulatory relief to allow the cannabis industry time to develop the necessary infrastructure for compliance.

However, despite the passage of the original law, **there are currently no licensed cannabis facilities in operation**, including licensed laboratories capable of conducting the required testing. As such, the intended regulatory relief has not yet translated into a functioning, regulated cannabis marketplace.

DPHSS remains committed to its role in ensuring that any future cannabis operations on Guam prioritize public health, consumer safety, and regulatory compliance, including appropriate testing standards once facilities are operational. Any extension of the sunset provision is ultimately a policy determination for the Legislature, balancing industry readiness with long-term public health considerations. Thank you again for the opportunity to provide testimony on this measure.

Un Dangkalu Si Yu'os Ma'åse

A handwritten signature in blue ink, appearing to read 'Theresa C. Arriola', written in a cursive style.

THERESA C. ARRIOLA, MBA
Director

Guam's Real Deal LLC
162 Charles Street, Tamuning, Guam 96913

Senator Telo T. Taitague
Chairperson,
Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs,
Technology, Justice, Elections, and Retirement
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Written Testimony in Support of Bill No. 245-38 (COR) and Comments on
the Roundtable Hearing on the Cannabis Industry Act.

Håfa Adai Chairperson Taitague and Members of the Committee:

My name is Stephen Roberto I am writing on behalf of Guam's Real Deal LLC, a Guam-based business stakeholder in the emerging but stalled cannabis industry. I write to provide written testimony in support of Bill No. 245-38 (COR), which seeks to amend Section 3 of Public Law 37-116 by extending the sunset provision for the temporary exemption of cannabis laboratory testing requirements from two (2) years to five (5) years after the date of enactment. We strongly favor this extension and appreciate the opportunity to contribute to the roundtable discussion on the Cannabis Industry Act, particularly regarding barriers to program implementation, regulatory challenges, and interagency coordination.

As a company actively navigating the licensing and operational landscape under the Cannabis Industry Act, Guam's Real Deal LLC has firsthand experience with the significant bureaucratic hurdles that have impeded the timely rollout of Guam's cannabis program. Since the Act's enactment, regulatory delays have been numerous and persistent, stemming from a combination of inexperienced agencies, complex interagency coordination requirements, and evolving federal considerations that complicate local implementation. For instance, the adoption of necessary regulations for licensing, enforcement, and even basic program elements like seed-to-sale tracking with METRC has progressed far slower than anticipated. These challenges have not only stalled laboratory license applications but have also created uncertainty around zoning, financing, and business feasibility—issues that directly impact stakeholders like us who are committed to compliant operations.

Guam's Real Deal is one of the early licensees that is perhaps the closest company to finish the regulatory process but is still working to satisfy the legion of regulatory hurdles. As an early licensee, we have made substantial investments to get our business up and running. While we oppose changes to the legal and regulatory landscape that would apply differently to different licensees, we support any change that is applied equally to all applicants.¹

¹ As an example, it would be unfair to require early licensees such as Guam's Real Deal to follow all licensing procedures but waive those procedures for businesses that come later (requiring early licensees to get clearance from

Generally, we support any effort to improve compliance and business survival, protect local jobs and tax revenue, reduce incentives for consumers to rely on unregulated sources, and strengthen enforcement. A functional, profitable legal market is the most effective tool against the black market, which thrives when lawful operators are constrained by delays and uncertainty. Guam's cannabis industry can succeed only if regulations reflect real-world operating conditions and protect those who complied early and in good faith.²

Extending the testing waiver is essential to provide the breathing room needed for these bureaucratic issues to be resolved without prematurely halting industry progress. Without this extension, businesses risk the loss of their substantial investments, which would undermine the economic investment goals of the Act and deter potential participants from contributing to Guam's economy. We urge the Committee to support Bill No. 245-38 as a practical measure to address these ongoing delays and foster a stable environment for responsible industry growth.

Guam's Real Deal LLC remains available to provide more information or participate in further discussions. Please contact me if needed. Thank you for your leadership on this important matter and for convening this roundtable to address these critical barriers.

Sincerely,

Stephen Roberto

Member

Guam's Real Deal LLC

GWA and waiving that requirement for other, later in time, licensees). Waiving the testing requirement, however, applies equally to all businesses.

² Another way to combat the black market is to allow regulated cannabis companies the ability to use the entire cannabis plant. For example, extending the temporary extension of laboratory testing to solventless extraction and manufacturing would allow all regulated businesses to cut down on waste and be more efficient. Solventless methods use no chemical or flammable solvents, significantly reducing fire, environmental, and worker safety risks.



DIPĀTTAMENTON MINANEHAN TĀNO'
(Department of Land Management)
GUBETNAMENTON GUĀHAN
(Government of Guam)



LOURDES A. LEON GUERRERO
MAGA'HAGA - GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LĀHI - LIEUTENANT GOVERNOR

JOSEPH M. BORJA
DIRECTOR

ROSSANA SAN MIGUEL TISTON
DEPUTY DIRECTOR

January 7, 2026

Senator Telo Taitague
Committee on Economic Investment, Military Buildup,
Regional Relations, Technology, Regulatory Affairs, Justice,
Elections and Retirement

RE: TESTIMONY ON BILL 245-38 (COR)

Specific to the questions you brought up, the Department of Land Management responds:

1. What is required for clearance by your agency as part of the adult-use cannabis licensing process? Are these posted anywhere, like on your website or on DRT's website?

Our Agency (DLM Planning Division) has developed an internal Standard Operating Procedure (SOP) outlining the Department of Land Management's (DLM) role in the licensing process. While the SOP is not currently published on our website, the application form is available online for public access.

2. What can be done to make it easier for applicants to comply with your requirements for clearance?

Applicants are encouraged to review the following regulations to ensure compliance:

- **Chapter 48, Title 17 GCA** – Drug-Free School Zone Act
- **Chapter 9, Title 3 GAR** – Cannabis Control Board regulations

These are the primary references DLM uses when evaluating applications for compliance.

3. What do you believe your role is in enforcement of cannabis businesses?

DLM does not have an enforcement role in relation to cannabis businesses.

4. Without rules for indoor cultivators, how does your agency intend to protect workers as well as enforce quality and safety controls on cannabis products grown indoors?

This matter does not fall within DLM's mandates and is therefore not applicable to our responsibilities.

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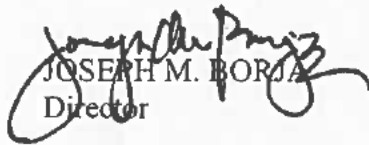


5. What amendments would you make to the existing law or rules to make the process more efficient and beneficial for cannabis businesses, patients, and other customers?

Well-considered recommendations, clarifications and potential issues are being developed by DLM Planning Staff. These recommendations will be made to the cannabis commission for their consideration.

DLM will review the recorded hearing and respond to the Committee on any question brought up during the hearing.

DLM does not have any objection to Bill 245-38.


JOSEPH M. BORJA
Director



Senator Telo Taitague <senatortelot@gmail.com>

GFD Invitation to Public Hearing, Thursday, January 8, 2026: Bill No. 245-38 and Cannabis Industry Act Roundtable Hearing

Daren Burrier <daren.burrier@gfd.guam.gov>
To: Senator Telo Taitague <senatortelot@gmail.com>
Cc: Edward Artero <edward.artero@gfd.guam.gov>

6 January 2026 at 16:08

Hafa Adai Senator Taitague

I have reviewed Bill No. 245-38 and have found that the Guam Fire Department does not have any outstanding concerns or oversight with the subject matter.

- What is required for clearance by your agency as part of the adult use cannabis licensing process? NONE Are these posted anywhere, like on your website or on DRT's website? N/A
- What can be done to make it easier for applicants to comply with your requirements for clearance? Nothing GFD business clearance remains status quo
- What do you believe your role is in enforcement of cannabis businesses? NONE
- Without rules for indoor cultivators, how does your agency intend to protect workers as well as enforce quality and safety controls on cannabis products grown indoors? Guam Fire Department will enforce all Fire Codes applicable
- What amendments would you make to the existing law or rules to make the process more efficient and beneficial for cannabis businesses, patients and other customers? None, within Fire Department jurisdiction

The Guam Fire Department will continue to enforce the fire code as it pertains to businesses conducting operations in Guam. At this time GFD doesn't appear to have any constructive contributions in regards to Bill No. 245-38 and will not be attending.

I have included the Fire Marshall A/C Artero on this email if he has any additional notes to share.

Respectfully

[Quoted text hidden]

—
Daren D. Burrier
Fire Chief
Guam Fire Department

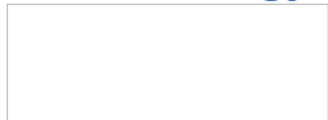


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Representative Charlie Balbastro

38th Guam Legislature

Public Hearing – Committee on Economic Investment, Military Buildup, Regional Relations, Regulatory Affairs, Technology, Justice, Elections, and Retirement

8 January 2026

Testimony - Bill No. 245-38 (COR)

Happy New Year and Good Morning to our Senators from the 38th Guam Legislature, our fellow participants, and fellow audience members watching this hearing. I'm Representative Charlie Balbastro from the 35th Guam Youth Congress, and as I'm always proud to say, a former JROTC cadet. I stand here today to speak on behalf of Bill No. 245-38 (COR) introduced by Senator Telo. T Taitague.

Cannabis on Guam has been the most devastating case amongst our people today, contributing to a substance that they love most and bringing businesses up to a rise due to this matter. The Guam Cannabis Industry Act does give businesses this open opportunity to conduct laboratory testing to ensure proper certifications and health and safety of our people before contributing to these things. Although I'm not in support of these types of substances, I still would like to take support upon freedom of choice amongst all of us, on her piece of legislation. Despite the legislation of cannabis, I don't contribute to the substances but I still like the idea where you give cannabis business owners or even others in general that have a clear interest in cannabis to conducting laboratory testing as required in the Act. Extending the deadline for testing surely gives

people a chance to prepare, study, inspect, finalize, and complete before testing is conducted. I also heard that cannabis for certain aspects of human life can be used for medication - but obviously not in a harmful and addictive way.

Safety and the health of our people really matters to all of our intentions, the quality of life and lively commitment also really matters to all of us people of Guahan. Cannabis isn't just contributed for sales and for medical use, it can be used on certain aspects like in plants. I've reviewed the Guam Cannabis Industry Act just recently before putting this written testimony to draft and my overall thoughts is that everyone here must exercise free agency and freedom of speech.

Although it's addicting, I overall understand your intent of this legislative extension of laboratory testing and I do support it at this time. Thank You and Si Yu'os Ma'ase!!

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CANNABIS CONTROL BOARD
[PROPOSED] RULES AND REGULATIONS

1 **CHAPTER 9**

2 **CANNABIS CONTROL BOARD**

3

4 **Article 1. Definitions**

5 **Article 2. Licensing of Cannabis Establishments**

6 **Article 3. General**

7 **Article 4. Cannabis Cultivation**

8 **Article 5. Cannabis Product Manufacturing**

9 **Article 6. Retail Cannabis Stores**

10 **Article 7. Cannabis Labeling and Packaging**

11 **Article 8. Cannabis Testing Facility**

12 **Article 9. Enforcement and Penalties**

1 **Article 1**

2 **Definitions**

3
4 **§ 9101. Definitions.**

5 As used in these rules and regulations, “Act” means the Guam Cannabis Industry Act
6 of 2019.

7 (a) “*Adult only facility*” means:

- 8 1. A location restricted to persons age twenty-one (21) and older by the
9 Department or classified by the Department as off limits to persons
10 under twenty-one (21) years of age; or
- 11 2. A venue restricted to persons age twenty-one (21) and older and where
12 persons under twenty-one (21) years of age are prohibited from entering
13 or remaining, including employees and volunteers.

14 (b) “*Advertisement*” means all representations disseminated in any manner or by any
15 means, other than by labeling, for the purpose of inducing, or which are likely to
16 induce, directly or indirectly, the purchase of cannabis and cannabis products.

17 (c) “*Allowable amount*” means:

- 18 1. One (1) ounce or less of cannabis, eight (8) grams or less of cannabis
19 concentrate, or any cannabis-infused products containing eight hundred
20 (800) mg or less of tetrahydrocannabinol;
- 21 2. Possessing, growing, processing, or transporting no more than six (6)
22 cannabis plants, with three (3) or fewer being mature flowering plants,
23 and possession of the cannabis produced by the plants on the premises
24 where the plants were grown; provided, that the growing takes place in
25 an enclosed, locked place, is not conducted openly or publicly, and is
26 not made available for sale;
- 27 3. Transferring one (1) ounce or less of cannabis and immature cannabis
28 plants; eight (8) grams or less of cannabis concentrate; or any cannabis-
29 infused products containing eight hundred (800) mg or less of

1 tetrahydrocannabinol to a person who is twenty-one (21) years of age
2 or older without remuneration; Title 11 GCA, Chapter 8, § 8103.

3 (d) “*Applicant*” means a person that has submitted an application for licensure or
4 registration, or for renewal of licensure or registration, pursuant to these rules that
5 was accepted by the Department for review but has not been approved or denied
6 by the Cannabis Control Board.

7 (e) “*Batch*” means a specific processed product produced by a cannabis product
8 manufacturing facility that is produced at the same time, in the same facility,
9 using the same method, and the same ingredients or extraction methods.

10 (f) “*Billboard*” means a permanent off-premises sign in a fixed location used, in
11 whole or in part, for the display of off-site commercial messages in accordance
12 with Title 21 GCA, Chapter 61, Sub article 5.

13 (g) “*Board*” means the Cannabis Control Board as referenced in Title 11 GCA,
14 Chapter 8, § 8109.

15 (h) “*Bubble Hash*” refers to a specific type of hash made with a process involving
16 ice water. Like traditional hash, bubble hash is a solid concentration of cannabis
17 resin glands, or trichomes. It can range in color from light blonde to dark brown.

18 (i) “*Business day*” means Monday, Tuesday, Wednesday, Thursday, and Friday
19 between 8:00 a.m. to 5:00 p.m., that is not a government of Guam holiday.

20 (j) “*Cannabis*” means all parts of the plant of the genus cannabis, whether growing
21 or not, the seeds thereof, the resin extracted from any part of the plant, and every
22 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its
23 seeds, or its resin, including cannabis or marijuana concentrate. Cannabis does
24 not include the mature stalks of the plant, fiber produced from the stalks, oil, or
25 cake made from the seeds of the plant, sterilized seed of the plant which is
26 incapable of germination, or the weight of any other ingredient combined with
27 marijuana to prepare topical or oral administrations, food, drink, or other
28 products.

- 1 (k) “*Cannabis accessories*” means any equipment, products, or materials of any kind
2 that are used, intended for use, or designed for use in planting, propagating,
3 cultivating, growing, harvesting, composting, manufacturing, compounding,
4 converting, producing, processing, preparing, testing, analyzing, packaging,
5 repackaging, storing, vaporizing, or containing marijuana, or for ingesting,
6 inhaling, or otherwise introducing marijuana into the human body.
- 7 (l) “*Cannabis concentrate*” means any cannabis product or subset of cannabis
8 produced by extracting cannabinoids from cannabis.
- 9 (m) “*Cannabis cultivation facility*” means an entity licensed to cultivate,
10 prepare, and package cannabis; and to sell cannabis to retail cannabis stores,
11 cannabis product manufacturing facilities, and other licensed cannabis cultivation
12 facilities, *but not to consumers*.
- 13 (n) “*Cannabis establishment*” means a cannabis cultivation facility, cannabis testing
14 facility, a cannabis product manufacturing facility, or a retail cannabis store.
- 15 (o) “*Cannabis flower or flower*” means the inflorescence(s) of the mature pistillate
16 (female) cannabis plant.
- 17 (p) “*Cannabis Identification Card*” means the official card issued by the Department
18 to legally permit a responsible official, employee or designated transporter to
19 possess, handle or transport cannabis.
- 20 (q) “*Cannabis-infused product*” means any product that is comprised of cannabis
21 concentrate or cannabis plant material and other ingredients, and is intended for
22 use or consumption other than by smoking or vaporizing, including ingestible
23 cannabis-infused products, topical cannabis-infused products, transdermal
24 cannabis-infused products, and transmucosal cannabis-infused products.
- 25 (r) “*Cannabis product*” means a finished product intended for human consumption
26 or use that is comprised partially or completely of cannabis. This term is used
27 generally to refer to one (1) or more of the following: cannabis flower, cannabis
28 concentrates, and cannabis-infused products.

1 (s) “*Cannabis product category*” means a defined group of cannabis products that
2 are in the same form. Cannabis flower, cannabis concentrates, and cannabis-
3 infused products are all cannabis product categories, though the latter category
4 may be further broken down into subcategories such as ingestible cannabis-
5 infused products and non-ingestible cannabis-infused products.

6 (t) “*Cannabis product manufacturing facility*” means an entity licensed to purchase
7 cannabis from licensed cannabis cultivation facilities to manufacture, prepare,
8 and package cannabis products; and to sell cannabis and cannabis products to
9 other cannabis product manufacturing facilities and to retail cannabis stores, *but*
10 *not to consumers*. Nothing herein shall be construed to prohibit a cannabis
11 product manufacturing facility from purchasing cannabis or cannabis products
12 from other cannabis product manufacturing facilities.

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

17 (v) “*Canopy*” means the surface area utilized to produce mature cannabis plants
18 calculated in square feet and measured using the outside boundaries of any area
19 that includes mature cannabis plants, including all of the space within the
20 boundaries.

21 (w) “*Cardholder*” means a responsible official, designated transporter, or cannabis
22 establishment employee that has been issued and possesses a valid cannabis
23 identification card.

24 (x) “*Cartoon*” means any drawing or other depiction of an object, person, animal,
25 creature, or any similar caricature that satisfies any of the following criteria:

- 26 1. The use of comically exaggerated features;
- 27 2. The attribution of human characteristics to animals, plants or other
28 objects, or the similar use of anthropomorphic technique; or

1 3. The attribution of unnatural or extra-human abilities, such as
2 imperviousness to pain or injury, X-ray vision, tunneling at very high
3 speeds, or transformation.

4 (y) “*Chain of custody*” form means a form, approved by the Department, to track the
5 movement of cannabis, cannabis concentrate, cannabis-infused product or
6 cannabis products as it is transferred from licensed cannabis establishment to
7 licensed cannabis establishment.

8 (z) “*Change*” or “*Amend*” means adding or deleting information on an individual’s
9 cannabis identification card that does not affect the individual's ability to perform
10 or delegate a specific act or function.

11 (aa) “*Complete Application*” means that the application received by the
12 Department contains all of the required information, as determined by the
13 Department to be necessary for processing the application.

14 (bb) “*Consumer*” means a person twenty-one (21) years of age or older who
15 purchases cannabis or marijuana products for personal use only, but not for resale
16 to others.

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

20 (dd) “*Crop*” means a specific complete harvest of cannabis grown from one (1)
21 or more seeds or cuttings that are planted of the same genetic strain that are
22 planted and grown in the same facility using the same exact methods at the same
23 time.

24 (ee) “*Curative*” means the same as “Therapeutic effect”.

25 (ff) “*Current photograph*” means a picture of an individual, taken no more
26 than sixty (60) calendar days before the submission of the individual’s application
27 to the Department.

28 (gg) “*Denial*” means the Board’s decision not to issue a cannabis identification
29 card, cannabis establishment license or Permit to Operate to an applicant, because

1 the applicant or the application does not comply with the applicable requirements
2 in these rules and regulations.

3 (hh) “*Department*” means the Guam Department of Revenue and Taxation.

4 (ii) “*Designated transporter*” means a responsible official or employee of a licensed
5 cannabis establishment who is twenty-one (21) years of age or older. Designated
6 transporters *shall* be designated by the licensed cannabis establishment to possess
7 and transport cannabis; and *shall* apply for and obtain a cannabis identification
8 card.

9 (jj) “*Director*” means the Director of the Guam Department of Revenue & Taxation
10 or his/her authorized designee.

11 (kk) “*Drug free school zone*” means any area within one thousand (1,000) feet
12 of a public or private elementary, secondary, or post-secondary educational
13 institution or its accompanying grounds; or within the vehicle of any school bus
14 which transports students while in motion; or within two hundred fifty feet (250’)
15 of any school bus not in motion or a designated school bus stop or shelter,
16 including any school bus transfer station. Notwithstanding the provisions of this
17 Section, a Drug Free School Zone shall not include private real property which is
18 not a school or the accompanying grounds of a school.

19 (ll) “*Edible food product*” means a substance, beverage, or ingredient used or
20 intended for use or for sale in whole or in part for human consumption.

21 (mm) “*Emergency*” means any situation arising from sudden and reasonably
22 unforeseeable events beyond the control of the owner or operator of a cannabis
23 establishment, including *force majeure*, which situation requires immediate
24 corrective action to restore normal operation, and that causes a cannabis
25 establishment to violate these rules and regulations. An emergency shall not
26 include noncompliance to the extent caused by malfunction of equipment, lack of
27 preventive maintenance, careless or improper operation, or human error.

1 (nn) “*Employee*” means any person, including the owner, operator, manager or
2 other person performing any function or services in a licensed cannabis
3 establishment, whether for compensation or otherwise.

4 (oo) “*Enclosed area*” when used in conjunction with “*enclosed locked facility*”
5 means outdoor space surrounded by solid walls at least ten (10) feet in height,
6 constructed of metal, concrete, or stone, surrounded by concertina wire that
7 prevents any viewing of the cannabis plants, and a solid metal gate at least one
8 (1) inch thick.

9 (pp) “*Enclosed, locked facility*” means an area that is completely enclosed by
10 solid walls at least ten (10) feet in height, constructed of metal, concrete, or stone
11 on all sides or windows exclusive of doors and passage ways and away from
12 public view.

13 (qq) “*Especially appealing to children*” means a product, label, or
14 advertisement that includes, but is not limited to, the following:

- 15 1. The use of cartoons;
- 16 2. Bubble-type or other cartoon-like or action font;
- 17 3. The use of bright colors similar to those used on commercially available
18 products intended for or that target youth or children;
- 19 4. A design, brand, or name that resembles a non-cannabis consumer
20 product of the type that is typically marketed to minors;
- 21 5. Symbols or celebrities that are commonly used to market products to
22 minors;
- 23 6. Images of minors; or
- 24 7. Similarities to products or words that refer to products that are
25 commonly associated with minors or marketed to minors.

26 (rr) “*Felony offense*” means:

- 27 1. A violent crime that was classified as a felony in the jurisdiction where
28 the person was convicted;

1 2. A violation of a state or federal controlled substance law that was
2 classified as a felony in the jurisdiction where the person was convicted,
3 but does not include:

4 (A) An offense for which the sentence, including any term of
5 probaton, incarceration, or supervised release, was completed
6 ten (10) or more years earlier; or

7 (B) An offense involving conduct that would be immune from
8 arrest, prosecution or penalty under the Act except that the
9 conduct occurred before the effective date of the Act or was
10 prosecuted by an authority other than Guam; and

11 (C) A crime involving fraud, dishonest dealing or moral turpitude
12 that is or was formerly classified as a felony in the jurisdiction
13 where the person was convicted.

14 (ss) “*Finished product*” means a product infused with marijuana that is
15 intended for use, ingestion or consumption other than smoking, including but not
16 limited to edible products, ointments, concentrates and tinctures. (A finished
17 product does not mean dried marijuana flowers.)

18 (tt) “*Gross weight*” means the weight of cannabis, cannabis concentrate, cannabis-
19 infused product or cannabis products that includes the weight of the packaging.

20 (uu) “*GCA*” means Guam Code Annotated.

21 (vv) “*Guam residency*” means that the applicant shall prove that they are a
22 Guam resident by submitting:

- 23 1. A valid Guam mayor’s verification; or
- 24 2. Guam rental agreement, lease or mortgage with the applicant's name
25 and Guam home address; or
- 26 3. Guam utility bills (i.e. power, water, and trash) with the applicant’s
27 name and Guam home address.

28 (ww) “*Hashish*” means an extract of the cannabis plant, containing
29 concentrations of the psychoactive resins.

1 (xx) “*Immediate container*” means the external container holding the cannabis
2 and/or cannabis product.

3 (yy) “*Ingestible cannabis-infused product*” or “*ingestible*” means a product
4 that contains cannabis and at least one (1) other ingredient, is intended for use or
5 consumption other than by inhalation, is intended to be taken into the body, and
6 is one (1) of the following:

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

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

19 (zz) “*Inspector*” means every member of the Board, the Department of
20 Revenue and Taxation, the Department of Public Health and Social Services, the
21 Guam Police Department and other law enforcement agencies, the Guam Fire
22 Department, Department of Public Works, Guam Environmental Protection
23 Agency and the Guam Department of Agriculture who may conduct inspections
24 as needed during business hours to ensure that cannabis establishment is
25 complying with local laws and regulations.

26 (aaa) “*Kief*” sometimes transliterated as “*keef*”, also known as “*Dust*”, “*Chief*”,
27 or “*cannabis crystals*” among other names, refers to the pure and clean collection
28 of loose cannabis trichomes, which are accumulated by being sifted from
29 cannabis flowers or buds with a mesh screen or sieve.

1 (bbb) “*Labeling*” means all labels, written and printed in English or Chamorro
2 language, or graphic matter:

- 3 1. Upon an article or any of its containers or wrappers; or
- 4 2. Accompanying such article.

5 (ccc) “*Licensed cannabis establishment*” means any person or association of
6 persons within Guam, who owns fifty-one percent (51%) of the licensed cannabis
7 establishment, shall retain ownership by legal residents of Guam, and has
8 maintained continuous legal residential address or addresses on Guam for a
9 period of no less than three (3) years prior to the application for a cannabis license,
10 that the Department determines to be qualified to test, cultivate, manufacture, or
11 sell cannabis pursuant to this Act, and that is licensed by the Board to do so.

12 (ddd) “*Lot*” means the flowers from one (1) or more cannabis plants of the same
13 strain and from the same crop, in a quantity that weighs five (5) pounds or less,
14 or the leaves or other plant matter from one or more cannabis plants, other than
15 full female flowers, in a quantity that weighs fifteen (15) pounds or less.

16 (eee) “*Marijuana*” means “*cannabis*” as defined in Subsection (j) of this
17 Section 9101. For purposes of this Chapter, the terms marijuana and cannabis
18 shall carry the same meaning and shall be used interchangeably.

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

- 23 1. “*Topical cannabis-infused product*” or “*topical*”, which is a non-
24 ingestible cannabis-infused product that produces a non-psychoactive
25 effect when used as intended. Topical cannabis-infused products
26 include, but are not limited to, cannabis-infused creams, salves, bath
27 soaks, and lotions; or
- 28 2. “*Transdermal cannabis-infused product*” or “*transdermal*”, which is a
29 non-ingestible cannabis-infused product that contains at least one (1)

1 skin-permeation-enhancing ingredient to facilitate absorption through
2 the skin into the bloodstream, and may be psychoactive when used as
3 intended. Transdermal cannabis-infused products include, but are not
4 limited to, cannabis-infused adhesive patches that are applied to the skin
5 surface.

6 (ggg) “*Off-premises sign*” means a sign relating, through its message and content,
7 to a business activity, product, or service not available on the premises upon
8 which the sign is erected.

9 (hhh) “*Owner*” means a person who owns, operates, or controls a cannabis
10 establishment.

11 (iii) “*Package*” means any container or wrapping in which any consumer
12 commodity is enclosed for use in the delivery or display of that consumer
13 commodity to retail purchasers, but does not include:

- 14 1. Shipping containers or wrapping used solely for the transportation of
15 any consumer commodity in bulk or in quantity to manufacturers,
16 packers or processors or to wholesale or retail distributors thereof;
- 17 2. Shipping containers or outer wrappings used by retailers to ship or
18 deliver any commodity to retail customers if such containers and
19 wrappings bear no printed matter pertaining to any particular
20 commodity.

21 (jjj) “*Paraphernalia*” means accessories, devices, and other equipment that is
22 necessary or used to assist or facilitate in the consumption of cannabis.

23 (kkk) “*Pesticide*” means any substance or mixture of substances intended for
24 preventing, destroying, repelling or mitigating any pest or any substance or
25 mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

26 (lll) “*Premises*” means a location approved and registered by the Department
27 under these rules and regulations and includes all areas of the business at the
28 registered location, including offices, kitchens, restrooms and storage rooms; also

1 including all public and private areas where individuals are permitted to be
2 present.

3 (mmm) “*Principal display panel*” means the portion(s) of the surface of the
4 immediate container, or of any outer container or wrapping, which bear(s) the
5 labeling designed to be most prominently displayed, shown, presented, or
6 examined under conditions of retail sale.

7 (nnn) “*Public Place*”

8 1. “*Public place*” means any location, facility, or venue that the public is
9 invited or in which the public is permitted, but is not intended for the
10 regular exclusive use of an individual or a specific group of individuals.

11 2. “*Public place*” includes, but is not limited to, the following:

- 12 (A) Airports;
- 13 (B) Banks;
- 14 (C) Bars;
- 15 (D) Child care facilities;
- 16 (E) Child care group homes during hours of operation;
- 17 (F) Common areas of apartment buildings, condominiums, or
18 other multi-family housing facilities;
- 19 (G) Educational facilities;
- 20 (H) Entertainment facilities;
- 21 (I) Government of Guam offices, buildings, and properties;
- 22 (J) Health care institutions;
- 23 (K) Hotel and motel common areas;
- 24 (L) Laundromats;
- 25 (M) Libraries;
- 26 (N) Office buildings;
- 27 (O) Parking lots;
- 28 (P) Parks;
- 29 (Q) Public beaches;

- 1 (R) Public transportation facilities;
- 2 (S) Reception areas;
- 3 (T) Restaurants;
- 4 (U) Retail food production or marketing establishments;
- 5 (V) Retail food establishments;
- 6 (W) Retail stores;
- 7 (X) Schools;
- 8 (Y) Shopping malls;
- 9 (Z) Sidewalks;
- 10 (AA) Sports facilities;
- 11 (BB) Theaters; and
- 12 (CC) Waiting rooms.

13 3. “Public place” does not include the following:

- 14 (A) Private residences; or
- 15 (B) Hotel and motel rooms rented to guests.

16 4. Nothing in this Chapter will be so construed as to prohibit the right of
17 every private employer to designate any place of employment under his
18 control, or any portion thereof as a nonsmoking area, or an area where
19 cannabis use is prohibited.

20 (ooo) “Quarantine” means that a lot of cannabis or batch of prepared cannabis
21 or cannabis products shall be separated from all other inventory of cannabis,
22 prepared cannabis and cannabis products.

23 (ppp) “Responsible official”, who is twenty-one (21) years of age or older,
24 means:

- 25 1. A president, vice-president, secretary, or treasurer of a business
26 organization (corporation, LLP, or LLC) in charge of a principal
27 business function, or any other person who performs similar policy or
28 decision-making functions for the business organization;
- 29 2. A general partner or sole proprietorship;

- 1 3. For a public agency: a principal executive officer, ranking elected
2 official, or an authorized representative as approved by the Director.
3 For the purposes of these rules and regulations, a principal executive
4 officer of a federal agency includes the chief executive officer,
5 commanding officer, or equivalent rank or position, who has
6 responsibility for the overall operations of a principal unit of the agency;
- 7 4. A responsible official shall not have been convicted in any state or
8 jurisdiction of the United States, including the Commonwealth of the
9 Northern Mariana Islands, for the manufacture or delivery of a
10 controlled substance in Schedule I or Schedule II, excluding marijuana
11 convictions; and
- 12 5. A responsible official shall be registered with the Department and hold
13 a cannabis identification card.

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

18 (rrr) “*Revocation*” means the Department’s decision that an individual’s
19 cannabis identification card or a Cannabis Establishments License or Permit to
20 Operate is revoked because the individual or licensed cannabis establishment
21 does not comply with the applicable requirements or violates any condition in the
22 Act or these rules and regulations.

23 (sss) “*Solvent-based medical marijuana concentrate*” means a cannabis
24 concentrate that was produced by extracting cannabinoids from cannabis through
25 the use of a solvent approved by the DPHSS/DOAG.

26 (ttt) “*Therapeutic effect*” means any of the following statements or references
27 of a cannabis or cannabis product:

- 28 1. Having an effect on the body or mind;
- 29 2. Producing a useful or favorable result or effect;

3. Impacting the health of the consumer; or
4. Containing any of the following words such as, but not limited to: relief, remedy, healing, curative, remedial, medicinal, restorative, beneficial, corrective, wellness, well-being, salutary, salubrious, and support.

(uuu) “*Unrecognizable cannabis*” means marijuana or cannabis plant material rendered indistinguishable from any other plant material.

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

(www) “*Usable cannabis*” means the dried flowers of the cannabis plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant and does not include the weight of any ingredients combined with cannabis and prepared for consumption as food or drink or prepared as other finished products.

(xxx) “*Verification of identity*” means proof of identity by submitting the following:

1. Certified copy of birth certificate; and
2. Valid Guam driver’s license; or
3. Valid Guam identification card; or
4. Photograph page in the consumer’s U.S. passport; or
5. Photograph page in the consumer’s foreign passport, as approved by the Director.

(yyy) “*Water-based medical marijuana concentrate*” means a cannabis concentrate that was produced by extracting cannabinoids from cannabis through the use of only water, ice or dry ice.

(zzz) “*Weight*” means the net weight of cannabis, cannabis concentrate, cannabis-infused product or cannabis products in ounces without any packaging.

1 **Article 2**

2 **License of Cannabis Establishments**

3
4 § 9201. Fees

5 § 9202. Responsible Official

6 § 9203. Applying for a Cannabis Identification Card by a Responsible Official or
7 Designated Transporter.

8 § 9204. Denial or Approval of a New Application for a Cannabis Identification
9 Card for a Responsible Official or Designated Transporter.

10 § 9205. Revoking the Cannabis Identification Card of a Responsible Official or
11 Designated Transporter.

12 § 9206. Changing the Information on a Cannabis Identification Card of a
13 Responsible Official or Designated Transporter.

14 § 9207. Types of Cannabis Establishment Licenses.

15 § 9208. Requirements for a Cannabis Establishment License.

16 § 9209. Application Process for a Cannabis Establishment License.

17 § 9210. Applying for a Cannabis Establishment License.

18 § 9211. Issuance of a Cannabis Establishment License.

19 § 9212. Permit to Operate a Cannabis Establishment.
20

21 **§ 9201. Fees.**

22 (a) The following fees are required to apply for the following Cannabis
23 Identification Cards:

24 1. Responsible Official:

25 (A) New: One Thousand Dollars (\$1,000)

26 (B) Renewal: Seven Hundred Fifty Dollars (\$750)

27 2. Designated Transporter:

28 (A) New: Two Hundred Dollars (\$200)

29 (B) Renewal: One Hundred Seventy-Five Dollars (\$175)

1 3. Cannabis Establishment Occupational License: Manager and Employee

2 (A) New: Fifty Dollars (\$50)

3 (B) Renewal: Twenty-Five Dollars (\$25)

4 (b) The following fees are required to apply for the following Cannabis
5 Establishment licenses:

6 1. Type I Cultivation Facility License:

7 (A) Application Fee: Five Hundred Dollars (\$500)

8 (B) New License Fee: Five Hundred Dollars (\$500)

9 (C) License Renewal Fee: Five Hundred Dollars (\$500)

10 (D) Permit to Operate Fee: Six Hundred Dollars (\$600) per
11 year

12 2. Type II Cultivation Facility License:

13 (A) Application Fee: Two Thousand Dollars (\$2,000)

14 (B) New License Fee: Three Thousand Dollars (\$3,000)

15 (C) License Renewal Fee: Three Thousand Dollars (\$3,000)

16 (D) Permit to Operate Fee: Two Thousand Dollars (\$2,000) per
17 year

18 3. Type III Cultivation Facility License:

19 (A) Application Fee: Three Thousand Five Hundred
20 Dollars (\$3,500)

21 (B) New License Fee: Five Thousand Dollars (\$5,000)

22 (C) License Renewal Fee: Five Thousand Dollars (\$5,000)

23 (D) Permit to Operate Fee: Five Thousand Dollars (\$5,000) per
24 year

25 4. Type IV Cultivation Facility License:

26 (A) Application Fee: Five Thousand Dollars (\$5,000)

27 (B) New License Fee: Ten Thousand Dollars (\$10,000)

28 (C) License Renewal Fee: Ten Thousand Dollars (\$10,000)

- 1 (D) Permit to Operate Fee: Fifteen Thousand Dollars (\$15,000)
2 per year
- 3 5. Cannabis Product Manufacturing Facility License:
- 4 (A) Application Fee: Three Thousand Dollars (\$3,000)
5 (B) New License Fee: Four Thousand Dollars (\$4,000)
6 (C) License Renewal Fee: Four Thousand Dollars (\$4,000)
7 (D) Permit to Operate Fee: Five Thousand Dollars (\$5,000) per
8 year
- 9 6. Cannabis Testing Facility License:
- 10 (A) Application Fee: Two Thousand Dollars (\$2,000)
11 (B) New License Fee: Two Thousand Dollars (\$2,000)
12 (C) License Renewal Fee: Two Thousand Dollars (\$2,000)
13 (D) Permit to Operate Fee: Two Thousand Dollars (\$2,000) per
14 year
- 15 7. Retail Cannabis Store License:
- 16 (A) Application Fee: Five Thousand Dollars (\$5,000)
17 (B) New License Fee: Five Thousand Dollars (\$5,000)
18 (C) License Renewal Fee: Five Thousand Dollars (\$5,000)
19 (D) Permit to Operate Fee: Five Thousand Dollars (\$5,000) per
20 year
- 21 (c) Additional Cannabis Identification Card, License and Permit Fees:
- 22 1. Late Fee of Cannabis Establishment License: One Hundred Dollars
23 (\$100)
- 24 2. Late Fee of Permit to Operate: One Hundred Dollars (\$100)
- 25 3. Amendment of Cannabis Establishment License: One Hundred Dollars
26 (\$100)
- 27 4. Amendment of Permit to Operate: One Hundred Dollars (\$100)
- 28 5. Copy of Cannabis Establishment License: One Hundred Dollars (\$100)
- 29 6. Copy of Permit to Operate: One Hundred Dollars (\$100)

1 7. Copy of Cannabis Identification Card: One Hundred Dollars (\$100)

2 (d) All fees are non-refundable.

3
4 **§ 9202. Responsible Official.**

5 (a) The individual, who is twenty-one (21) years of age or older, identified as
6 the responsible official in the business organization’s articles of incorporation, by-laws,
7 partnership agreement, or other organizational documents for the cannabis
8 establishment, who owns, operates, or is otherwise responsible for a cultivation facility,
9 product manufacturing facility, testing facility, or retail store, and who meets the
10 qualifications established in these rules and regulations and have been approved by the
11 Board, is responsible for submitting all required applications, documents, and reports
12 for the cannabis establishment. This includes applications for a Cannabis Establishment
13 License and Permit to Operate.

14 (b) The responsible official is accountable for any intentional or
15 unintentional action of its owners, officers, managers, employees or agents, who,
16 with or without the knowledge of the responsible official, violates the Act or these
17 rules and regulations.

18 (c) When a cannabis establishment is required by these rules and
19 regulations to provide information, sign documents, or ensure actions are taken, the
20 individual in subsection (a) shall comply with the requirement on behalf of the
21 cannabis establishment.

22 (d) A mailing address submitted for a responsible official as part of any
23 application for a cannabis establishment shall be located in Guam.

24
25 **§ 9203. Applying for a Cannabis Identification Card by a Responsible Official or**
26 **Designated Transporter.**

27 Cannabis Identification Cards are required for all Responsible Officials and
28 Designated Transporter of a Cannabis Establishment who will be handling or
29 transporting retail cannabis, prepared retail cannabis and retail cannabis products.

1 **§ 9204. Denial or Approval of a New Application for a Cannabis Identification**
2 **Card for a Responsible Official or Designated Transporter.**

3 (a) The Department shall verify the information contained in the new
4 application is complete and shall forward to the Board for review the completed
5 application within thirty (30) calendar days of receipt.

6 (b) Denial of Application:

7 1. The Board may deny an application if:

8 (A) The applicant does not provide all the information required
9 and the application is considered insufficient as determined
10 by the Board; or

11 (B) The application or supporting documents are determined by
12 the Board to have been falsified.

13 2. If the application is denied, the Board shall provide a written
14 notification to the applicant of the reason for denial of the
15 application within ten (10) business days.

16 3. A person whose application has been denied and given notice of the
17 reason for denial shall have ten (10) business days to appeal or
18 resubmit a revised application. The person, whose application was
19 denied, can file an appeal with the Board.

20 4. If the denial is upheld on appeal, the person shall not reapply for six
21 (6) months from the date of the denial unless otherwise authorized
22 by the Board.

23 (c) Approval of application:

24 1. If the application is approved, the Department shall issue a Cannabis
25 Identification Card, within five (5) business days of the Board
26 approving the application.

27 (A) The cardholder shall pick up the Cannabis Identification Card
28 in person at the Department.

1 (B) The Cannabis Identification Card shall expire one (1) year
2 from the date of issuance.

3 2. The Cannabis Identification Card for a Responsible Official or
4 Designated Transporter of a Cannabis Establishment shall contain:

5 (A) The identification number;

6 (B) The full name of the applicant;

7 (C) Date of birth of applicant;

8 (D) The date of issuance and expiration date of the Cannabis
9 Identification Card;

10 (E) The name and physical address of the licensed Cannabis
11 Establishment;

12 (F) The name of the Responsible Official of the licensed Cannabis
13 Establishment; and

14 (G) The Cannabis Identification Card type.
15

16 **§ 9205. Revoking and Terminating the Cannabis Identification Card of a**
17 **Responsible Official or Designated Transporter.**

18 (a) The Board *may* revoke a responsible official's or designated transporter's
19 cannabis identification card without notice when the responsible official or designated
20 transporter:

21 1. Has violated any provision of the laws related to use of medicinal or
22 adult use cannabis;

23 2. Diverted cannabis to an individual who was not authorized to
24 possess cannabis under the Act and these rules and regulations;

25 3. Had entered a plea of guilty to, a plea of nolo contendere to, been
26 found guilty of, or been convicted of a felony offense or crime of
27 moral turpitude; or

28 4. Knowingly violated the Act or these rules and regulations.

1 (b) The Board shall provide to a responsible official or designated transporter
2 of a Cannabis Establishment a written notice stating the specific reason(s) under
3 Subsection (a) of this Section 9205 for the revocation of their cannabis identification
4 card within two (2) business days of the revocation the card.

5 (c) The Board shall provide to a responsible official or designated
6 transporter of a Cannabis Establishment a written notice stating the specific reason(s)
7 for the termination of their cannabis identification card within two (2) business days of
8 terminating the card in any of the following circumstances:

- 9 1. The Board receives the written notification from the Cannabis
10 Establishment that the responsible official or designated transporter:
 - 11 (A) No longer serves as a Responsible Official or Designated
12 Transporter; or
 - 13 (B) Is no longer employed by the Cannabis Establishment.
- 14 2. The Cannabis Establishment license that is listed on the responsible
15 official's or designated transporter's cannabis identification card is
16 no longer valid.

17 (d) The cardholder of the revoked cannabis identification card or of the
18 terminated cannabis identification card shall return by mail or in person the revoked
19 cannabis identification card to the Department within five (5) business days after receipt
20 of notice.

21 (e) The responsible official or designated transporter whose cannabis
22 identification card has been revoked or terminated can file an appeal with the Board
23 within ten (10) business days of notice of revocation or notice of termination.

24 (f) Any cardholder whose cannabis identification card is revoked pursuant to
25 Subsection (a) shall not be able to apply for a new cannabis identification card for one
26 (1) year from time of revocation of previous cannabis identification card.

27
28 **§ 9206. Changing the Information on a Cannabis Identification Card of a**
29 **Responsible Official or Designated Transporter.**

1 (a) To make an amendment to the responsible official's or designated
2 transporter's name, or home or mailing address on the cardholder's cannabis
3 identification card, the cardholder shall submit in person an application form prescribed
4 by the Department, within ten (10) business days of the change, to the Department which
5 includes:

6 1. For a change of name:

7 (A) The cardholder's former name;

8 (B) The cardholder's cannabis identification number on the
9 cardholder's current cannabis identification card;

10 (C) The cardholder's new name or address, as applicable;

11 (D) Valid documentation of the legal name change, such as a:
12 marriage certificate, final divorce decree, adoption decree, or
13 other valid court order showing a change of legal name;

14 2. For a change in home address:

15 (A) A valid Guam mayor's verification; or

16 (B) A Guam rental agreement or mortgage with the applicant's
17 name; or

18 (C) A Guam utility bill (power, water, or trash) with the
19 applicant's name on it; or

20 (D) Other acceptable forms of identification.

21 3. The signature of the cardholder and date the cardholder signed.

22 4. A verification of identity;

23 5. A current photograph of the cardholder;

24 6. The applicable fee in § 9201; and

25 7. Any applicable late fee.

26 (b) The Department shall approve or deny the change within ten (10) business
27 days of receipt and shall follow the time frames described in § 9203 and § 9204.

28 (c) The expiration date for the amended cannabis identification card will be
29 the same as the expiration date of the original cannabis identification card.

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§ 9207. Types of Cannabis Establishment Licenses.

- (a) Type I Cultivation Facility License: for cultivation of up to five hundred (500) square feet of a canopy on a single premise.
- (b) Type II Cultivation Facility License: for cultivation of less than or equal to two thousand five hundred (2,500) square feet of canopy on a single premise.
- (c) Type III Cultivation Facility License: for cultivation of two thousand five hundred one (2,501) to five thousand (5,000) square feet of canopy on a single premise.
- (d) Type IV Cultivation Facility License: for cultivation of five thousand one (5,001) to ten thousand (10,000) square feet of canopy on a single premise.
- (e) Cannabis Product Manufacturing Facility License
- (f) Cannabis Testing Facility License
- (g) Retail Cannabis Store License

§ 9208. Requirements for a Cannabis Establishment License.

- (a) Legal residents of Guam who have maintained continuous legal residential address(es) on Guam for a period of no less than three (3) years prior to the application for a Cannabis Establishment License shall retain at least fifty-one percent (51%) ownership of the cannabis establishment.
- (b) Responsible officials, board members, businesses, stakeholders, principals, or owners of a cannabis cultivation facility, a cannabis product manufacturing facility or a retail cannabis store can only own or have financial interest in one (1) cultivation facility, one (1) product manufacturing facility, one (1) testing facility, or one (1) retail store at any given time.
- (c) Responsible officials, board members, business stakeholders, principals, or owners of a Cannabis Testing Facility are prohibited from owning or having any financial stake in any cultivation facility, product manufacturing facility, retail store, cannabis establishment that refer cannabis for their testing, or another cannabis testing facility.

1 (d) Cannabis Cultivation Facilities and Manufacturing Facilities shall only be
2 located in the following zones: Agriculture Zone (A), Light Industrial Zone (M1), or
3 Heavy Industrial Zone (M2).

4 (e) Retail Cannabis Stores shall only be located in the following zones:
5 Commercial Zone (C), Light Industrial Zone (M1) and Heavy Industrial Zone (M2).

6 (f) The cannabis establishment must meet all applicable local zoning laws and
7 requirements, including the Drug Free School Zone Law, for their respective zones.

8
9 **§ 9209. Application Process for a Cannabis Establishment License.**

10 (a) The responsible official of a cultivation facility, product manufacturing
11 facility, retail store, or a testing facility shall submit in person an application for the
12 appropriate cannabis establishment license in § 9207, in a form approved by the
13 Department, with the required declarations and documents in § 9210 and the appropriate
14 application fees in § 9201.

15 (b) Upon receipt of an application for a cannabis establishment license and fee,
16 The Department shall:

- 17 1. Verify the information contained in the application; and
- 18 2. Conduct a thorough investigation to determine whether or not the
19 applicant and the premises qualify for a license; and
- 20 3. Generate an Investigation Report of the Department's discoveries
21 and recommendations; and
- 22 4. Shall forward to the *Board* for review a completed application within
23 thirty (30) calendar days of receipt; or
- 24 5. Shall provide written notification to the responsible official of an
25 incomplete application within thirty (30) business days of the
26 Department's determination and specify where the application is
27 incomplete.

28 (c) The Board shall deny an application if:

- 1 1. The responsible official did not provide all the required information;
- 2 or
- 3 2. The Board determines that the information provided is false.
- 4 (d) The Board *shall not* issue a license for a cannabis establishment located
- 5 within a distance of one thousand (1,000) feet from any public or private
- 6 school and other places or facilities where youth generally congregate,
- 7 which include childcare centers, public playgrounds, and parks.
- 8 1. The measurements *shall* be taken in a straight line from the center
- 9 of the nearest entrance to the building of such school or place of
- 10 facility stated herein to the center of the nearest entrance of the
- 11 cannabis establishment for which a license is applied.
- 12 2. The provisions of this Section *shall not* prohibit the renewal of any
- 13 valid license previously issued and in effect at the time of a
- 14 subsequent construction or establishment of a school or place or
- 15 facility stated herein within five hundred (500) feet of such licensed
- 16 cannabis establishment, and provided that the premises of such
- 17 licensed cannabis establishment *shall not* subsequently be added to
- 18 or enlarged.
- 19 (e) The Board shall reject any application that does not comply with this Act.
- 20 (f) The Board shall provide the responsible official with a written notification
- 21 within seven (7) business days of denial and specify the reason for denial.
- 22 (g) The responsible official, whose application was denied, can file an appeal
- 23 with the Board within ten (10) business days.
- 24 (h) The cannabis establishment, whom the responsible official was
- 25 representing and whose application was denied, shall not reapply for up to six (6)
- 26 months from the date of denial unless otherwise authorized by the Board.
- 27 (i) The Board shall issue a license within five (5) business days of approving
- 28 the application. The application will be approved if the application is complete and in
- 29 accordance with these Rules.

1 (j) The cannabis establishment license is valid for one (1) year from date of
2 issuance.

3 (k) An application fee that is submitted with a cannabis establishment license
4 application that is later withdrawn or also denied is not refunded.

5 (l) Cannabis Establishment Licenses are *non-transferable*.

6

7 **§ 9210. Applying for a Cannabis Establishment License.**

8 To apply for a cultivation facility license, product manufacturing facility license,
9 retail cannabis store license, or a cannabis testing facility license, the responsible official
10 from the cannabis establishment business, who is twenty-one (21) years of age or older,
11 shall submit in person to the Department an application in a form prescribed by the
12 Department, that includes the following:

13 (a) The authorized responsible official's:

- 14 1. Full Name
- 15 2. ID Card Number

16 (b) If the applicant is applying as a business organization:

- 17 1. Legal name of the business organization;
- 18 2. Physical address of the proposed cannabis establishment business;
- 19 3. Type of business organization (e.g. sole proprietor, corporation,
20 partnership, LLC, LLP); and
- 21 4. Names and titles of the owners, responsible official and board
22 members;

23 (c) Documents from each owner, responsible official, and board member
24 including:

- 25 1. Proof of Guam residency;
- 26 2. A verification of identity;
- 27 3. Police, Court and Attorney General clearances;

1 4. Proof that none of the persons who are proposed to be owners,
2 officers, or board members of the proposed licensed cannabis
3 establishment business are under twenty-one (21) years of age;

4 (d) Verification of the permitted use of the premises including:

5 1. Map from the Department of Land Management of the proposed
6 location of the cannabis establishment business;

7 2. Affirmation from the Department of Land Management that the
8 cannabis establishment is not located within a Drug Free School
9 Zone;

10 3. Proof that the applicant has legal title filed with the Department of
11 Land Management on which the proposed cannabis establishment
12 will be located, or has a lease agreement with the property owner
13 that includes consent to operate the proposed cannabis establishment
14 on that property;

15 4. A certified letter from the planning department of the Department of
16 Land Management stating that the location of the cannabis
17 establishment meets all zoning requirements of this Act;

18 5. Proof that the cannabis establishment is registered and has a business
19 license and a Business Privilege Tax Number with the Department;

20 (e) Clearances from the appropriate health, water, building and fire agencies
21 or authorities;

22 (f) Certification that none of the persons who are proposed to be owners,
23 officers, or board members of the proposed cannabis establishment have served as an
24 owner, officer or board member for a licensed cannabis establishment that has had its
25 license revoked within three (3) years of the current application date;

26 (g) Certification that the proposed licensed cannabis establishment will not
27 knowingly employ or contract with a person who is under the age of twenty-one (21)
28 years old.

29 (h) The appropriate application fees in § 9201.

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§ 9211. Issuance of a Cannabis Establishment License.

(a) If the application is approved, the Department shall give a written notification within five (5) business days upon approval to the responsible official:

1. That the application is approved and that the cannabis establishment license can be picked up by the cardholder in person at the Department after the applicable license fee in § 9201 is paid;
2. That the responsible official must apply for a Permit to Operate a cannabis establishment business; and
3. That the cannabis cultivation facility, cannabis manufacturing facility, retail cannabis store, or cannabis testing facility shall not conduct transactions involving the transfer of cannabis from one licensed cannabis establishment to another, or at final point of sale to retail consumer until the facility has been issued a Permit to Operate from the Department.
4. The Department shall inspect the facilities of a licensed cannabis establishment prior to issuing a Permit to Operate.

(b) The cannabis establishment license shall include the following:

1. Cannabis establishment license number issued by the Department
2. The cannabis establishment's:
 - (A) Legal name;
 - (B) Physical address; and
 - (C) Telephone number(s).
3. The responsible official's:
 - (A) First name; middle name, if applicable; last name; and suffix, if applicable;
 - (B) Cannabis Identification Card number;
 - (C) Guam mailing address;
 - (D) Email address; and

1 (E) Telephone number(s).

2 4. Type of cannabis establishment;

3 5. Application fee payment receipt number;

4 6. The date of issuance; and

5 7. The date of expiration.

6
7 **§ 9212. Permit to Operate a Cannabis Establishment.**

8 (a) To apply for a Permit to Operate a cannabis establishment, the responsible
9 official shall submit in person to the Department the following:

10 1. An application in a form prescribed by the Department that includes:

11 (A) The cannabis establishment's:

12 (i) Legal name;

13 (ii) Physical address;

14 (iii) Guam mailing address;

15 (iv) Responsible official's full name;

16 (v) Responsible official's Cannabis identification card
17 number;

18 (vi) Type of cannabis establishment license;

19 (vii) Date of issue of the cannabis establishment license;

20 (viii) Date of expiration of the cannabis establishment
21 license;

22 (ix) Date the licensed cannabis establishment must reapply;
23 and

24 (x) The Business Privilege Tax Number issued by the
25 Department.

26 (B) A declaration that the information provided to the Department
27 to apply for a Permit to Operate a cannabis establishment is
28 true and correct; and

1 (C) The signature of the responsible official and the date the
2 responsible official signed;

3 2. A site plan drawn to scale of the cannabis establishment's location
4 depicting streets, property lines, buildings, parking areas, outdoor
5 areas, if applicable; fences, security features, fire hydrants, if
6 applicable; and access to water mains;

7 3. The distance of the cannabis establishments to the closest school and
8 Drug Free School Zone;

9 4. A floor plan, drawn to scale, of the building where the cannabis
10 establishment is located showing the following:

11 (A) Layout and dimensions of each room;

12 (B) Name and function of each room;

13 (C) Location of each hand washing sink;

14 (D) Location of each toilet;

15 (E) Location of all means of entry;

16 (F) Location of each video camera, alarm system, motion sensor;

17 (G) Location of standby power source;

18 (H) Location of each panic button; and

19 (I) Location of natural and artificial lighting sources.

20 5. Clearances from the appropriate agencies to ensure that all
21 applicable building, zoning, agricultural, water, wastewater, air
22 quality, safety, and protection of endangered species laws and
23 regulations are followed as well as the Department of Public Health
24 and Social Services, Division of Environmental Health, if the
25 cannabis establishment is planning to prepare, package, store, sell,
26 distribute or dispense cannabis-infused edible food products.

27 (A) Those employees of the Department so designated to guide
28 applicants through the application process will determine,
29 after considering the scope of the business being proposed for

1 permitting, which agencies from the list below must clear the
2 permit application prior to approval by the Board.

3 (B) Clearances may only be indicated by the signature, whether
4 written or electronic, of the director of said agency, or a
5 designee of the director, who is an employee of said agency;
6 provided, however, that no director or designee may
7 determine clearance for a business in which said director or
8 designee has a conflict of interest, where a reasonable person
9 may suspect that such a conflict may result in the financial
10 favor of the person clearing the application.

11 (i) In such a case, the director must designate another
12 employee of the agency who does not have such a
13 conflict, or if the conflicted party is the director
14 herself/himself, then the governor shall choose an
15 acting director for the purposes of this section.

16 (C) Agencies include:

17 (i) Department of Public Works for compliance with the
18 building code, solid waste requirements, signage laws,
19 and where applicable upon real property owned by fee
20 simple or leasehold by the applicant and for which any
21 improvements will be made for the purpose of this
22 business;

23 (ii) Guam Environmental Protection Agency for
24 compliance with runoff, sanitation, waste disposal, and
25 air quality regulations;

26 (iii) Guam Fire Department for compliance with fire safety
27 code provisions that apply;

28 (iv) Department of Public Health and Social Services
29 (DPHSS), Division of Environmental Health for

1 compliance with all regulatory codes with which the
2 proposed business must comply;

3 (v) Guam Waterworks Authority for compliance with
4 water and wastewater requirements;

5 (vi) The Department's branches for compliance with the
6 Business Privilege Tax law, payment of all applicable
7 taxes, or the approval of a payment plan for recovery of
8 delinquent taxes, or existence of a challenge to each
9 claim by the Department of Revenue and Taxation that
10 taxes are delinquent;

11 (vii) Whenever improvements will be made to real property
12 to be used for such business, Department of Agriculture
13 (DOAG) shall determine whether mitigation will be
14 required in the interest of endangered species.

15 6. The applicable fee in § 9201.

16 (b) The Department shall conduct an inspection within thirty (30) calendar
17 days of receipt of the application for Permit to Operate. The Department's inspection
18 will include, but is not limited to, the cannabis establishment's:

- 19 1. Proposed location;
- 20 2. Security system, including the video surveillance system and alarm
21 system as required by this Chapter;
- 22 3. Labeling and packaging procedures that comply with this Chapter;
- 23 4. Required policies and procedures as described in these rules and
24 regulations; and
- 25 5. Electronic data management system in accordance with these rules
26 and regulations.

27 (c) The Department shall provide a written notification of failure to pass
28 inspection to the responsible official of the cannabis establishment within five (5)

1 business days of the Department’s determination of failure to pass and specify the areas
2 of concern.

3 (d) If the cannabis establishment fails the inspection, the responsible official
4 shall notify the Department when the cannabis establishment is ready for another
5 inspection.

6 (e) Once approved, the Department shall issue the Permit to Operate, to the
7 cannabis establishment within five (5) business days.

8 (f) The responsible official shall pick up the Permit to Operate in person at the
9 Department after paying all applicable fees in § 9201.

10 (g) The Permit to Operate must be displayed in a conspicuous place inside the
11 licensed cannabis establishment.

1 **Article 3**

2 **General**

- 3 § 9301. Employee Training
- 4 § 9302. Display of Identification Badge
- 5 § 9303. Alarm Systems
- 6 § 9304. Surveillance Systems
- 7 § 9305. Lock Standards
- 8 § 9306. Traceability
- 9 § 9307. Transportation
- 10 § 9308. Designated Transporters
- 11 § 9309. Waste Management and Disposal
- 12 § 9310. Destruction and Disposal of Cannabis.
- 13 § 9311. Security
- 14 § 9312. Chain of Custody Form.
- 15 § 9313. Loss of Cannabis

16

17 **§ 9301. Employee Training.**

18 (a) Cannabis cultivators, cannabis product manufacturing facilities and
19 dispensaries that create, handle, or sell compliant cannabis products shall adopt and
20 enforce policies and procedures to ensure employees and volunteers receive training
21 about the requirements of this Chapter.

22 Nothing in subsection (a) of this section allows any owner, employee, or volunteer to
23 offer or undertake to diagnose or cure any human or animal disease, ailment, injury,
24 infirmity, deformity, pain, or other condition, physical or mental, real or imaginary, by
25 use of cannabis products or any other means or instrumentality.

1 **§ 9302. Display of Identification Badge.**

2 (a) All licensees and employees on the licensed premises shall be required to
3 hold and properly display an identification badge issued by the licensed employer at all
4 times while on the licensed premises and engaged in the transportation of cannabis.

5 (b) The identification badge must list the licensee's trade name and include the
6 person's full and legal name and photograph.

7 (c) All licensees and employees must have their state issued identification
8 available to verify that the information on their badge is correct.

9 (d) All non-employee visitors to the licensed premises, other than retail store
10 customers, shall be required to hold and properly display an identification badge issued
11 by the licensee at all times while on the licensed premises.

12 (e) A log must be kept and maintained showing the full name of each visitor
13 entering the licensed premises, badge number issued, the time of arrival, time of
14 departure, and the purpose of the visit.

15 1. All log records must be maintained on the licensed premises for a
16 period of three years and are subject to inspection by a designated
17 DRT employee or law enforcement officer, and must be copied and
18 provided to the designated DRT employee or law enforcement
19 officer upon request.

20 2. Employees, visitors, and other persons at a cannabis licensed
21 premises, including persons engaged in the transportation of
22 cannabis, must provide identification to a designated DRT employee
23 upon request.

24
25 **§ 9303. Alarm Systems.**

26 (a) At a minimum, each licensed premises must have a security alarm system
27 on all perimeter entry points and perimeter windows.

28 (b) Each Licensee must ensure that all of its licensed premises are continuously
29 monitored.

1 (c) The Licensees shall maintain up-to-date and current records and existing
2 contracts on the licensed premises that describe the location and operation of each
3 security alarm system, a schematic of security zones, the name of the alarm installation
4 company, and the name of any monitoring company.

5 (d) Upon request, licensees shall make available to agents of DRT or local law
6 enforcement agency, all information related to security alarm systems, monitoring, and
7 alarm activity.

8 (e) Motion detectors, pressure switches, duress, panic, and hold-up alarms
9 may also be used.

10
11 **§ 9304. Surveillance Systems.**

12 (a) At a minimum, a licensed premise must have a complete video surveillance
13 system with minimum camera resolution of 1080 x 720 pixels or pixel equivalent for
14 analog.

15 (b) The surveillance system storage device and/or the cameras must be internet
16 protocol (IP) compatible.

17 (c) All cameras must be fixed and placement must allow for the clear and
18 certain identification of any person and activities in controlled areas of the licensed
19 premises.

20 (d) All entrances and exits to an indoor facility must be recorded from both
21 indoor and outdoor, or ingress and egress vantage points.

22 (e) All cameras must record continuously twenty-four hours per day and at a
23 minimum of 30 frames per second.

24 (f) The surveillance system storage device must be secured on the licensed
25 premises in a lockbox, cabinet, closet, or secured in another manner to protect from
26 employee tampering or criminal theft.

27 (g) All surveillance recordings must be kept for a minimum of forty-five (45)
28 days on the licensee's recording device.

1 (h) All videos are subject to inspection by a designated DRT employee or law
2 enforcement officer, and must be copied and provided to the designated DRT employee
3 or law enforcement officer upon request.

4 (i) All recorded images must clearly and accurately display the time and date.
5 Time is to be measured in accordance with the U.S. National Institute Standards and
6 Technology standards.

7 (j) Controlled areas include:

- 8 1. Any area within an indoor, greenhouse or outdoor room or area
9 where cannabis is grown, or cannabis or cannabis waste is being
10 moved within, processed, stored, or destroyed. Rooms or areas
11 where cannabis or cannabis waste is never present are not considered
12 control areas and do not require camera coverage.
- 13 2. All point-of-sale (POS) areas.
- 14 3. Twenty feet of the exterior of the perimeter of all required fencing
15 and gates enclosing an outdoor grow operation.
- 16 4. Any gate or other entry point that is part of the required enclosure
17 for an outdoor growing operation must be lighted in low-light
18 conditions.
- 19 5. A motion detection lighting system may be employed to light the
20 gate area in low-light conditions.
- 21 6. Any room or area storing a surveillance system storage device.

22 (k) Request for Waiver

- 23 1. A licensee or applicant for initial licensure may, in writing, request
24 that DRT waive one or more of the security requirements described
25 in subsection (a) through (j) of this Rule, by submitting on a form
26 prescribed by DRT a security waiver request for DRT approval.

27 (A) DRT may, in its discretion and on a case by case basis,
28 approve the security waiver if it finds that the alternative
29 safeguard proposed by the licensee or applicant for initial

1 licensure meets the goals of the above security requirements
2 or that the security requirements are in conflict with a local
3 ordinance of general applicability.

4 (B) Approved security waivers expire at the same time as the
5 underlying license and may be renewed at the time the license
6 renewal application is submitted.

7 (C) The licensee's or applicant for initial licensure's request for a
8 waiver shall include:

9 (i) The specific rules and subsections of a rule that is
10 requested to be waived;

11 (ii) The reason for the waiver;

12 (iii) A description of an alternative safeguard the Licensee
13 will implement in lieu of the requirement that is the
14 subject of the waiver; and

15 (iv) An explanation of how and why the alternative
16 safeguard accomplishes the goals of the security rules,
17 specifically public safety, prevention of diversion,
18 accountability, and prohibiting access to minors.

19
20 **§ 9305. Lock Standards.**

21 (a) At all points of ingress and egress, the Licensee shall ensure the use of a
22 commercial grade, non-residential door lock.

23 (b) Any outdoor space of the licensed premises or greenhouse must meet all of
24 the requirements for the lock standards described in this rule.

25
26 **§ 9306. Traceability.**

27 (a) To prevent diversion and to promote public safety, cannabis licensees must
28 track cannabis from seed to sale.

1 (b) Licensees must provide the required information on a system specified by
2 DRT.

3 (c) All costs related to the reporting requirements are born by the licensee.

4 (d) Cannabis seedlings, clones, plants, lots of useable cannabis or trim, leaves,
5 and other plant matter, batches of extracts, cannabis-infused products, samples, and
6 cannabis waste must be traceable from production through processing, and finally into
7 the retail environment including being able to identify which lot was used as base
8 material to create each batch of extracts or infused products.

9 (e) The following information is required and must be kept completely up-to-
10 date in a system specified by DRT:

- 11 1. Key notification of "events," such as when a plant enters the system
12 (moved from the seedling or clone area to the vegetation production
13 area at a young age);
- 14 2. When plants are to be partially or fully harvested or destroyed;
- 15 3. When a lot or batch of cannabis, cannabis extract, cannabis
16 concentrates, cannabis-infused product, or cannabis waste is to be
17 destroyed;
- 18 4. When useable cannabis, cannabis concentrates, or cannabis-infused
19 products are transported;
- 20 5. Any theft of useable cannabis, cannabis seedlings, clones, plants,
21 trim or other plant material, extract, infused product, seed, plant
22 tissue or other item containing cannabis;
- 23 6. All cannabis plants eight or more inches in height or width must be
24 physically tagged and tracked individually;
- 25 7. A complete inventory of all cannabis, seeds, plant tissue, seedlings,
26 clones, all plants, lots of useable cannabis or trim, leaves, and other
27 plant matter, batches of extract, cannabis concentrates, cannabis-
28 infused products, and cannabis waste;

- 1 8. All cannabis, useable cannabis, cannabis-infused products, cannabis
2 concentrates, seeds, plant tissue, clone lots, and cannabis waste must
3 be physically tagged with the unique identifier generated by the
4 traceability system and tracked;
- 5 9. Cannabis excise tax records;
- 6 10. All samples sent to an independent testing lab, any sample of unused
7 portion of a sample returned to a licensee, and the quality assurance
8 test results;
- 9 11. All vendor samples provided to another licensee for purposes of
10 education or negotiating a sale;
- 11 12. All samples used for quality testing by cultivators or cannabis
12 product manufacturing facilities;
- 13 13. Samples containing useable cannabis provided to Dispensaries;
- 14 14. Samples provided to DRT for quality assurance compliance checks;
15 and
- 16 15. Other information specified by the CCB.

17
18 **§ 9307. Transportation.**

19 (a) Notification of shipment

- 20 1. Upon transporting any cannabis or cannabis product, a producer,
21 cannabis product manufacturing facilities, retailer, or certified third-
22 party testing lab shall notify DRT of the type and amount and/or
23 weight of cannabis and/or cannabis products being transported, the
24 name of transporter, information about the transporting vehicle
25 (color, make, model and license plate number), times of departure
26 and expected delivery. This information must be reported in the
27 traceability system described.

28 (a) Receipt of shipment

1 1. Upon receiving the shipment, the licensee or certified third-party lab
2 receiving the product shall report the amount and/or weight of
3 cannabis and/or cannabis products received in the traceability
4 system.

5 (b) Transportation manifest

6 1. A complete printed transport manifest on a form provided by the
7 DRT containing all information required by the DRT must be kept
8 with the product at all times.

9 (c) Records of transportation

10 1. Records of all transportation must be kept for a minimum of three
11 years at the licensee's location and are subject to inspection.

12 (d) Transportation of product

13 1. Cannabis or cannabis products that are being transported must meet
14 the following requirements:

15 (A) Only the cannabis licensee, an employee of the licensee, a
16 transportation licensee, or a certified testing lab may transport
17 product and/or occupy a transporting vehicle;

18 (B) Drivers and/or occupants of a transporting vehicle must be
19 twenty-one years of age or older;

20 (C) Cannabis or cannabis products must be in a sealed package or
21 container approved by DRT;

22 (D) Sealed packages or containers cannot be opened during
23 transport;

24 (E) Cannabis or cannabis products must be in a locked, safe and
25 secure storage compartment that is secured to the inside
26 body/compartment of the vehicle transporting the cannabis or
27 cannabis products;

28 (F) Any vehicle transporting cannabis or cannabis products must
29 travel directly from the originating licensee to the receiving

1 licensee and must not make any unnecessary stops in between
2 except to other facilities receiving product;

3 (G) Live plants may be transported in a fully enclosed,
4 windowless locked trailer, or in a secured area within the
5 inside body/compartment of a van or box truck.

6 (i) A secured area is defined as an area where solid or
7 locking metal petitions, cages, or high strength
8 shatterproof acrylic can be used to create a secure
9 compartment in the fully enclosed van or box truck.

10 (ii) The secure compartment in the fully enclosed van or
11 box truck must be free of windows.

12 (iii) Live plants may not be transported in the bed of a
13 pickup truck, a sports utility vehicle, or passenger car

14 2. Any vehicle assigned for the purposes of transporting cannabis,
15 usable cannabis, cannabis concentrates, or cannabis-infused
16 products shall be considered an extension of the licensed premises.

17 3. Transport vehicles are subject to inspection by DRT enforcement
18 officers at any licensed location.

19 4. All cannabis plants, clones, seeds, lots, batches, intermediate
20 products, end products, vendor samples, and sample jars must
21 remain physically tagged during transport.

22 23 **§ 9308. Designated Transporters**

24 (a) Cannabis, cannabis concentrate, cannabis-infused product or cannabis
25 product in an amount greater than the allowable amount for personal consumption shall
26 only be transported by a designated transporter of a licensed cannabis establishment
27 with a valid cannabis identification card.

28 (b) The designated transporter authorized by the licensed cannabis
29 establishment shall:

- 1 1. Have a valid Cannabis Identification Card for a Designated
2 Transporter issued by the Department;
- 3 2. Be trained and knowledgeable on transportation protocols;
- 4 3. Use a vehicle that does not bear any markings to indicate that the
5 vehicle contains cannabis or bears the name or logo of the cannabis
6 establishment to transport the cannabis, cannabis concentrate,
7 cannabis-infused product or cannabis product;
- 8 4. Ensure that the cannabis, cannabis concentrate, cannabis-infused
9 product or cannabis products are not visible or recognizable from
10 outside the vehicle;
- 11 5. Ensure that the cannabis, cannabis concentrate, cannabis-infused
12 product or cannabis products are stored in airtight, tamper proof
13 packaging to maintain their quality and safety;
- 14 6. Shall carry their cannabis identification card at all times when
15 transporting or delivering cannabis, cannabis concentrate, cannabis-
16 infused product or cannabis products and upon request, produce the
17 cannabis identification card to the Department or to a law
18 enforcement officer acting in their official capacity.

19 (c) At least one (1) designated transporter must remain with the product at all
20 times that the vehicle contains cannabis, cannabis concentrate, cannabis-infused product
21 or cannabis products;

22 (d) Each time cannabis, cannabis concentrate, cannabis-infused product or
23 cannabis products are transported on behalf of a licensed cannabis establishment, the
24 licensed cannabis establishment shall document the transport in the seed-to-sale system
25 or the chain of custody form prescribed by the Department that lists the elements
26 required by the Department's tracking system.

27 (e) For transport between one cannabis establishment to another cannabis
28 establishment, a transport container shall be packed, secured, loaded, unloaded, and
29 unpacked, in full view of security surveillance cameras.

1 (f) The cannabis establishment that is receiving the cannabis, cannabis
2 concentrate, cannabis-infused product or cannabis products shall verify by affixing a
3 signature that the cannabis, cannabis concentrate, cannabis-infused product or cannabis
4 products are received as listed on the chain of custody form.

5 (g) Upon receipt of the cannabis, cannabis concentrate, cannabis-infused
6 product or cannabis products, the licensed cannabis establishment shall immediately
7 report to the Department any discrepancies between what is received and what is on the
8 chain of custody form.

9 (h) The designated transporter transporting the cannabis, cannabis concentrate,
10 cannabis-infused product or cannabis products shall not stop at a location not listed on
11 the chain of custody form.

12 (i) The designated transporter shall have access to a secure form of
13 communication with the cannabis establishment and the ability to contact law
14 enforcement through 911 emergency systems at all times that the motor vehicle contains
15 the cannabis, cannabis concentrate, cannabis-infused product or cannabis products.

- 16 1. If an emergency requires stopping the vehicle, the designated
17 transporter shall report the emergency immediately to law
18 enforcement through the 911 emergency systems and the cannabis
19 establishment which shall immediately notify the Department.
- 20 2. The designated transporter shall complete an incident report form
21 prescribed by the Department.

22 23 **§ 9309. Waste Management and Disposal.**

24 (a) The licensee must store, manage and dispose of solid and liquid wastes
25 generated during cannabis production and processing in accordance with applicable
26 Guam laws and regulations and as directed by the Guam Environment Protection
27 Agency.

28 (b) The licensee must document a reason for the waste in a form and manner
29 prescribed by Guam Environmental Protection Agency.

1 (c) The licensee must document the exact time and method of destruction in a
2 form and manner prescribed by DRT.

3 (d) For waste that was previously designated a cannabis item, all licensees
4 must:

- 5 1. Hold on the licensed premises for at least three business days under
6 camera coverage prior to disposal;
- 7 2. Document a reason for the waste in a form and manner prescribed
8 by DRT; and
- 9 3. Document the exact time and method of destruction in a form and
10 manner prescribed by DRT.

11 (e) A licensee may give or sell cannabis waste to a cultivator, manufacturer,
12 dispensary or research certificate holder.

13 (f) In addition to information required to be entered by DRT, a licensee must
14 maintain accurate and comprehensive records regarding waste material that accounts
15 for, reconciles, and evidences all waste activity related to the disposal of cannabis.

16 (g) Waste items consisting of usable cannabis, concentrates, extracts or
17 cannabinoid products must be disposed of on the licensed premises or transferred to
18 another licensee for disposal.

19 (h) Any product containing cannabis or hemp waste may not be transferred or
20 sold to any licensee for consumption.

21 (i) Cannabis production could result in the generation of hazardous waste (e.g.
22 use of solvents for processing might result in ignitable or toxic wastes)

23 (j) Management of pesticides may result in pesticide hazardous wastes.
24 Disposal of hazardous waste above specified quantities requires a Guam EPA permit.

25 (k) Potential hazardous wastes:

- 26 1. Pressurized gas
- 27 2. Solvents
- 28 3. Used oil
- 29 4. Used mercury containing lamps

- 1 5. Waste pesticides – three percent or greater of any substance or
2 mixture listed in 40 Code of Federal Regulations 261.33(e) or 10
3 percent or greater of any substance or mixture.
- 4 6. Reportable quantities of a pesticide spill - pesticide residues greater
5 than 200 lbs. or 25 gallons.

6 (l) Solid and liquid wastes generated during cannabis production and
7 processing must be stored, managed, and disposed of in accordance with applicable
8 Guam laws and regulations.

9 (m) Wastewater generated during cannabis production and processing must be
10 disposed of in compliance with applicable Guam laws and regulations.

- 11 1. Wastes from the production and processing of cannabis plants must
12 be evaluated against Guam’s hazardous waste regulations to
13 determine if those wastes designate as hazardous waste.
- 14 2. It is the responsibility of each waste generator to properly evaluate
15 their waste to determine if it is designated as a hazardous waste. If a
16 generator's waste does designate as a hazardous waste, then that
17 waste(s) is subject to the applicable management standards found in
18 Guam’s hazardous waste regulations.
- 19 3. Wastes that must be evaluated against the hazardous waste
20 regulations include, but are not limited to, the following:
 - 21 (A) Waste from cannabis flowers, trim and solid plant material
22 used to create an extract;
 - 23 (B) Waste solvents used in the cannabis process;
 - 24 (C) Discarded plant waste, spent solvents and laboratory wastes
25 from any cannabis processing or quality assurance testing;
26 and
 - 27 (D) Cannabis extract that fails to meet quality testing.
- 28 4. Cannabis wastes that do not designate as hazardous shall be
29 managed in accordance with subsection (5) of this section.

1 (A) Cannabis plant, useable cannabis, trim and other plant
2 material in itself is not considered hazardous waste unless it
3 has been treated or contaminated with a solvent.

4 (B) Cannabis waste that does not designate as hazardous waste
5 (per subsection (3) of this section) must be rendered unusable
6 following the methods in subsection (5) of this section prior
7 to leaving a licensed producer, manufacturer, or laboratory.

8 (C) Disposal of the cannabis waste rendered unusable must follow
9 the methods under subsection (5) of this section. Wastes that
10 must be rendered unusable prior to disposal include, but are
11 not limited to, the following:

12 (i) Waste evaluated per subsection (4) of this section and
13 determined to not designate as "Hazardous Waste";

14 (ii) Cannabis plant waste, including roots, stalks, leaves,
15 and stems that have not been processed with solvent;

16 (iii) Solid cannabis sample plant waste possessed by testing
17 laboratories to test for quality assurance that must be
18 disposed of; and

19 (iv) Other wastes as determined by DRT.

20 5. The allowable method to render cannabis plant waste unusable is by
21 grinding and incorporating the cannabis plant waste with other
22 ground materials so the resulting mixture is at least fifty (50) percent
23 non-cannabis waste by volume. Other methods to render cannabis
24 waste unusable must be approved by DRT before implementation.

25 6. Material used to grind with the cannabis falls into two categories:

26 (A) Compostable mixed waste: Cannabis waste to be disposed as
27 compost feedstock or in another organic waste method (for
28 example, anaerobic digester) may be mixed with the
29 following types of waste materials:

- (i) Food waste;
- (ii) Yard waste;
- (iii) Vegetable based grease or oils; or
- (iv) Other wastes as approved by DRT.

(B) Non-compostable mixed waste: Cannabis waste to be disposed in a landfill or another disposal method (for example, incinerator) may be mixed with the following types of waste materials:

- (i) Paper waste;
- (ii) Cardboard waste;
- (iii) Plastic waste;
- (iv) Sawdust;
- (v) Soil; or
- (vi) Other wastes as approved by DRT.

7. Cannabis wastes rendered unusable following the method described in subsection (5) of this section can be disposed.

8. Disposal of the cannabis waste rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

- (A) Compostable mixed waste: Compost, anaerobic digester, or other facility with approval of the Department of Agriculture.
- (B) Non-compostable mixed waste: Landfill, incinerator, or other facility with approval of the Department of Agriculture.

9. A record of the final destination of cannabis waste rendered unusable.

- (A) A licensee shall utilize a sale system to ensure its post-harvest waste materials are identified, weighed and tracked while on the licensed premises until disposed of.

1 (B) All cannabis, cannabis concentrate and cannabis-infused
2 product waste must be weighed before leaving any cannabis
3 facility. A scale used to weigh cannabis waste prior to entry
4 into the inventory tracking system shall be tested and
5 approved by DRT.

6 (C) A Licensee is required to maintain accurate and
7 comprehensive records regarding waste material that accounts
8 for, reconciles, and evidences all waste activity related to the
9 disposal of cannabis.

10 (D) A Licensee is required to maintain accurate and
11 comprehensive records regarding any waste material
12 produced through the trimming or pruning of a cannabis plant
13 prior to harvest, which must include weighing and
14 documenting all waste, including fibrous waste. Unless
15 required by the seed to sale tracking system, records of waste
16 produced prior to harvest must be maintained on the licensed
17 premises. Waste, excluding fibrous waste, whether produced
18 prior to or subsequent to harvest, must be disposed of in
19 accordance with this Rule and be made unusable and
20 unrecognizable.

21 **§ 9310. Destruction and Disposal of Cannabis.**

22 (a) All laboratory tested cannabis determined to be unusable or contaminated
23 according to the minimum laboratory testing requirements set by these rules and
24 regulations must be destroyed and/or disposed in accordance with Guam law within
25 twenty-four (24) hours of determination and reported to the Guam Environmental
26 Protection Agency and the Department of Public Health and Social Services with forty-
27 eight (48) hours of disposal pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article
28 25, § 122512 (k).

1 (b) All unused, unsold, contaminated or expired cannabis, cannabis
2 concentrate, cannabis-infused product or cannabis product or waste products resulting
3 from the cultivation and manufacturing process including any inventory existing at the
4 time of revocation or surrender of a license shall be destroyed or disposed pursuant to
5 federal and local laws to ensure that the cannabis, cannabis concentrate, cannabis-
6 infused product or cannabis products do not become available to unauthorized persons
7 and is documented as subtracted from inventory;

8 (c) A cannabis establishment shall establish written policies and procedures to
9 be followed by all of its employees for the disposal or destruction of cannabis, cannabis
10 concentrate, cannabis-infused product or cannabis products.

11 (d) The disposal or destruction of the cannabis, cannabis concentrate,
12 cannabis-infused product or cannabis products cannot be in public view or expose the
13 public unknowingly to cannabis.

14 (e) If necessary, the Department and authorized law enforcement personnel
15 may be authorized to possess cannabis for the purpose of secure destruction and disposal
16 in accordance to the Act, these rules and regulations, relevant local regulations and must
17 render the *cannabis* unusable and unrecognizable.

18 (f) The waste must be unusable and unrecognizable prior to leaving the
19 licensed premises of any cannabis establishment. Cannabis wastes are additionally
20 subject to the following inventory tracking requirements:

- 21 1. Post-harvest cannabis waste materials must be identified, weighed and
22 tracked while on the licensed premises until disposed of in a manner as
23 outlined above. Cannabis waste must be weighed and inventoried before
24 leaving any cannabis establishment using a scale certified or calibrated in
25 accordance with measurement standards.
- 26 2. A licensee is required to maintain accurate and comprehensive records
27 regarding waste material that account for, reconcile and evidence all waste
28 activity related to the disposal of cannabis.

1 3. A licensee is required to maintain accurate and comprehensive records
2 regarding any cannabis waste material produced through the trimming or
3 pruning of a cannabis plant prior to harvest. Records must include
4 weighing and documenting all wastes.

5
6 4. The cannabis establishment shall submit a video recording to the
7 Department of the destruction and disposal of the cannabis, cannabis
8 concentrate, cannabis-infused product or cannabis product, and attach the
9 recording with a written report of the destruction of the cannabis. The
10 written report shall include the information required in 10 GCA, Division
11 1, Chapter 12 Part 2, Article 25, § 122521.

12
13 **§ 9311. Security.**

14 (a) A cannabis establishment shall implement appropriate security measures
15 to prevent the unauthorized access into areas containing cannabis, cannabis concentrate,
16 cannabis-infused product or cannabis products and the theft and diversion of said
17 products.

18 (b) A cannabis establishment is responsible for the security of all cannabis,
19 cannabis concentrate, cannabis-infused product or cannabis products on licensed
20 premises or in transit from one cannabis establishment to another cannabis
21 establishment.

22 (c) A cannabis establishment shall be responsible for ensuring that all
23 surveillance equipment are properly functioning and maintained so that the playback
24 quality is suitable for viewing and the surveillance equipment are capturing the activities
25 in the monitored areas.

26 (d) A cannabis establishment shall comply with all applicable security
27 requirements set forth in these rules and regulations.

1 (e) All entrances, exits, windows, gates, and other points of entry of a cannabis
2 establishment shall be equipped with commercial grade, non-residential door locks or
3 other functioning mechanical or electrical security devices;

4 (f) The cannabis establishment shall have an alarm system that:

- 5 1. Shall provide coverage for all points of ingress and egress to the
6 facility, including but not limited to, doorways, windows, loading
7 bays, skylights and retractable roof mechanisms;
- 8 2. Shall provide coverage of any room with an exterior wall, any room
9 containing a safe, and any room used to grow or store cannabis,
10 cannabis concentrate, cannabis-infused product or cannabis
11 products;
- 12 3. Shall be activated twenty-four (24) hours a day every day; and
- 13 4. Shall have the ability to remain operational during a power outage.

14 (g) All cannabis establishments shall be equipped with video surveillance
15 systems that have the following features:

- 16 1. Video cameras that can provide coverage of all entrances and exits
17 from limited access areas and all entrances to and exits from the
18 cannabis establishment, capable of identifying any activity
19 occurring in or adjacent to the cannabis establishment;
- 20 2. Video cameras having a minimum resolution to allow for the
21 monitoring of persons and activities in any area;
- 22 3. Allows for twenty-four (24) hour, seven (7) days per week
23 continuous video monitoring.
- 24 4. Display a date and time stamp on all recorded video.
- 25 5. Able to archive recorded video for a minimum of one (1) year.
- 26 6. Sufficient battery backup for video cameras and recording
27 equipment to support at least four (4) hours of recording in the event
28 of a power outage;

1 7. All establishments must maintain at least one (1) on-site display
2 monitor connected to the surveillance system at all times. The
3 monitor shall have a screen size of at least twelve (12) inches.

4 (h) All cannabis establishments shall maintain camera coverage of the
5 following areas:

6 1. All points of ingress and egress to the facility, including, but not
7 limited to, doorways, windows, loading bays, skylights, and
8 retractable roof mechanisms;

9 2. Any room, except restrooms, containing a safe, and any room or area
10 used to grow, process, manufacture, prepare, weigh, package, tag,
11 store, distribute, transport cannabis;

12 3. All areas in which any part of the disposal process of cannabis
13 occurs.

14 (i) The video surveillance system video recording storage device shall be
15 secured in a manner that limits access to protect the system from tampering or theft.

16 (j) Cannabis establishments shall keep a surveillance equipment maintenance
17 log on the premises to record all service activity including the identity of the
18 individual(s) performing the service, the service date and time and the reason for the
19 service to the surveillance system.

20 (k) Cannabis establishments shall identify individuals with access to
21 surveillance system controls and monitoring upon request by the Department.

22 (l) All video surveillance records and recordings shall be available upon
23 request to the Department and law enforcement agencies. The cannabis establishment
24 shall keep all video surveillance records and recordings for at least one (1) year.

25 (m) A cannabis cultivation facility shall have a surveillance or security camera
26 in each grow room capable of identifying any activity occurring within the grow room
27 in dark conditions.

28 (n) In the event of a breach or failure in its security system, the cannabis
29 establishment shall immediately suspend retail transactions and secure the affected area

1 until the security system is fully operable. The cannabis establishment shall notify the
2 Department immediately upon the breach or failure and again when it resumes
3 operations.

4 (o) A cannabis establishment shall have policies and procedures that address
5 the following:

- 6 1. Restrict access to the areas that cannabis, cannabis concentrate,
7 cannabis-infused product or cannabis products;
- 8 2. Provide for the identification of authorized individuals, i.e.
9 employee badges;
- 10 3. Prevent loitering; and
- 11 4. Conduct video surveillance monitoring.

12 13 **§ 9312. Chain of Custody Form.**

14 All sales or transfers of cannabis, cannabis concentrate, cannabis-infused product
15 or cannabis product from licensed cannabis establishment to licensed cannabis
16 establishment shall be tracked via a seed-to-sale program compatible with the
17 Department or prescribed chain of custody form to include, but not be limited to:

18 (a) Cannabis Cultivation Facility to a Cannabis Testing Facility:

- 19 1. The lot number of cannabis crop or batch number of cannabis
20 concentrate, cannabis-infused product or cannabis product, if
21 applicable;
- 22 2. The date the cannabis was harvested;
- 23 3. The net weight and gross weight of cannabis sold or transferred;
- 24 4. The name, address, and license number of the cannabis cultivation
25 facility from which the crop originated;
- 26 5. The signature of the person who received and verified the shipment;
- 27 6. The time and date when the receiving party took custody of the
28 shipment; and
- 29 7. Any other information deemed necessary by the Department.

1 (b) Licensed cannabis establishment to licensed cannabis establishment:

- 2 1. The lot number of the cannabis crop;
- 3 2. The batch number of the cannabis concentrate, cannabis-infused
- 4 product or cannabis product, if applicable;
- 5 3. The date the cannabis was harvested;
- 6 4. The name, address, and license number of the licensed cannabis
- 7 establishment from which the crop originated;
- 8 5. The name, address, and license number of the licensed cannabis
- 9 establishment from which the cannabis product originated;
- 10 6. The net weight and gross weight of cannabis, cannabis concentrate,
- 11 cannabis-infused product or cannabis product sold or transferred;
- 12 7. The laboratory test results and report;
- 13 8. A declaration from the cannabis testing facility that the product
- 14 meets the minimum laboratory testing requirements set by the
- 15 Department of Public Health and Social Services;
- 16 9. A declaration from the licensed cannabis establishment that all
- 17 information in the chain of custody form is true and correct;
- 18 10. The name, address, and license number or cannabis identification
- 19 number of the receiving party;
- 20 11. The signature of the person who received and verified the shipment;
- 21 12. The time and date when receiving party took custody of the
- 22 shipment;
- 23 13. The travel plan; and
- 24 14. Any other information deemed necessary by the Department.

25 (c) Cannabis Testing Facility to Licensed Cannabis Establishment:

- 26 1. A Chain of Custody report as specified in Subsection (a) of this
- 27 Section;
- 28 2. A Chain of Custody report as specified in Subsection (b) of this
- 29 Section, if applicable;

- 1 3. Net weight and gross weight of amount of any unused, untested
2 cannabis, cannabis concentrate, cannabis-infused product or
3 cannabis product returned to the licensed cannabis establishment.
4

5 **§ 9313. Loss of Cannabis.**

6 Any loss of cannabis, cannabis concentrate, cannabis-infused product or cannabis
7 product over one (1) ounce due to theft, natural disaster, or other reason, shall be
8 reported to the Department and the Guam Police Department within twenty-four (24)
9 hours, along with the associated Chain of Custody forms for the lost cannabis or
10 cannabis-related product. The report shall include the amount of cannabis in weight that
11 was lost and any other information required by the Department.
12
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1 **Article 4**

2 **Cannabis Cultivation**

3 § 9401. Policy

4 § 9402. Cannabis Cultivator Registration Requirement

5 § 9403. Acceptable Cannabis Growing Conditions

6 § 9404. Cultivation Site

7 § 9405. Cannabis Cultivation Amendments

8 § 9406. Cannabis Plant Production

9 § 9407. Cannabis Seed Selection

10 § 9408. Crop Pest, Weed and Disease Management Practice Standard

11 § 9409. Cannabis Waste Management

12 § 9410. Cannabis Cultivation Penalties and Disbarment

13
14 **§ 9401. Policy.**

15 The Guam Department of Agriculture (DOAG) shall duly exercise the powers
16 vested in it as a “Regulatory Agency” in the cultivation, production, green debris
17 management and destruction of cannabis in the Territory of Guam for which the use
18 and/or end product results in either recreational and/or medicinal applications. Only
19 approved naturally derived cultivation practices shall be permitted in the growing of
20 cannabis. The producer is responsible for obtaining the necessary permits and/or
21 certifications required by the regulatory agency and must comply with any specific
22 instructions while engaged in the cultivation and production of cannabis on the island
23 of Guam.

24 Commercial synthetic pesticides have catastrophic effects on human health and
25 the natural environment. As well as causing significant damage to the environment,
26 synthetic pesticides used on cannabis contain chemicals that will inevitably end up in
27 the human body. Attention to biodiversity and greater emphasis on environmental
28 protection will ensure that our island’s future generations will have a sustainable future.
29

1 **§ 9402. Cannabis Cultivator Registration Requirement.**

2 Cannabis Cultivators must register with DOAG and obtain a “Bona Fide Farmer
3 Certificate”.

4 (a) Cultivator registration information shall include, but is not limited to:

- 5 1. Company Name and Responsible Official Contact information
6 including mailing address, telephone number, and e-mail;
- 7 2. Physical Address;
- 8 3. Global Positioning System Coordinates of both the proposed
9 cannabis grow site and the storage facility;
- 10 4. Size of the plantation and map;
- 11 5. Expected number of plants to be grown (in various stages) as
12 allowable by the Department of Revenue and Taxation (DRT)
13 producer license;
- 14 6. A copy of the valid DRT license, a renewed copy should be provided
15 each renewal year.

16 (b) No changes or alterations are permitted to the Bona Fide Farmer Certificate
17 unless first approved by the Department of Agriculture. Bona Fide Farmer Certificate
18 renewals shall be initiated thirty (30) days prior to expiration date.

19 (c) Site evaluations shall be conducted for the purpose of examining the
20 operations and ensuring compliance with the Guam Cannabis Law for production and
21 handling operations. A representative(s) of DOAG shall conduct site evaluations, at any
22 time with or without prior notice. Failure to comply will result in grounds for suspension
23 and/or revocation of the Bona Fide Farmer Certificate.

24 (d) If a Notice of Violations is issued, pursuant to noncompliance with the
25 production, cultivation, green waste management and disposal requirements, DOAG
26 shall establish a review panel comprised of personnel from its Division of Agricultural
27 Development Services (ADS), to determine actions to be taken. All reports are to be
28 submitted no later than fifteen (15) calendar days for administrative review within the
29 Department for corrective actions to be taken. Failure to comply within 30 days after

1 issuance of the notice of violation and an administrative directive for corrective
2 measures are proposed, shall be grounds for the Department to notify the CCB of the
3 failure to comply and a possible revocation of the Bona Fide Farmer Certificate. The
4 Department, its agents, and/or representatives shall not be held liable for any
5 consultations given to growers which may result in crop failure due to grower
6 negligence, acts of God, or unforeseen circumstances.

7

8 **§ 9403. Acceptable cannabis growing conditions.**

9 (a) Cannabis may be grown directly in the ground, in containers, or in a closed
10 system (e.g. hydroponics, aeroponics, aquaponics) with only the allowed cultivation
11 amendments listed in § 9305.

12 (b) Cannabis production must take place within:

- 13 1. a fully enclosed secure indoor facility or greenhouse with rigid
14 walls, a roof, and doors; or
- 15 2. Outdoor production may take place in nonrigid greenhouses, or
16 similar structures; or
- 17 3. An expanse of open ground fully enclosed by a physical barrier that
18 obscures public view of the premises with a wall or fence at least ten
19 (10) feet high with at least a one (1) inch thick metal gate.
- 20 4. Monitoring devices must be implemented at all cultivation sites.

21 (c) Any cannabis plantation, in a field, farm parcel, greenhouse, or growing
22 facility in which cannabis is intended to be grown, harvested, processed or sold for
23 commercial purposes, must not have any substances that are prohibited by the
24 Department of Agriculture's guidelines on premises.

25 (d) The plantation must have a distinct, defined boundary and/or buffer zone
26 sufficient in size or other features (e.g. windbreaks or a diversion ditch) to prevent the
27 possibility of unintended contact by prohibited substances applied to adjacent land areas
28 with an area that is part of a certified operation and within the specified GPS
29 coordinates.

1 (e) A producer shall select suitable cultivation practices that maintain or
2 promote the improvement of the physical, chemical, and biological condition of soil and
3 minimize soil erosion.

4 (f) Potting soil, crop production aids, soil amendments, and other growing
5 media approved by the Department may be used in cannabis cultivation.

6

7 **§ 9404. Cultivation Site.**

8 (a) A cannabis cultivation site is defined as a contiguous land area on which
9 the applicant plans to engage in cultivation, storage, or management of cannabis green
10 waste. A cannabis plantation may be grown in an open air or enclosed area.

11

12 **§ 9405. Cannabis Cultivation Amendments.**

13 (a) The producer must manage the allowed cultivation amendment materials,
14 to maintain or improve soil organic matter content, biological diversity, nutrient cycling,
15 and microbial activity in a manner that does not contribute to the contamination of crops,
16 air, water, or any adverse impacts to the environment by plant nutrients, pathogenic
17 organisms, heavy metals, or residues of substances. Only the following specified soil
18 amendments, fertilizers, other crop production aids, and pesticides may be used in the
19 production of cannabis. The allowed cultivation amendments include:

- 20 1. Raw animal manure, which shall be composted unless it is:
 - 21 (A) Incorporated into the soil not less than 120 days prior to the
 - 22 harvest of cannabis whose consumable portion has direct
 - 23 contact with the soil surface or soil particles; or
 - 24 (B) Incorporated into the soil not less than 90 days prior to the
 - 25 harvest of cannabis whose consumable portion does not have
 - 26 direct contact with the soil surface or soil particles.
- 27 2. Aquatic plants (alkali extracted)
- 28 3. Blood Meal
- 29 4. Boron

- 1 5. Calcium carbonate/limestone (mined)
- 2 6. Humic acid (alkali extracted)
- 3 7. Iron phosphate (molluscicide use only)
- 4 8. Feather meal
- 5 9. Fulvic acid
- 6 10. Fish/shrimp meal
- 7 11. Guano (mined)
- 8 12. Gypsum (mined)
- 9 13. Humates/Leonardite (mined)
- 10 14. Peat
- 11 15. Coco coir
- 12 16. Rockwool (without the fiberglass, metals)
- 13 17. Potassium magnesium sulfate, potassium sulfate (mined)
- 14 18. Rock phosphate (mined)
- 15 19. Worm castings (vermiculture)
- 16 20. Fish emulsion
- 17 21. Compost tea
- 18 22. Green waste compost
- 19 23. Seaweed/Kelp
- 20 24. Beneficial Microorganisms
- 21 25. Beneficial bacteria

22 (b) A producer may manage crop nutrients and soil fertility to maintain or
23 improve soil organic matter content in a manner that does not contribute to the
24 contamination of crops, soil, air, or water.

25 (c) The producer shall not use any fertilizer or composted plant and animal
26 material that contains a synthetic substance not included on the National List of Allowed
27 and Prohibited Substances 7 C.F.R. section 205.601.

28 (d) Genetic modification of cannabis is prohibited.

29

1 **§ 9406. Cannabis Plant Production.**

2 (a) Only the following specified amendments, other crop production aids, and
3 pesticides may be used in the production of cannabis:

4 1. The substance(s) for consideration of use in the production of
5 cannabis shall only be derived from Cannabis cultivation
6 amendments listed in § 9305, if these substances are commercially
7 purchased from an off-island source, proper clearances and permits
8 must be obtained prior to importation from the Guam Environmental
9 Protections Agency (GEPA).

10 2. The pesticides, herbicides, fungicides, repellents and fertilizers
11 manufacture, use and disposal or the like, must not have adverse
12 effects on Guam's environment and use must be carried out in a
13 manner according to the manufacturer's label instructions. The
14 allowed pesticides, herbicides, fungicides, and repellents include:

- 15 (A) Acetic acid;
- 16 (B) Ammonium carbonate (as bait);
- 17 (C) *Bacillus subtilis*, *Bacillus thuringiensis*, and other allowed
18 *Bacillus* bacteria;
- 19 (D) Ammonium soaps;
- 20 (E) Botanical extracts;
- 21 (F) Boric acid/orthoboric acid, borax;
- 22 (G) Chitin (from the shells of crustaceans and other sources);
- 23 (H) Chlorine materials;
- 24 (I) Citrus (extract);
- 25 (J) Copper hydroxide, copper oxychloride, copper sulfate
26 (Bordeaux mixtures);
- 27 (K) Ethanol (ethyl alcohol);
- 28 (L) Ethylene;
- 29 (M) Gibberellic acid;

- 1 (N) Ferric phosphate;
- 2 (O) Neem oil (Azadirachtin);
- 3 (P) *Pseudomonas syringae*, *Pseudomonas uorescens*, and
4 other allowed *Pseudomonas* bacteria;
- 5 (Q) Hydrogen peroxide;
- 6 (R) Pyrethins;
- 7 (S) Isopropyl alcohol;
- 8 (T) Soybean oil (and other vegetable oils);
- 9 (U) Lime-sulfur;
- 10 (V) *Saccharopolyspora spinosa* (bacteria) (aka Spinosad);
- 11 (W) Oils (horticultural: crop, petroleum, mineral, and
12 paraffinic based);
- 13 (X) Peracetic acid;
- 14 (Y) Pheromones;
- 15 (Z) Soap (horticultural, sodium/potassium salts + fatty acids);
- 16 (AA) Sulfur (elemental)
- 17 3. The quality of the substance is maintained when the substance or its
18 breakdown products do not have an adverse effect on human or
19 environmental health.
- 20 4. The substance(s) made by a producer to be applied in the cultivation
21 system and practice production should be safe and contain no residue
22 of heavy metals or contaminants.
- 23 (b) Examples of prohibited products:
- 24 1. The use of products containing plant growth regulators not allowed
25 for use on food crops including, but not limited to, any of the
26 following ingredients, are prohibited:
- 27 (A) Ancyimidol;
- 28 (B) Chlormequat chloride;
- 29 (C) Clofencet;

- 1 (D) Colchicine;
 - 2 (E) Colloidal silver;
 - 3 (F) Daminozide;
 - 4 (G) Dikegulac-sodium;
 - 5 (H) Flumetralin;
 - 6 (I) Flurprimidol; and
 - 7 (J) Paclobutrazol.
- 8 2. The following non-synthetic substances prohibited for use in
9 cannabis production include, but are not limited to:
- 10 (A) Ash from manure burning;
 - 11 (B) Arsenic;
 - 12 (C) Calcium chloride, bine process is natural and prohibited
13 for use except as a foliar spray to treat a physiological
14 disorder associated with calcium uptake;
 - 15 (D) Lead salts;
 - 16 (E) Potassium chloride – unless derived from a mined source
17 and applied in a manner that minimize chloride
18 accumulation in the soil;
 - 19 (F) Sodium fluoaliminate (mined);
 - 20 (G) Sodium Nitrate – unless use is restricted to no more than
21 20% of the crop’s total nitrogen requirement;
 - 22 (H) Strychnine;
 - 23 (I) Tobacco dust (nicotine sulfate)
- 24 3. The use of vitamin-hormone products not intended for use on food
25 crops is prohibited.
- 26 4. The use of products containing the insecticide DDVP (Dichlorvos)
27 is prohibited in all areas where cannabis is being grown or processed.

1 (c) Soil amendments, fertilizers, growing media, other crop production aids,
2 and pesticides that do not conform to this Section cannot be used, kept, or stored on the
3 licensed premises.

4 (d) The following cannabis and cannabis products are subject to seizure and
5 destruction:

- 6 1. Cannabis exposed to unauthorized soil amendments or fertilizers;
7 and
- 8 2. Cannabis with levels of unauthorized pesticides or plant growth
9 regulators.

10 (e) A “Cannabis cultivation systems and practice” plan must meet the
11 requirements set forth in the production of cannabis or handling. A cannabis production
12 or handling system plan must include:

- 13 1. A description of practices and procedures to be performed and
14 maintained, including the frequency with which they will be
15 performed;
- 16 2. A list of each substance to be used as a production or handling input,
17 indicating its composition, source, location(s) where it will be used,
18 and documentation of commercial availability, as applicable.
- 19 3. A description of the monitoring practices and procedures to be
20 performed and maintained, including the frequency with which they
21 will be performed, to verify that the plan is effectively implemented.
- 22 4. A description of the recordkeeping system implemented to comply
23 with the requirements established by the CCB to allow for
24 compatibility with the CCB’s seed-to-sale software system.
- 25 5. Additional information deemed necessary by the Department to
26 evaluate compliance with the regulations.
- 27 6. A producer may substitute a plan prepared to meet the requirements
28 of the Department of the Cannabis cultivation systems and practices

1 of cannabis provided that the submitted plan meets all the
2 requirements of subparts.

3
4 **§ 9407. Cannabis Seed Selection.**

5 Cannabis seeds may be locally sourced. Federal law regulates the importation of
6 cannabis vegetative material, which includes seeds. Cannabis tissue cultures may be
7 locally sourced.

8
9 **§ 9408. Crop Pest, Weed and Disease Management Practice Standards.**

10 (a) The producer may use management practices to prevent crop pests, weeds,
11 and disease including but not limited to:

- 12 1. Crop rotation and soil and crop nutrient management
13 practices;
- 14 2. Sanitation measures to remove disease vectors, weed seeds,
15 and habitat for pest organisms; and
- 16 3. Practices that enhance crop health, including selection of plant
17 species and varieties with regard to suitability to site-specific
18 conditions and resistance to prevalent pests, weeds, and
19 diseases.

20 (b) Pest problems may be controlled through Integrated Pest Management
21 (IPM) but not limited to:

- 22 1. Augmentation or introduction of predators of the pest species;
- 23 2. Development of habitat for natural enemies of pests;
- 24 3. Non-synthetic controls such as lures, traps, and repellents;

25 (c) Weed problems may be controlled through:

- 26 1. Mulching with fully biodegradable materials (newspaper or
27 other recycled paper, without glossy or colored inks);
- 28 2. Mowing;
- 29 3. Livestock grazing;

1 4. Hand weeding and mechanical cultivation;

2 5. Flame, heat, or electrical means.

3 (d) Disease problems may be controlled through:

4 1. Management practices which suppress the spread of disease
5 organisms; or

6 2. Application of non-synthetic, biological, or mineral inputs.

7 (e) A biological or botanical substance or a substance included on the National
8 List of synthetic substances allowed for use in organic crop production, pursuant
9 to the National List of Allowed and Prohibited Substances 7 C.F.R. section
10 205.601, may be applied to prevent, suppress, or control pests, weeds, or diseases
11 when the practices provided for in paragraphs (a) through (d) of this section are
12 insufficient to prevent or control crop pests, weeds, and diseases. Conditions for
13 using the substance must be on record as part of the Bona Fide Farmers
14 Certification program.

15
16 **§ 9409. Cannabis Waste Management.**

17 (a) Cannabis waste management shall be consistent with the formulation and
18 usage defined:

19 1. Compost bin;

20 2. Incineration;

21 3. In-vessel digestion;

22 4. On-site soil incorporation.

23 (b) Containers that may or may not have contaminant residue must be
24 decontaminated and made suitable for reuse or be sent back to the manufacturer for
25 proper disposal and/or recycling.

26 (c) A record of the final disposition of cannabis waste rendered unusable must
27 be kept for 120 days or in the absence of crop residue.

1 (d) The use, and/or disposal of materials originating from the producer shall
2 be properly recorded, packaged, disposed of in a manner consistent with the regulatory
3 agency requirements.

4

5 **§ 9410. Penalties and Revocation.**

6 Violations of this Article may result in the revocation of your Bona Fide Farmer
7 Certificate and may result in the revocation of the Cannabis Establishment license and
8 all cannabis establishment licenses. These provisions are not exclusive. These violations
9 may be subject to other fines or offenses as otherwise permitted by law.

10

1 **Article 5**

2 **Cannabis Product Manufacturing**

3
4 § 9501. Policy

5 § 9502 General Sanitation

6 § 9503. Manufacturer Requirements

7 § 9504. Extraction Requirements for Cannabis Product Manufacturing Facilities

8 § 9505. Cannabis Concentrate

9 § 9506. License requirements for all Cannabis Product Manufacturing Facilities

10
11 **§ 9501. Policy.** The Guam Department of Public Health and Social Services shall duly
12 exercise the powers vested in it as a “Regulatory Agency” in the manufacturing of
13 cannabis products in the Territory of Guam for which the use and/or end product results
14 in either recreational and/or medicinal applications. The manufacturer is responsible for
15 obtaining the necessary permits and/or certifications required by the regulatory agency
16 and must comply with any specific instructions while engaged in the manufacturing of
17 cannabis products on the island of Guam.

18
19 **§ 9502. General Sanitation.**

20 (a) Cannabis product manufacturing facilities shall ensure all processing
21 facilities that create or handle cannabis products are constructed, kept, and maintained
22 in a clean and sanitary condition in accordance with all DPHSS Rules and Regulations.

23 (b) Cannabis product manufacturing facilities that do not create or handle
24 cannabis-infused products shall adopt and enforce policies and procedures to ensure that
25 operations involving the receiving, inspecting, transporting, segregating, preparing,
26 production, packaging, and storing of cannabis or cannabis products are conducted in
27 accordance with adequate sanitation principles including:

28 (c) Any person who, by medical examination or supervisory observation, is
29 shown to have, or appears to have, an illness, open lesion, including boils, sores or

1 infected wounds, or any other abnormal source of microbial contamination for whom
2 there is a reasonable possibility of contact with cannabis or cannabis products shall be
3 excluded from any operations that may be expected to result in microbial contamination
4 until the condition is corrected.

- 5 1. A person who has an open, draining skin lesion or wound is
6 prohibited from working unless the individual wears an absorbent
7 dressing and protective gloves;
- 8 2. A person is prohibited from working if he has an illness
9 accompanied by diarrhea or vomiting.

10 (d) All persons working in direct contact with cannabis or cannabis products
11 must conform to hygienic practices while on duty including, but not limited to:

- 12 1. Maintaining personal cleanliness;
- 13 2. Washing hands thoroughly in hand-washing areas before starting
14 work and at any other time when the hands may have become soiled
15 or contaminated especially after using toilet facilities;
- 16 3. Hand-washing facilities must be available and furnished with
17 running hot water. Hand-washing facilities shall be located in the
18 permitted premises and where good sanitary practices require
19 employees to wash or sanitize their hands, and provide effective
20 hand-cleaning and sanitizing preparations and sanitary towel
21 dispensers or suitable drying devices.

22 (e) Provide employees with adequate and readily accessible toilet facilities that
23 are maintained in a sanitary condition and good repair.

24 (f) Litter and waste are properly removed and the operating systems for waste
25 disposal are maintained in a manner so that they do not constitute a source of
26 contamination in areas where cannabis or cannabis products may be exposed.

27 (g) Floors, walls, and ceilings are constructed in such a manner that they may
28 be adequately cleaned and kept clean and in good repair.

1 (h) There is adequate lighting in all areas where cannabis or cannabis products
2 are stored and where equipment or utensils are cleaned.

3 (i) There is adequate screening or other protection against the entry of pests.
4 Rubbish must be disposed of so as to minimize the development of odor and minimize
5 the potential for the waste becoming an attractant, harborage, or breeding place for pests
6 (e.g. rodents, cockroaches, flies, ants, etc.).

7 (j) Any building, fixtures, and other facilities are maintained in a sanitary
8 condition.

9 (k) Toxic cleaning compounds, sanitizing agents, and solvents used in the
10 production of cannabis concentrates must be identified, held and stored in accordance
11 to manufacturers' specifications and safety data sheets to protect.

12 (l) All contact surfaces, including utensils and equipment used for the
13 preparation of cannabis, cannabis plants, or cannabis products must be cleaned and
14 sanitized regularly to protect against contamination. Equipment and utensils must be
15 designed and be of such material and workmanship as to be adequately cleanable and
16 must be properly maintained. Sanitizing agents must be used in accordance with labeled
17 instructions.

18 (m) The water supply must be sufficient for the operations and capable of
19 providing a safe, potable, and adequate supply of water to meet the facility's needs. Each
20 facility must provide its employees with adequate and readily accessible toilet facilities
21 that are maintained in a sanitary condition and good repair.

22 (n) Store cannabis items that can support pathogenic microorganism growth or
23 toxic formation in a manner that prevents the growth of these pathogenic microorganism
24 or formation toxins.

25 **§ 9503. Manufacturer Requirements.**

26 (a) A cannabis product manufacturing facility licensed by the CCB must
27 ensure cannabis-infused processing facilities are constructed, kept, and maintained in a
28 clean and sanitary condition in accordance with rules and as prescribed by the DPHSS.

1 (b) A licensed cannabis product manufacturing facility may blend tested
2 useable cannabis from multiple lots into a single package for sale to a retail cannabis
3 store so long as the label requirements for each lot used in the blend are met and the
4 percentage by weight of each lot is also included on the label.

5 (c) A cannabis product manufacturing facility may not treat or otherwise
6 adulterate useable cannabis with any organic or nonorganic chemical or other compound
7 whatsoever to alter the color, appearance, weight, or smell of the useable cannabis
8 flower.

9 (d) If the DPHSS denies a cannabis-infused product for sale in retail cannabis
10 stores, the cannabis product manufacturing facility may request an administrative
11 hearing with the Cannabis Control Board.

12 (e) With the exception of the cannabis, all ingredients used in making
13 cannabis-infused products for oral ingestion must be in compliance with the Guam Food
14 Code and with the Rules and Regulations governing Retail Food Store Sanitation.

15 (f) Cannabis-infused edible products in solid or liquid form must:

- 16 1. Be homogenized to ensure uniform disbursement of cannabinoids
17 throughout the product; and
- 18 2. Prominently display on the label "This product contains cannabis."

19 (g) A cannabis product manufacturing facility is limited in the types of food or
20 drinks they may infuse with cannabis.

- 21 1. Cannabis-infused products that require cooking or baking by the
22 consumer are prohibited.
- 23 2. Cannabis-infused products that are especially appealing to children,
24 including, but not limited to, gummy candies, lollipops, cotton
25 candy, or brightly colored products, are prohibited.

26 (h) To reduce the risk to public health, potentially hazardous foods may not be
27 infused with cannabis.

- 1 1. Potentially hazardous foods require time-temperature control to
2 keep them safe for human consumption and prevent the growth of
3 pathogenic microorganisms or the production of toxins.
- 4 2. Any food that requires refrigeration, freezing, or a hot holding unit
5 to keep it safe for human consumption may not be infused with
6 cannabis.
- 7 3. Other food items that may not be infused with cannabis to be sold in
8 a retail store include:
 - 9 (A) Any food that has to be acidified to make it shelf stable;
 - 10 (B) Food items made shelf stable by canning or retorting;
 - 11 (C) Fruit or vegetable juices (this does not include shelf stable concentrates);
 - 12 (D) Fruit or vegetable butters;
 - 13 (E) Pumpkin pies, custard pies, or any pies that contain egg;
 - 14 (F) Dairy products of any kind such as butter, cheese, ice cream, or milk; and
 - 15 (G) Dried or cured meats.
 - 16 (i) Vinegars and oils derived from natural sources may be infused with dried
17 cannabis if all plant material is subsequently removed from the final product. Vinegars
18 and oils may not be infused with any other substance, including herbs and garlic.
 - 19 (j) Cannabis-infused jams and jellies made from scratch must utilize a
20 standardized recipe in accordance with the 21 C.F.R. Part 150, revised as of April 1,
21 2013.
 - 22 (k) A cannabis product manufacturing facility may infuse dairy butter or fats
23 derived from natural sources and use that extraction to prepare allowable cannabis-
24 infused solid or liquid products meant to be ingested orally, but the dairy butter or fats
25 derived from natural sources may not be sold as stand-alone products.
 - 26 (l) The CCB may designate other food items that may not be infused with
27 cannabis.

1 (m) Cannabis product manufacturing facility are allowed to have a maximum
2 of six months of their average useable cannabis and six months average of their total
3 production on their licensed premises at any time.

4 (n) A processing service arrangement is when one manufacturer
5 (Manufacturer B) processes useable cannabis or an altered form of useable cannabis
6 (cannabis product) for another licensed manufacturer (Manufacturer A) for a fee.

7 1. Manufacturer A is the product owner. However, Manufacturer B
8 may handle the product under its license. Manufacturer B is not
9 allowed to transfer the product to a retailer and may only possess
10 cannabis or cannabis products received from Manufacturer A for the
11 limited purposes of processing it for ultimate transfer back to
12 Manufacturer A.

13 2. Processing service arrangements must be made on a cash basis and
14 payment for the service and return of the processed product must be
15 made within thirty (30) calendar days of delivery to Manufacturer B.
16 Failure to do so as provided by the preceding sentence is a violation
17 of this section and any cannabis or cannabis product involved in the
18 transaction will be subject to seizure and destruction. Payment with
19 any cannabis products, barter, trade, or compensation in any form
20 other than cash for processing service arrangements is prohibited
21 under processing service arrangements.

22 3. Each manufacturer that enters into a processing service arrangement
23 must include records for each service arrangement in recordkeeping
24 documents which must be maintained consistent with this chapter.

25 (o) Cannabis may not be returned by any retail cannabis store to any cannabis
26 product manufacturing facility except as provided in this section.

27 1. Every cannabis product manufacturing facility must maintain
28 complete records of all refunds and exchanges made under this
29 section including an inventory of cannabis and cannabis products

1 returned to the manufacturer by any licensed dispensary, on the
2 licensed premises for a period of five (5) years

3 2. Cannabis may be returned by a retail licensee in the event a retailer
4 goes out of the business of selling cannabis at retail and a cash refund
5 may be made upon the return of the cannabis or cannabis products,
6 so long as the DPHSS approval is acquired prior to returns and
7 refunds under this subsection.

8 3. Cannabis products different from that ordered by a retail cannabis
9 store and delivered to the retail cannabis store may be returned to
10 cannabis product manufacturing facility and either replaced with
11 cannabis products which were ordered or a cash refund may be
12 made.

13 4. A cannabis product manufacturing facility may accept returns of
14 products and sample jars from cannabis retailers for destruction, but
15 is not required to provide refunds to the retailer. It is the
16 responsibility of the retailer to ensure the product or sample jar is
17 returned to the cannabis product manufacturing facility.

18
19 **§ 9504. Extraction Requirements for cannabis product manufacturing facilities.**

20 (a) Cannabis product manufacturing facilities may perform cannabis
21 extraction and all other manufacturing activities, or use the following methods,
22 equipment, solvents, gases, and mediums, detailed in this section when creating
23 cannabis extracts.

24 (b) Cannabis product manufacturing facilities may use other methods of
25 extraction that is authorized by DPHSS.

26 (c) Cannabis product manufacturing's facilities may request authorization
27 from DPHSS to use other extraction methods, other than those specified below. The
28 applicant or licensee shall submit to DPHSS a detailed description of the extraction

1 method, including any documentation that validates the method and safety procedures
2 to be utilized to mitigate any risk to public or worker health and safety.

3 (d) Cannabis product manufacturing facilities may use a professional grade
4 closed loop CO₂ gas extraction system where every vessel is rated to a minimum of six
5 hundred pounds per square inch. The CO₂ must be of at least ninety-nine (99) percent
6 purity.

7 1. Closed loop systems for hydrocarbon or CO₂ extraction systems
8 must be commercially manufactured and bear a permanently affixed
9 and visible serial number.

10 2. Certification from a Licensed Engineer must be provided to the CCB
11 for professional grade closed loop systems used by cannabis product
12 manufacturing facilities to certify that the system was commercially
13 manufactured, safe for its intended use, and built to codes of
14 recognized and generally accepted good engineering practices, such
15 as:

16 (A) The American Society of Mechanical Engineers (ASME);

17 (B) American National Standards Institute (ANSI);

18 (C) Underwriters Laboratories (UL); or

19 (D) The American Society for Testing and Materials (ASTM).

20 3. The certification document must contain the signature and stamp of
21 a licensed engineer and the serial number of the extraction unit being
22 certified.

23 4. Professional grade closed loop systems, and other equipment used
24 must be approved for specific use or the technical report must be
25 approved by Guam building code officials prior to use.

26 5. Professional closed loop systems, other equipment used, the
27 extraction operation, and facilities must be approved for their use by
28 Guam Fire Department officials and meet any required fire, safety,
29 and building code requirements.

1 (e) Cannabis product manufacturing facilities may use heat, screens, presses,
2 steam distillation, ice water, and other methods without employing solvents or gases to
3 create kief, hashish, bubble hash, or infused dairy butter, or oils or fats derived from
4 natural sources, and other extracts.

5 (f) Infused dairy butter and oils or fats derived from natural sources may be
6 used to prepare infused edible products, but they may not be prepared as stand-alone
7 edible products for sale.

8 (g) Cannabis product manufacturing facilities may use food grade glycerin,
9 ethanol, and propylene glycol solvents to create extracts. All ethanol must be removed
10 from the extract in a manner to recapture the solvent and ensure that it is not vented into
11 the atmosphere.

12 (h) Cannabis product manufacturing facilities creating cannabis extracts must
13 develop standard operating procedures, good manufacturing practices, and a training
14 plan prior to producing extracts for the marketplace. Any person using solvents or gases
15 in a closed looped system to create cannabis extracts must be fully trained on how to
16 use the system, have direct access to applicable material safety data sheets and handle
17 and store the solvents and gases safely.

18 (i) Parts per million for one gram of finished extract cannot exceed residual
19 solvent or gas levels provided in by DPHSS guidelines. Values are subject to changes
20 and updates by DPHSS as requirements change and become available to the cannabis
21 industry.

22 (j) Cannabis product manufacturing facilities that perform extractions are
23 responsible for providing safety data sheets for the chemical extract that they produce.
24

25 **§ 9505. Cannabis Concentrate.**

26 (a) Permitted Categories of Cannabis Concentrate Production

- 27 1. A cannabis-infused products manufacturer may produce Water-
28 Based Cannabis Concentrate, Food-Based Cannabis Concentrate,
29 and Heat/Pressure Based Cannabis Concentrate.

1 2. A cannabis-infused products manufacturer may also produce
2 Solvent-Based Cannabis Concentrate using only the following
3 solvents: butane, propane, CO₂, ethanol, isopropanol, acetone,
4 heptane, and pentane. The use of any other solvent is expressly
5 prohibited unless and until it is approved by Guam Environmental
6 Protection Agency.

7 (b) A cannabis-infused products manufacturer that engages in the production
8 of cannabis concentrate, regardless of the method of extraction or category of
9 concentrate being produced, must:

- 10 1. Ensure that the space in which any cannabis concentrate is to be
11 produced is a fully enclosed room and clearly designated on the
12 current diagram of the licensed premises.
- 13 2. Ensure that all applicable sanitary rules as directed by DPHSS are
14 followed.
- 15 3. Ensure that the standard operating procedure for each method used
16 to produce a cannabis concentrate on its licensed premises includes,
17 but need not be limited to, step-by-step instructions on how to safely
18 and appropriately:
 - 19 (A) Conduct all necessary safety checks prior to commencing
20 production;
 - 21 (B) Prepare cannabis for processing;
 - 22 (C) Extract cannabinoids and other essential components of
23 cannabis;
 - 24 (D) Purge any solvent or other unwanted components from a
25 cannabis concentrate,
 - 26 (E) Clean all equipment, counters and surfaces thoroughly; and
 - 27 (F) Dispose of any waste produced during the processing of
28 cannabis in accordance with all applicable local, state and
29 federal laws, rules and regulations.

- 1 4. Establish written and documentable quality control procedures
2 designed to maximize safety for licensees and minimize potential
3 product contamination.
- 4 5. Establish written emergency procedures to be followed by licensees
5 in case of a fire, chemical spill or other emergency.
- 6 6. Have a comprehensive training manual that provides step-by-step
7 instructions for each method used to produce a cannabis concentrate
8 on its licensed premises. The training manual must include, but need
9 not be limited to, the following topics:
 - 10 (A) All standard operating procedures for each method of
11 concentrate production used at that licensed premises;
 - 12 (B) The cannabis-infused products manufacturer's quality control
13 procedures;
 - 14 (C) The emergency procedures for that licensed premises;
 - 15 (D) The appropriate use of any necessary safety or sanitary
16 equipment;
 - 17 (E) The hazards presented by all solvents used within the licensed
18 premises as described in the safety data sheet for each solvent;
 - 19 (F) Clear instructions on the safe use of all equipment involved in
20 each process and in accordance with manufacturer's
21 instructions, where applicable; and
 - 22 (G) Any additional periodic cleaning required to comply with all
23 applicable sanitary rules.
- 24 7. Provide adequate training to licensee prior to that individual
25 undertaking any step in the process of producing a cannabis
26 concentrate.
 - 27 (A) Adequate training must include, but need not be limited to,
28 providing a copy of the training manual for that licensed

1 premises and live, in-person instruction detailing at least all
2 of the topics required to be included in the training manual.

3 (B) The individual training a licensee must sign and date a
4 document attesting that all required aspects of training were
5 conducted and that he or she is confident that the licensee can
6 safely produce a cannabis concentrate.

7 (C) The licensee that received the training must sign and date a
8 document attesting that he or she can safely implement all
9 standard operating procedures, quality control procedures,
10 and emergency procedures, operate all closed-loop extraction
11 systems, use all safety, sanitary and other equipment and
12 understands all hazards presented by the solvents to be used
13 within the licensed premises and any additional period
14 cleaning required to maintain compliance with all applicable
15 sanitary rules.

16 8. Maintain clear and comprehensive records of the name, signature
17 and license number of every individual who engaged in any step
18 related to the creation of a production batch of cannabis concentrate
19 and the step that individual performed.

20 (c) Water-Based Cannabis Concentrate, Food-Based Cannabis Concentrate,
21 and Heat/Pressure-Based Cannabis Concentrate. Cannabis-infused products
22 manufacturer that engages in the production of a Water-Based Cannabis Concentrate or
23 a Food-Based Cannabis Concentrate or Heat/Pressure-Based Cannabis Concentrate
24 must:

25 1. Ensure that all equipment, counters and surfaces used in the
26 production of a Water-Based Cannabis Concentrate, a Food-Based
27 Cannabis Concentrate, or a Heat/Pressure-Based Cannabis
28 Concentrate is food-grade including ensuring that all counters and
29 surface areas were constructed in such a manner that it reduces the

1 potential for the development of microbials, molds and fungi and can
2 be easily cleaned.

- 3 2. Ensure that all equipment, counters, and surfaces used in the
4 production of a Water-Based Cannabis Concentrate or a Food-Based
5 Cannabis Concentrate are thoroughly cleaned after the completion
6 of each production batch.
- 7 3. Ensure that any room in which dry ice is stored or used in processing
8 cannabis into a cannabis concentrate is well ventilated to prevent
9 against the accumulation of dangerous levels of CO₂.
- 10 4. Ensure that the appropriate safety or sanitary equipment, including
11 personal protective equipment, is provided to, and appropriately
12 used by, each licensee engaged in the production of a Water-Based
13 Cannabis Concentrate, Food-Based Cannabis Concentrate, or a
14 Heat/Pressure-Based Cannabis Concentrate.
- 15 5. Ensure that only finished drinking water and ice made from finished
16 drinking water is used in the production of a Water-Based Cannabis
17 Concentrate.
- 18 6. Ensure that if propylene glycol or glycerin is used in the production
19 of a Food-Based Cannabis Concentrate, then the propylene glycol or
20 glycerin to be used is food-grade.
- 21 7. Follow all of the rules related to the production of a Solvent-Based
22 Cannabis Concentrate if a pressurized system is used in the
23 production of a Water-Based Cannabis Concentrate, a Food-Based
24 Cannabis Concentrate, or a Heat/Pressure-Based Cannabis
25 Concentrate.

26 (d) Solvent-Based Cannabis Concentrate. A cannabis-infused products
27 manufacturer that engages in the production of Solvent-Based Cannabis Concentrate
28 must:

1 1. Obtain a report from an Industrial Hygienist or a Licensed Engineer
2 that certifies that the equipment, licensed premises and standard
3 operating procedures comply with these rules and all applicable
4 local and state building codes, fire codes, electrical codes and other
5 laws. If a local jurisdiction has not adopted a local building code or
6 fire code or if local regulations do not address a specific issue, then
7 the Industrial Hygienist or Professional Engineer shall certify
8 compliance with the International Building Code of 2012
9 (<http://www.iccsafe.org>), the International Fire Code of 2012
10 (<http://www.iccsafe.org>) or the National Electric Code of 2014
11 (<http://www.nfpa.org>), as appropriate. If there are any later
12 amendments or editions to each Code, they will supersede those
13 mentioned previously.

14 (A) If a flammable solvent is to be used in the processing of
15 cannabis into a cannabis concentrate, then the Industrial
16 Hygienist or Licensed Engineer must:

17 (i) Establish a maximum amount of flammable solvents
18 and other flammable materials that may be stored
19 within that licensed premises in accordance with
20 applicable laws, rules and regulations.

21 (ii) Determine what type of electrical equipment, which
22 may include but need not be limited to outlets, lights,
23 junction boxes, must be installed within the room in
24 which cannabis concentrate are to be produced or
25 flammable solvents are to be stored in accordance with
26 applicable laws, rules and regulations.

27 (iii) Determine whether a gas monitoring system must be
28 installed within the room in which cannabis concentrate
29 are to be produced or flammable solvents are to be

1 stored, and if required the system's specifications, in
2 accordance with applicable laws, rules and regulations.

3 (iv) Determine whether fire suppression system must be
4 installed within the room in which Cannabis
5 Concentrate are to be produced or Flammable Solvents
6 are to be stored, and if required the system's
7 specifications, in accordance with applicable laws,
8 rules and regulations.

9 (B) If CO₂ is used as solvent at the licensed premises, then the
10 Industrial Hygienist or Licensed Engineer must determine
11 whether a CO₂ gas monitoring system must be installed within
12 the room in which cannabis concentrate are to be produced or
13 CO₂ is stored, and if required the system's specifications, in
14 accordance with applicable laws, rules and regulations.

15 (C) The Industrial Hygienist or Professional Engineer must
16 determine whether a fume vent hood or exhaust system must
17 be installed within the room in which cannabis concentrate are
18 to be produced, and if required the system's specifications, in
19 accordance with applicable laws, rules and regulations.

20 (D) If a cannabis-infused products manufacturer makes a material
21 change to its licensed premises, equipment or a concentrate
22 production procedure, in addition to all other requirements, it
23 must obtain a report from an Industrial Hygienist or
24 Professional Engineer re-certifying its standard operating
25 procedures and, if changed, its licensed premises and
26 equipment as well.

27 (E) The Industrial Hygienist or Licensed Engineer may review
28 and consider any information provided to the cannabis-
29 infused products manufacturer by the designer or

1 manufacturer of any equipment used in the processing of
2 cannabis into a cannabis concentrate.

3 (F) A cannabis-infused products manufacturer must maintain
4 copy of all reports received from an Industrial Hygienist and
5 Professional Engineer on its licensed premises.
6 Notwithstanding any other law, rule or regulation, compliance
7 with this rule is not satisfied by storing these reports outside
8 of the licensed premises. Instead, the reports must be
9 maintained on the licensed premises until the licensee ceases
10 production of cannabis concentrate on the licensed premises.

11 2. Ensure that all equipment, counters and surfaces used in the
12 production of a Solvent-Based Cannabis Concentrate must be food-
13 grade and must not react adversely with any of the solvents to be
14 used in the licensed premises. Additionally, all counters and surface
15 areas must be constructed in a manner that reduces the potential
16 development of microbials, molds and fungi and can be easily
17 cleaned;

18 3. Ensure that the room in which Solvent-Based Cannabis Concentrate
19 shall be produced must contain an emergency eye-wash station;

20 4. Ensure that a professional grade, closed-loop extraction system
21 capable of recovering the solvent is used to produce Solvent-Based
22 Cannabis Concentrate;

23 (A) Underwriters Laboratories (UL) or Electrical Testing
24 Laboratories (ETL) Listing

25 (i) If the system is UL or ETL listed, then a cannabis-
26 infused products manufacturer may use the system in
27 accordance with the manufacturer's instructions.

28 (ii) If the system is UL or ETL listed but the cannabis-
29 infused products manufacturer intends to use a solvent

1 in the system that is not listed in the manufacturer's
2 instructions for use in the system, then, prior to using
3 the unlisted solvent within the system, the cannabis-
4 infused products manufacturer must obtain written
5 approval for use of the non-listed solvent in the system
6 from either the system's manufacturer or a Professional
7 Engineer after the Licensed Engineer has conducted a
8 peer review of the system. In reviewing the system, the
9 Professional Engineer shall review and consider any
10 information provided by the system's designer or
11 manufacturer.

12 (iii) If the system is not UL or ETL listed, then there must a
13 designer of record. If the designer of record is not a
14 Licensed Engineer, then the system must be peer
15 reviewed by a Licensed Engineer. In reviewing the
16 system, the Professional Engineer shall review and
17 consider any information provided by the system's
18 designer or manufacturer.

19 (B) A cannabis-infused products manufacturer facility need not
20 use a professional grade, closed-loop system extraction
21 system capable of recovering the solvent for the production of
22 a Solvent-Based Cannabis Concentrate if ethanol or
23 isopropanol are the only solvents being used in the production
24 process.

25 5. Ensure that all solvents used in the extraction process are food-grade
26 or at least 99% pure;

27 (A) A cannabis-infused products manufacturer must obtain a
28 safety data sheet for each solvent used or stored on the
29 licensed premises. A cannabis-infused products manufacturer

1 must maintain a current copy of the safety data sheet and a
2 receipt of purchase for all solvents used or to be used in an
3 extraction process.

4 (B) A cannabis-infused products manufacturer is prohibited from
5 using denatured alcohol to produce a cannabis concentrate.

6 6. Ensure that all flammable solvents or other flammable materials,
7 chemicals and waste are stored in accordance with all applicable
8 laws, rules and regulations. At no time may a cannabis-infused
9 products manufacturer store more flammable solvent on its licensed
10 premises than the maximum amount established for that licensed
11 premises by the Industrial Hygienist or Licensed Engineer;

12 7. Ensure that the appropriate safety and sanitary equipment, including
13 personal protective equipment, is provided to, and appropriately
14 used by, each licensee engaged in the production of a Solvent-Based
15 Cannabis Concentrate; and

16 8. Ensure that a trained licensee is present at all times during the
17 production of a Solvent-Based Cannabis Concentrate whenever an
18 extraction process requires the use of pressurized equipment.

19 (e) If a cannabis-infused products manufacturer only produces Solvent-Based
20 Cannabis Concentrate using ethanol or isopropanol at its licensed premises and no other
21 solvent, then it shall be considered exempt from the requirements in paragraph (d) of
22 this Rule and instead must follow the requirements in paragraph (c) of this Rule.
23 Regardless of which rule is followed, the ethanol or isopropanol must be food grade or
24 at least 99% pure and denatured alcohol cannot be used.

25 (f) Failure to comply with this Rule may constitute a license violation
26 affecting public safety.

27
28 **§ 9506. License requirements for all Cannabis Product Manufacturing Facilities.**

29 (a) Restrooms

1. Toilet and hand washing facilities plumbed to the state plumbing code, in good repair, and conveniently located.
2. Self-closing doors that do not open directly into a room where foods are exposed for sale.
3. Public does not pass through food preparation, storage, or utensil washing areas.

(b) Dish washing facilities

1. Commercial dishwasher or a 3-compartment sink large enough to immerse most equipment and utensils.
2. Adequate drain boards, racks, or utensil tables for storage and handling of soiled utensils.
3. Adequate racks/tables for air drying of sanitized utensils and equipment.

(c) Hand washing facilities

1. Properly plumbed hot and cold water
2. Hand soap and single-serve towel dispensers
3. Garbage cans with lids
4. Hand sink located to allow convenient use by employees in food prep, food dispensing, and dish washing areas in addition to hand sink identified above.

(d) Garbage

1. Garbage containers, dumpsters, and compactor systems located outside are on or above a smooth surface of nonabsorbent material that is kept clean and in good repair.
2. Wastewater from these units flows into a sanitary sewer, not into storm drains.

(e) Floors

1. Easily cleanable, smooth, and of tight construction.
2. Nonabsorbent materials.

- 1 3. If subject to flood-type cleaning, floors are sloped to drain with
2 drains compliant with the Guam Building Code.
- 3 4. Joints at wall/floor junctions covered and sealed.
- 4 (f) Walls and ceilings
- 5 1. Surface of walls and ceilings in all display, storage, and
6 processing/preparation rooms in good repair, of a light color, and
7 smooth and easily cleanable.
- 8 (g) Food storage
- 9 1. Separated from chemicals.
- 10 2. Packages and ingredients six (6) inches off of the floor.
- 11 (h) Doors/windows
- 12 1. Outside openings protected from entry of pests and insects by tight
13 fitting, self-closing doors, closed windows, screening, controlled air
14 currents, or other means.
- 15 2. Screens for windows and other openings to the outside are tight
16 fitting and free of breaks. Screen material not less than 16 mesh to
17 the inch.
- 18 (i) Lighting
- 19 1. Permanently fixed artificial light sources installed to provide at least
20 fifty (50) foot candles (five hundred forty (540) lux) of light on all
21 food preparation surfaces and at ware-washing work levels.
- 22 2. Light bulbs, fixtures, skylights, or other glass fixtures suspended
23 over exposed foods, and over equipment cleaning and storage
24 facilities, are either shielded, coated, or otherwise shatter resistant.
- 25 (j) Ventilation
- 26 1. Sufficient ventilation in all rooms so they are free of excessive heat,
27 steam, condensation, vapors, obnoxious odors, smoke, and fumes.

1 2. Ventilation systems installed and operated according to law and
2 when vented to the outside do not create a harmful or unlawful
3 discharge.

4 3. All systems comply with Guam Fire Codes.

5 (k) Equipment installation

6 1. Installed as movable or designed to be cleaned in place (CIP)

7 2. Storage shelves are smooth, impervious, easily cleanable, and 6
8 inches off the floor.

9 3. No unfinished wood.

10 (l) Exterior

11 1. Free of shrubs, vegetation, debris, and equipment around the exterior
12 of the building to prevent harboring of pests (e.g. rodents,
13 cockroaches, flies, ants, etc.).

14 (m) Miscellaneous

15 1. Separate storage area for mops, brooms, and cleaning supplies.

16 2. Mop/utility sink installed.

17 3. Adequate clothing, lockers and/or dressing rooms for storage of
18 soiled linens, clothes, and employees' personal items (shoes, coats,
19 bags, etc.).

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1 **Article 6**

2 **Retail Cannabis Stores**

3
4 § 9601. Policy

5 § 9602. Operation Standards for Retail Cannabis Stores.

6
7 **§ 9601. Policy.** The Guam Department of Revenue and Taxation shall duly exercise the
8 powers vested in it as a “Regulatory Agency” in the sale of cannabis and cannabis
9 products in the Territory of Guam. The cannabis retail establishment is responsible for
10 obtaining the necessary permits and/or certifications required by the regulatory agency
11 and must comply with any specific instructions while engaged in the sale of cannabis
12 products on the island of Guam.

13
14 **§ 9602. Operation Standards for Retail Cannabis Stores.**

15 (a) A retail cannabis store shall comply with all local, health, fire, and zoning
16 requirements and other applicable requirements and shall not be in violation of Guam’s
17 building and zoning laws or any other applicable law, rule or regulation.

18 (b) A retail cannabis store that stores, sells, distributes or dispenses cannabis-
19 infused edible food products shall comply with Title 10 GCA, Chapters 21, 22, 23, 24,
20 and 40 and applicable rules and regulations, to ensure proper food safety.

21 (c) Only the responsible official and authorized employees, of the retail
22 cannabis store shall be permitted to touch or handle any cannabis, cannabis concentrate,
23 cannabis-infused product or cannabis product.

24 (d) A retail cannabis store:

- 25 1. Shall not *possess* cannabis, cannabis concentrate, cannabis-infused
26 product or cannabis products until the retail cannabis store has a
27 Cannabis Establishment License;

- 1 2. Shall not *sell* cannabis, cannabis concentrate, cannabis-infused
2 product or cannabis products until the retail cannabis store has a
3 Permit to Operate from the Department;
- 4 3. Shall not transfer any cannabis, cannabis concentrate, cannabis-
5 infused product or cannabis products to any other retail cannabis
6 store until the retail cannabis store has a Permit to Operate from the
7 Department;
- 8 4. Shall not accept any cannabis, cannabis concentrate, cannabis-
9 infused product or cannabis products to any other retail cannabis
10 store until the retail cannabis store has a Permit to Operate from the
11 Department;
- 12 5. Shall ensure that all cannabis, cannabis concentrate, cannabis-
13 infused product or cannabis products it sells are tested for potency
14 and safety by a cannabis testing facility licensed by the Department
15 and is safe for use or consumption.
- 16 6. Shall remain secured at all times;
- 17 7. Shall be located in an enclosed indoor facility;
- 18 8. Shall be accessible to authorized individuals only;
- 19 9. Shall maintain a twenty-four (24) hour security system pursuant to
20 § 9502;

21 (e) When selling cannabis, cannabis concentrate, cannabis-infused product or
22 cannabis products to a consumer, the retail cannabis store:

- 23 1. Shall request verification of identity as defined in § 9101 (iii) from
24 the consumer. If the identity of the consumer attempting to purchase
25 cannabis, cannabis concentrate, cannabis-infused product or
26 cannabis products does not match the identity of the person
27 presenting the verification, the authorized employee or responsible
28 official shall report the violation to the Department and the Guam

1 Police Department within twenty-four (24) hours and will confiscate
2 such identification.

3 2. Shall verify that the consumer is not receiving more than the
4 allowable amount as defined in § 9101(c) and shall not sell any
5 amount of cannabis, cannabis concentrate, cannabis-infused product
6 or cannabis products to the consumer that exceeds the allowable
7 amount;

8 3. May sell to a consumer any combination of cannabis, cannabis
9 concentrate, cannabis-infused product or cannabis products that
10 shall not exceed the allowable amount per transaction as defined in
11 the Rules;

12 (f) The retail cannabis store shall ensure that:

13 1. There are safeguards to prevent unauthorized access to cannabis,
14 cannabis concentrate, cannabis-infused product or cannabis
15 products;

16 2. There are safeguards to prevent unauthorized access by consumers;
17 and

18 3. Sales data/information, e.g., receipts inclusive of all transaction
19 details, etc. is backed up and recoverable
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1 **Article 7**

2 **Labeling and Packaging**

3
4 § 9701. Purpose

5 § 9702. Authority

6 § 9704. Labeling

7 § 9705. Packaging

8 § 9706. Labeling and Packaging Colors

9 § 9707. Accompanying Materials

10 § 9708. Upon Request Materials

11 § 9709. Cannabis Warning Symbol Requirement

12 § 9710. Advertising Requirements and Promotional Items — Coupons,
13 Giveaways, etc.

14
15 **§ 9701. Policy.** The Guam Department of Public Health and Social Services shall duly
16 exercise the powers vested in it as a “Regulatory Agency” in the labeling and packaging
17 of cannabis and cannabis products in the Territory of Guam for which the use and/or
18 end product results in either recreational and/or medicinal applications. The cannabis
19 establishment is responsible for obtaining the necessary permits and/or certifications
20 required by the regulatory agency and must comply with any specific instructions while
21 engaged in the labeling and packaging of cannabis products on the island of Guam.

22
23 **§ 9702. Purpose.**

24 The purpose of these rules and regulations is to provide labeling and packaging
25 requirements for cannabis and cannabis products sold or distributed by a cannabis
26 establishment.

1 **§ 9703. Authority.**

2 Title 11 Guam Code Annotated (GCA), Chapter 8, Section 8110 authorizes the
3 Cannabis Control Board to establish rules and regulations to govern the labeling and
4 packaging requirements for cannabis and cannabis products.

5
6 **§ 9704. Labeling.**

7 (a) Cannabis and cannabis product labels generally. The following label
8 requirements shall apply to all cannabis and cannabis products:

- 9 1. Usable cannabis, cannabis concentrates, and cannabis-infused
10 products must not be labeled as organic unless permitted by the
11 Guam Department of Agriculture and the United States Department
12 of Agriculture in accordance with the Organic Foods Production Act
13 (Title 21 of Food, Agriculture, Conservation, and Trade Act of
14 1990).
- 15 2. All information, warning statements, and language required in this
16 Section to appear on the label or labeling must not be covered or
17 obscured in any way so to prevent it from being likely to be read and
18 understood by the ordinary individual under customary conditions
19 of purchase and use.
- 20 3. Labels affixed to the container or package containing cannabis or
21 cannabis products sold at retail must include:
 - 22 (A) The manufacture date; identification, batch, and lot numbers
23 as applicable;
 - 24 (B) The unique identifier number generated by the Department’s
25 seed to sale tracking system. This must be the same number
26 that appears on the transport manifest;
 - 27 (C) An accurate statement of the quantity of contents in terms of
28 weight, measure, or numerical count, which statement shall be
29 separately and accurately stated in a uniform location upon

1 the principal display panel of the label; variations as approved
2 by the Director may be used solely for those small packages
3 wherein such statements of net quantity of contents would not
4 be easily labeled to be prominently displayed, shown,
5 presented, or examined under conditions of retail sale;

6 (D) If more than one serving is in a package, the label must
7 prominently display the number of servings in the package
8 and the amount of product per serving;

9 (E) A list of pharmacologically active ingredients, including, but
10 not limited to, THC (delta-9 tetrahydrocannabinol)
11 concentration listed as total THC and activated THC-A and
12 CBD concentration (cannabidiol) listed as total CBD and
13 activated CBD-A milligrams per serving, servings per
14 package, and the THC and CBD, and other cannabinoid
15 amount in milligrams for the package total for prepared
16 cannabis, as applicable;

17 (F) The name and place of business of the manufacturer, packer,
18 or distributor;

19 (G) The common or usual name of the cannabis or cannabis
20 product; and

21 (H) In case the cannabis or cannabis product consists of two or
22 more ingredients, the common or usual name of each such
23 ingredient listed in order of decreasing predominance.

24 4. Labels of usable cannabis or cannabis products sold at retail must not
25 contain any statement, depiction, or illustration that:

26 (A) Is false or misleading;

27 (B) Promotes over-consumption (i.e., using more than the
28 allowable amount);

1 (C) Represents the use of cannabis has curative or therapeutic
2 effects;

3 (D) Depicts a child or other person under legal age consuming
4 cannabis or cannabis product, or includes:

5 (i) Objects such as toys, characters suggesting the
6 presence of a child, or any other depiction or illustration
7 designed in any manner to be especially appealing to
8 children or other persons under twenty-one years of
9 age; or

10 (ii) Is designed in any manner that is especially appealing
11 to children or other persons under twenty-one (21)
12 years of age.

13 5. Labels of usable cannabis or cannabis products that contain the phrase,
14 “This product is not approved by the FDA to treat, cure, or prevent any
15 disease” does not supersede any of the provisions of these rules and
16 regulations.

17 (b) Standard warnings required on all labels. Warning statements must be
18 included on labels of all cannabis and cannabis products. The following warning
19 statements required below must be of a size to be legible and readily visible to a
20 consumer inspecting a package and must not be covered or obscured in any way:

21 1. “KEEP OUT OF REACH OF CHILDREN AND ANIMALS” in
22 bold print;



Scale comparison with the Not For Kids™ symbol.



.5" x .75" .75" x .75"

1 3. A warning if peanuts, tree nuts (i.e., walnuts and almonds), or other
2 known allergies as defined in the Food Allergen Labeling and
3 Consumer Protection Act of 2004
4 (<https://www.fda.gov/media/77570/download>) or gluten-containing
5 products are used.

6 (c) Additional product-specific labeling requirements. In addition to the
7 labeling requirements in Subsection (a) and (b) of this Section, the following product-
8 specific labeling requirements apply to each of the following product types and must be
9 present on labels when offered for sale at retail:

- 10 1. Usable cannabis, including cannabis mix. The statement “Smoking
11 is hazardous to your health.”
- 12 2. Cannabis concentrates, cannabis infused extract for inhalation, and
13 infused cannabis mix.
 - 14 (A) If solvents were used to create the concentrate or extract, a
15 statement that discloses the type of extraction method,
16 including any solvents or gases used to create the concentrate
17 or extract; and
 - 18 (B) Any other chemicals or compounds used to produce or were
19 (C) added to the concentrate or extract.
- 20 3. Cannabis-infused products except for cannabis-infused products for
21 topical application as provided in (c)(4) of this Subsection.
 - 22 (A) Serving size and the number of servings contained within the
23 unit;
 - 24 (B) A list of the common or usual name of all ingredients in
25 descending order of predominance by weight or volume as
26 applicable and a list of major food allergens as defined in the
27 Food Allergen Labeling and Consumer Protection Act of
28 2004 (<https://www.fda.gov/media/77570/download>);

1 (C) If solvents were used, a statement that discloses the type of
2 extraction method, including any solvents, gases, or other
3 chemicals or compounds used to produce or that are added to
4 the extract; and

5 (D) The following sentence: “CAUTION: When eaten or
6 swallowed, the intoxicating effects of this product may be
7 delayed by up to two hours.”

8 4. Cannabis-infused products for topical application.

9 (A) The statement “**DO NOT EAT**” in bold, capital letters in the
10 principal display panel; and

11 (B) A list of the common or usual name of all ingredients in
12 descending order of predominance by weight or volume as
13 applicable.

14 (d) Permitted optional information that may be included on labels.

15 1. Harvest date and manufactured dates are optional information that
16 may be placed on labels.

17 2. Other cannabinoids and terpenes not required to be placed on the
18 label by this Section may be included on the label if:

19 (A) The producer or processor has test results from a certified
20 third-party laboratory to support the claim; and

21 (B) The laboratory results are made available to the consumer
22 upon request to the Department of Public Health and Social
23 Services.

24 **§ 9705. Packaging.**

25 (a) General packaging requirements applying to all cannabis and cannabis
26 products.

27 1. Any container or packaging containing usable cannabis, cannabis
28 concentrates, or cannabis-infused products must protect the product

1 from contamination and must not impart any toxic or deleterious
2 substance to the usable cannabis, cannabis concentrates, or cannabis-
3 infused product.

4 2. All packaging information required by this Section shall be in no
5 less than eight (8) point font, regardless of individual package size.

6 (b) Additional product-specific packaging requirements. The following
7 product-specific packaging requirements shall apply to each of the
8 following product types in addition to the packaging requirements
9 provided in (a) of this Subsection:

10 1. Cannabis-infused products general requirements.

11 (A) All cannabis-infused products for oral ingestion must be
12 packaged pursuant to the following requirements:

13 (i) Child resistant packaging in accordance with Title 16
14 C.F.R. 1700 of the Poison Prevention Packaging Act;
15 or

16 (ii) Plastic four mil or greater in thickness and be heat
17 sealed with no easy-open tab, dimple, corner, or flap as
18 to make it difficult for a child to open and as a
19 tamperproof measure, except as provided in
20 (b)(1)(A)(iii) and (B) of this Subsection.

21 (iii) Cannabis-infused products for oral ingestion in liquid
22 form where a single serving is contained with the
23 package may be sealed using a metal crown cork style
24 bottle cap. Cannabis-infused products for oral ingestion
25 in liquid form that includes more than one serving must
26 be packaged with a resealable closure or cap.

27 (B) Cannabis-infused solid edible products.

28 (i) If there is more than one (1) serving of cannabis-infused
29 solid edible products in the package, each serving must

1 be packaged individually in child resistant packaging as
2 provided in (b)(1) of this Subsection and placed in the
3 outer package except as provided in (ii) below.

4 (ii) Products such as capsules, lozenges, and similar
5 products approved by the Department on a case-by-
6 case basis may be packaged loosely within a resealing
7 outer package that is child resistant in accordance with
8 Title 16 C.F.R. 1700 of the Poison Prevention
9 Packaging Act.

10 (C) Cannabis-infused liquid edible products concentrates.
11 Packages containing more than one (1) serving of cannabis-
12 infused liquid edible product must:

13 (i) Have a resealing cap or closure; and

14 (ii) Include a measuring device such as a measuring cap or
15 dropper with the package containing the cannabis-
16 infused liquid edible product. Hash marks on the bottle
17 or package do not qualify as a measuring device.

18 2. Cannabis concentrates. Cannabis concentrates must be packaged:

19 (A) In child resistant packaging in accordance with Title 16
20 C.F.R. 1700 of the Poison Prevention Packaging Act; or

21 (B) Plastic four (4) mil or greater in thickness, heat sealed with
22 no easy-open tab, dimple, corner, or flap as to make it
23 difficult for a child to open and as a tamperproof measure.

24 **§ 9706. Labeling and Packaging Colors for all Cannabis Infused Edible Products.**

25 (a) Only colors and shapes from an approved list on the Department of Public
26 Health and Social Services' website are permitted.

27 (b) Labeling and packaging background colors must be white, cream, grey,
28 black, tan, or brown. Up to three (3) accent colors from the approved color list provided

1 on the Department of Public Health and Social Services’ website are permitted. A
2 percentage or gradient of an approved color counts as one (1) color.

3 (c) Labeling and packaging font color must be one of the approved colors
4 provided on the Department of Public Health and Social Services’ website. Font color
5 counts as one of the three accent colors.

6 (d) A full color photograph or photograph in a chosen accent color of the
7 product is allowed.

8 (e) Packaging with a clear window is permitted.

9 (f) Company logos are permitted. Examples of allowable logo displays are
10 available on the Department of Public Health and Social Services’ website.

11 **§ 9708. Upon request materials.**

12 Upon the request of a retail customer, a retailer must disclose the name of the
13 certified laboratory that conducted testing and the results of the required quality
14 assurance tests for any cannabis or cannabis product the customer is purchasing or
15 considering purchasing.

16
17 **§ 9709. Cannabis warning symbol requirement.**

18 (a) Cannabis-infused products for oral ingestion sold at retail must be labeled
19 on the principal display panel or front of the product package with the "Not for
20 individuals below 21."

- 21 1. The warning statement must be of a size and color so as to be legible,
22 readily visible by the consumer, and effective to alert consumers and
23 children that the product is “Not for individuals below 21.”;
- 24 2. The warning statement must not be altered or cropped in any way
25 other than to adjust the sizing for placement on the principal display
26 panel or front of the product package, except that a licensee must use
27 a black border around the edges of the white background of the
28 warning symbol image when the label or packaging is also white to
29 ensure visibility of the warning symbol.

1 (b) All cannabis and cannabis products sold at retail must be labeled both on
2 the product and on the principal display panel or front of the product package with the
3 cannabis universal symbol ("universal symbol") created and made available in digital
4 form to licensees without cost by the Department of Public Health and Social Services.
5 The digital file for the universal symbol shall be made available on the Department of
6 Public Health and Social Services' website.

- 7 1. The universal symbol must be of a size so as to be legible, readily
8 visible by the consumer, and effective to alert consumers that the
9 product is or contains cannabis, but must not be smaller than three-
10 quarters of an inch in height by three-quarters of an inch in width;
- 11 2. The universal symbol must not be altered or cropped in any way
12 other than to adjust the sizing for placement on the principal display
13 panel or front of the product package; and
- 14 3. Licensees may download the digital universal symbol from the
15 Department's website and print stickers in lieu of incorporating the
16 universal symbol on the label or packaging as required under (1) and
17 (2) of this Subsection. If a licensee elects to use a universal symbol
18 sticker, the sticker:
 - 19 (A) Must meet all requirements of this Section; and
 - 20 (B) Must not cover or obscure in any way labeling or information
21 required on cannabis products pursuant to the provisions of
22 Article 7.

23 **§ 9710. Advertising Requirements and Promotional Items — Coupons, Giveaways,**
24 **etc.**

25 (a) Advertising generally. The following requirements apply to all advertising
26 by licensed cannabis establishments.

- 27 1. All cannabis advertising and labels of useable cannabis, cannabis
28 concentrates, and cannabis-infused products sold must not contain
29 any statement, or illustration that:

- 1 (A) Is false or misleading;
- 2 (B) Promotes over consumption (i.e., using more than the
- 3 recommended dose or serving);
- 4 (C) Represents the use of cannabis has curative or therapeutic
- 5 effects;
- 6 (D) Depicts a child or other person under legal age to consume
- 7 cannabis, or includes:
 - 8 (i) The use of objects, such as toys, inflatables, movie
 - 9 characters, cartoon characters suggesting the presence
 - 10 of a child, or any other depiction or image designed in
 - 11 any manner to be likely to be appealing to youth or
 - 12 especially appealing to children or other persons under
 - 13 legal age to consume cannabis; or
 - 14 (ii) Is designed in any manner that would be especially
 - 15 appealing to children or other persons under twenty-
 - 16 one (21) years of age.

17 2. No cannabis licensee shall place or maintain, or cause to be placed
18 or maintained, an advertisement of a cannabis business or cannabis
19 product, including cannabis concentrates, useable cannabis, or
20 cannabis-infused product:

- 21 (A) In any form or through any medium whatsoever within one
- 22 thousand (1,000) feet of the perimeter of school grounds,
- 23 playground, recreation center or facility, child care center,
- 24 public park, library, or a game arcade admission to which it is
- 25 not restricted to persons aged twenty-one (21) years or older
- 26 unless the one thousand (1,000) minimum distance
- 27 requirement has been reduced by Guam law;

1 (B) On or in a private vehicle, public transit vehicle, public transit
2 shelter, bus stop, taxi stand, transportation waiting area, train
3 bus station, airport, or any similar transit-related location;

4 3. All advertising for cannabis businesses or cannabis products,
5 regardless of what medium is used, must contain text stating that
6 cannabis products may be purchased or possessed only by persons
7 twenty-one (21) years of age or older. Examples of language that
8 conforms to this requirement include, but are not limited to: "21+,"
9 "for use by persons 21 and over only," etc.

10 4. A cannabis licensee may not engage in advertising or marketing that
11 specifically targets persons residing out of Guam.

12 (b) Outdoor advertising. In addition to the requirements for advertising in
13 Subsection (a) of this Section, the following restrictions and requirements apply to
14 outdoor advertising by cannabis licensees:

15 1. Except for the use of billboards as authorized under the Department
16 of Public Works and the Department of Land Management, and as
17 provided in this Section, licensed cannabis retailers may not display
18 any outdoor signage other than two separate signs identifying the
19 retail outlet by the licensee's business name or trade name, stating
20 the location of the business, and identifying the nature of the
21 business. Both signs must be affixed to a building or permanent
22 structure and each sign is limited in accordance with Guam's zoning
23 law.

24 (A) All text on outdoor signs, including billboards, is limited to
25 text that identifies the retail outlet by the licensee's business
26 or trade name, states the location of the business, and
27 identifies the type or nature of the business.

28 (B) No outdoor advertising signs, including billboards, may
29 contain depictions of marijuana plants or cannabis products.

1 Logos or artwork that do not contain depictions of marijuana
2 plants or cannabis products as defined in this Section are
3 permissible.

4 (i) A depiction of a marijuana plant means an image or
5 visual representation of a marijuana leaf, plant, or the
6 likeness thereof that explicitly suggests or represents a
7 marijuana leaf or plant.

8 (ii) A depiction of a cannabis product means an image or
9 visual representation of useable cannabis, cannabis-
10 infused products, or cannabis concentrates, or an image
11 that indicates the presence of a product, such as smoke,
12 etc.

13 (C) Double-sided signs or signs with text visible on opposite sides
14 are permissible and count as a single sign so long as the sign
15 is contained in or affixed to a single structure.

16 2. No cannabis licensee may use or employ a commercial mascot
17 outside of, and in proximity to, a licensed cannabis business.

18 3. Outdoor advertising is prohibited on signs and placards in arenas,
19 stadiums, shopping malls, fairs that receive government of Guam
20 allocations, farmers markets, village events, and video game
21 arcades, whether any of the foregoing are open air or enclosed, but
22 not including any such sign or placard located at an adult only
23 facility.

24 4. The restrictions in this Section and the statutory and regulatory
25 requirements of the Department of Public Works and the
26 Department of Land Management as applicable to this Section do
27 not apply to outdoor advertisements at the site of an event to be held
28 at an adult only facility that is placed at such site during the period
29 the facility or enclosed area constitutes an adult only facility, but

1 must not be placed there more than fourteen (14) days before the
2 event, and that does not advertise any cannabis or cannabis product
3 other than by using a brand name, such as the business or trade name
4 or the product brand, to identify the event. Advertising at adult only
5 facilities must not be visible from outside the adult only facility.

6 5. A sign affixed to the licensed premises or in the window of a licensed
7 premises indicating the location is open for business, closed for
8 business, the hours of operation, that the licensed location has an
9 ATM inside, or other similar informational signs not related to the
10 products or services of the cannabis business are not considered
11 advertising for the purposes of this Section.

12 6. Cannabis establishments are prohibited from sponsoring any
13 "Adopt-a-Highway" signs erected by the Department of Public
14 Works.

15 (c) Advertising placed on windows within the premises of a licensed cannabis
16 retail store facing outward must meet the requirements for outdoor advertising as
17 provided by the Department of Public Works and this Section.

18 (d) Promotional items such as giveaways, coupons, and distribution of branded
19 or unbranded merchandise must not be targeted to minors and are banned.

20 (e) Except for outdoor advertising under Subsection (b) of this Section, all
21 advertising must contain the following warnings that must be in type size at least ten
22 (10) percent of the largest type used in the advertisement:

23 (1) "Cannabis can impair concentration, coordination, and judgment.
24 Do not operate a vehicle or machinery. Please use extreme caution."

25 and

26 (2) "For use only by adults twenty-one and older. Keep out of the reach
27 of children."
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Article 8
Cannabis Testing

- § 9801. Cannabis Testing Facility Certification
- § 9802. Cannabis Testing Facility Standards and Testing Protocols
- § 9803. Facility Testing Protocols for Cultivators, Manufacturers and Retailers

§ 9801. Cannabis Testing Facility Certification.

(a) All cannabis, prepared cannabis and cannabis products on Guam shall be tested, as provided in section 9802 of these rules, for potency and safety by a cannabis testing facility licensed by the Department of Public Health before they can be sold to a consumer

(b) A cultivation facility, cannabis product manufacturing testing facility and a retail cannabis store shall not sell cannabis, prepared cannabis and cannabis products unless it has been tested for potency and safety by a cannabis testing facility licensed by the Department of Public Health and meets the requirements set out in § 9802.

(c) A cannabis testing facility shall be completely independent from all other licensed cannabis establishments that cultivate, manufacture or sell cannabis, prepared cannabis and cannabis products.

(d) A cannabis testing facility shall not handle, test or analyze cannabis, prepared cannabis and cannabis products unless it is ISO 17025 accredited or certified by the Americans for Safe Access (ASA) Patient Focused Certification Program for testing facilities or similar program approved by the Department of Public Health pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122528 (d).

(e) A cannabis testing facility must be ISO 17025 accredited or certified by the Americans for Safe Access (ASA) Patient Focused Certification Program for testing facilities or similar program approved by the Department of Public Health in order to obtain and maintain a Permit to Operate from the Department of Revenue and Taxation.

1 Violation of this regulation may result in the revocation of the cannabis testing facility’s
2 license.

3 (f) Responsible officials, board members, cannabis establishment
4 stakeholders, principals, or owners of a cannabis testing facility are prohibited from
5 owning or having any financial stake in any cultivation facility, cannabis product
6 manufacturing testing facility, retail cannabis store, and cannabis establishment that
7 recommend the use of cannabis, or any other cannabis testing facility.

8

9 **§ 9802. Cannabis Testing Facility Standards and Testing Protocols.**

10 (a) The cannabis testing facility shall select a random sample, not to exceed
11 10 grams per lot, from each lot of cannabis at the cultivation site and from each batch
12 of prepared cannabis and cannabis product at the cannabis product manufacturing
13 testing facility or retail cannabis store in order to test them for potency and safety.

14 (b) The method by which samples are selected and collected shall be
15 prescribed by standards of methodology adopted by the Department of Public Health,
16 prescribed to every cannabis testing facility, and applied by every such facility
17 uniformly. The Department of Public Health shall inform the public via news release
18 and shall further inform all interested parties through any publications it may
19 disseminate about the facilities, the name of the sampling protocol selected, such
20 selection to be made prior to the acceptance of any application for Permit to Operate a
21 cannabis testing facility.

22 (c) The Department of Public Health will give the cannabis establishment
23 twenty-four (24) hour written notice of when authorized agents from the cannabis
24 testing facility plan to go to the cannabis facility to obtain samples of cannabis, prepared
25 cannabis and cannabis products for testing.

26 (d) The cannabis establishment where the lot or batch came from shall
27 maintain in a secure tamper-proof manner a similar sample from the same lot or batch,
28 for verification testing as directed by the Department of Public Health.

1 (e) The cannabis testing facility shall test and analyze the samples according
2 to standard operating procedures prepared by the cannabis testing facility based on
3 validated methods published in peer reviewed scientific or regulatory literature.

4 (f) The cannabis testing facility shall issue to the cannabis establishment and
5 the Department of Public Health a certificate of analysis for each lot of cannabis or batch
6 of prepared cannabis or cannabis product tested for potency and safety for that cannabis
7 establishment. The certificate of analysis shall include the following:

8 1. The chemical profile of the batch for the following compounds:

9 (A) Delta-9-tetrahydrocannabinol (THC);

10 (B) Tetrahydrocannabinol Acid (THCA);

11 (C) Cannabidiol (CBD);

12 (D) Cannabidiolic Acid (CBDA);

13 (E) Cannabigerol (CBG);

14 (F) Cannabinol (CBN)

15 2. The presence of the following contaminants, which shall not exceed
16 the following levels:

17 (A) Heavy metals:

18 (i) Arsenic: 10.0 ppm

19 (ii) Lead: 6.0 ppm

20 (iii) Cadmium: 4.0 ppm

21 (iv) Mercury: 2.0 ppm

22 (B) Pesticides: Thresholds for pesticides authorized by Article 4 of
23 this Chapter to be determined by the Department of Public
24 Health from time to time;

25 (C) Solvents: Thresholds for each of the solvents named in
26 authorized by Article 4 of this Chapter to be determined by the
27 Department of Public Health from time to time;

- 1 (D) Any visible foreign or extraneous material, that is not intended
2 to be part of the product being produced, including but not
3 limited to mold, hair, insects, metal, or plastic;
- 4 (E) Moisture content of plant material: < 15%
- 5 (F) Microbiological impurities, including but not limited to:
- 6 (i) Total Viable Aerobic Bacteria:
- 7 (aa) Unprocessed and Processed Materials: 105
8 Colony Forming Units (CFU)/g
- 9 (bb) CO₂ and Solvent Based Extracts: 104 CFU/g
- 10 (ii) Total Yeast and Mold:
- 11 (aa) Unprocessed and Processed Materials: 104
12 CFU/g
- 13 (bb) CO₂ and Solvent Based Extracts: 103 CFU/g
- 14 (iii) Total Coliforms:
- 15 (aa) Unprocessed and Processed Materials: 103 CFU/g
- 16 (bb) CO₂ and Solvent Based Extracts: 102 CFU/g
- 17 (iv) Bile-tolerant Gram-Negative Bacteria:
- 18 (aa) Unprocessed and Processed Materials: 103 CFU/g
- 19 (bb) CO₂ and Solvent Based Extracts: 102 CFU/g
- 20 (v) E. Coli (pathogenic strains) and Salmonella spp: Not
21 detected in one (1) gram
- 22 (vi) Aspergillus fumigatus, Aspergillus flavus, Aspergillus
23 niger: < 1 CFU/g
- 24 (vii) Mycotoxins: < 20 µg (micrograms) of any mycotoxin per
25 kilogram of material.

26 3. Additional testing requested at the discretion of the Department of Public
27 Health.

28 (g) If the facility testing results indicate unacceptable amounts of contaminants
29 in a cannabis, prepared cannabis and cannabis product, the cannabis testing facility shall

1 provide a written notification to the Department of Public Health and the responsible
2 official of the cannabis establishment from which the sample originated within twenty-
3 four (24) hours.

4 (h) The cannabis testing facility may retest or reanalyze the sample or a
5 different sample from the same batch by following its standard operating procedure to
6 confirm or refute the original result, upon request by the cannabis establishment from
7 which the sample originated or upon request by the Department of Public Health at the
8 expense of the cannabis establishment from which the sample originated. A lot of
9 cannabis or batch of prepared cannabis or cannabis product shall only be tested for
10 potency and safety at the most three (3) times.

11 (i) The cannabis testing facility shall return, to the cannabis establishment
12 from which the sample originated, or destroy in a manner approved by the Department
13 of Public Health any samples or portions of samples of the cannabis, prepared cannabis
14 and cannabis product that remain after testing and analysis are completed.

15 (j) The cannabis testing facility shall create, and maintain for a period of at
16 least five (5) years, records of testing it conducts on cannabis, prepared cannabis and
17 cannabis products, including but not limited to:

- 18 1. The time and date the sample was obtained.
- 19 2. A description of the sample, including the amount;
- 20 3. What tests were conducted on each sample;
- 21 4. The results of the tests including the certificate of analysis; and
- 22 5. Evidence of the time, date, and method of disposal or destruction of
23 a sample after testing is completed, and the amount of the sample
24 disposed of or destroyed, or the time and date a sample was returned
25 to a retail cannabis store with a description including the amount;

26 (k) The cannabis testing facility shall issue written reports of the full analysis
27 and results for potency and safety of all cannabis-infused products from the tested batch
28 of cannabis to the licensed cannabis establishment that requested the test and to the
29 Department of Public Health.

1 (l) Written reports of the full analysis and results for potency and safety of all
2 cannabis-infused products from the tested batch of cannabis, prepared cannabis and
3 cannabis products shall be made available to the public by request to the Department of
4 Public Health.

5
6 **§ 9803. Facility Testing Protocols for Cultivators, Manufacturers and Retail**
7 **Cannabis Stores.**

8 (a) The cultivation facility must sort cannabis into identical lots according to
9 the cannabis crop and the cannabis product manufacturing testing facility must sort the
10 prepared cannabis and cannabis products into identical batches prior to testing. The
11 cannabis testing facility will take two (2) samples in an amount equivalent to perform
12 three (3) tests from each lot or batch. One (1) sample is for testing and one (1) sample
13 shall be set aside in a secure tamper-proof manner for verification testing as directed by
14 the Department of Public Health.

15 (b) A cannabis establishment shall ensure that each sample of cannabis,
16 prepared cannabis and cannabis products are tested for potency and safety and analyzed
17 for each of the items set out in § 9802 (f).

18 (c) The level of contaminants in cannabis, prepared cannabis and cannabis
19 products, shall not exceed the standards provided in § 9802(f) and if any of the standards
20 are exceeded, the cannabis establishment shall not sell any portion of the cannabis,
21 prepared cannabis and cannabis products that does not conform to the standards and
22 shall be subject to disposal or destruction as specified in Article 3.

23 (d) Once the responsible official of a cannabis establishment is given written
24 notification by the cannabis testing facility that test results indicate unacceptable
25 amounts of contaminants in their sample of cannabis, prepared cannabis or cannabis
26 products, the responsible official of the cannabis establishment shall immediately
27 quarantine the non-conforming cannabis, prepared cannabis or cannabis products.

28 (e) The cannabis establishment may request for a retest of the same lot or batch
29 of non-conforming cannabis, prepared cannabis or cannabis product within three (3)

1 business days of notification from a cannabis testing facility. The lot or batch can be
2 tested up to three (3) times.

3 (f) The cannabis establishment shall destroy the lot of cannabis or batch of
4 prepared cannabis and cannabis product that does not conform to the testing standards
5 set out in § 9802(f) as indicated by the certificate of analysis.

6 (g) The responsible official of the cannabis establishment from which the
7 sample originated shall document the destruction or disposal of the quarantined
8 cannabis, prepared cannabis and cannabis product that has been tested to be
9 unacceptable in accordance with this Section.

10 (h) A cannabis establishment shall maintain records of all facility testing
11 results including the certificate of analysis for all their cannabis, prepared cannabis and
12 cannabis products.

13 (i) All records that must be maintained by the cannabis establishment shall be
14 available to the Department of Public Health within seven (7) business days upon receipt
15 of written request.

16 (j) A cultivation facility, cannabis product manufacturing facility and a retail
17 cannabis store are allowed to operate a facility within their establishment but all
18 cannabis must be facility tested for potency and safety at an independent cannabis
19 testing facility that has been licensed by the Department of Revenue and Taxation and
20 approved by the Department of Public Health.

21

1 **Article 9**

2 **Enforcement and Penalties**

- 3
- 4 § 9901. Enforcement Powers
- 5 § 9902. Inspections
- 6 § 9903. Revocation or Suspension of License: Grounds
- 7 § 9904. Administrative Penalties
- 8 § 9905. Same: Hearing
- 9 § 9906. Criminal Prosecution
- 10 § 9907. Severability

11

12 **§ 9901. Enforcement Powers.**

13 Every member of the Board, the Department of Revenue and Taxation, the
14 Department of Public Health and Social Services, the Guam Police Department and
15 other law enforcement agencies, the Guam Fire Department, Department of Public
16 Works, Guam Environmental Protection Agency and the Guam Department of
17 Agriculture may conduct inspections as needed during business hours to ensure that the
18 cannabis establishment is complying with local laws and regulations. Such Inspectors
19 shall have all of the powers of peace officers in the enforcement of the provisions of this
20 Chapter, the regulations of the Board adopted under the provisions of this Chapter and
21 any other penal provision of law prohibiting or regulating the sale, exposing for sale,
22 use, possession, giving away, adulterating, diluting, misbranding, and mislabeling of
23 cannabis products.

24

25 **§ 9902. Inspections.**

26 The Inspectors shall have the right at all times, with reasonable notice and without
27 legal process, to visit and have immediate access to every part of the premises of every
28 licensee for the purpose of making an examination or inspection of cannabis products,

1 books and records, the manner of conducting the business and the premises of the
2 licensee.

3 (a) A licensed cannabis establishment shall give the Inspectors unrestricted
4 access to all premises of the cannabis establishment, equipment, records, documents,
5 and any other substance, material or information relevant to ensure the licensed cannabis
6 establishments compliance with these rules and regulations.

7 (b) A licensed cannabis establishment shall not refuse to allow inspection at
8 any of its facilities, and its employees and personnel shall not delay or interfere with
9 any inspection.

10 (c) Upon completion of the inspection, the Department of the Inspector shall
11 provide written notice within five (5) business days to the licensed cannabis
12 establishments of its findings.

13 (d) If violations of these Rules are discovered, the Board shall suspend the
14 licensed cannabis establishments Permit to Operate.

15 (e) The cannabis establishment shall be given ten (10) business days to correct
16 the violations of these Rules.

17 (f) The cannabis establishment may submit a written request for reasonable
18 extension to correct violations of these Rules if the cannabis establishment can show
19 that the corrections cannot be made within ten (10) business days. The Board shall
20 review and grant or deny the written request for extension within three (3) business days.

21 (g) Failure to correct the violations of these Rules in the allotted time will
22 result in a written notice of closure, and the revocation of the Permit to Operate.

23
24 **§ 9903. Revocation or Suspension of License: Grounds.**

25 A license of any class may be suspended or revoked on any of the following
26 grounds:

27 (a) The continuation of a license would be contrary to the public interest.

28 (b) The violation, causing or permitting of a violation of, or failure or refusal
29 by a licensee to comply with:

- 1 1. Any provision of this Chapter.
- 2 2. Any regulation of the Board adopted under the provisions of this
- 3 Chapter.
- 4 3. Any other penal provisions of the laws of Guam or of the United
- 5 States applicable to Guam prohibiting or regulating the sale,
- 6 exposing for sale, use, possession, giving away, adulterating,
- 7 diluting, misbranding or mislabeling of cannabis products.
- 8 4. The misrepresentation of a material fact by any applicant in
- 9 obtaining or renewing any license.
- 10 5. The plea, verdict or judgment of guilty to any public offense
- 11 involving moral turpitude.

12 **§ 9904. Administrative Penalties.**

13 (a) The Board may impose as a penalty a fine for any cannabis establishment that
14 violates any provisions of these rules and regulations, in an amount equal to the
15 licensee’s New License Fee for the first offense; double the licensee’s New License Fee
16 for the second offense; and triple the licensee’s New License Fee for the third offense.
17 Any violations after the third offense will result in the automatic termination of the
18 violator’s license.

19 (b) In addition to the fines in Subsection (a) of this Section, the Board shall
20 suspend, for a period of not less than thirty (30) days and no more than ninety (90) days,
21 the license of any licensee found in violation of any provision of this Chapter as a second
22 offense. The Board shall revoke the license of any licensee found in violation of any
23 provision of this Chapter as a third offense.

24 (c) Contingent on the severity of any violation, the Board may use its discretion
25 and suspend or revoke the license of any licensee found in violation of any of the
26 provisions of this Chapter.

27 (d) The Board shall suspend a Cannabis Identification Card for seven (7) days
28 for a first (1st) offense in violation of any provision of this Chapter; a suspension of a
29 Cannabis Identification Card for fourteen (14) days for a second (2nd) offense; a

1 suspension of a Cannabis Identification Card for one (1) month for a third (3rd) offense;
2 and revocation of a Cannabis Identification Card for any violation after the third (3rd)
3 offense.

4 (e) For subsections (a)-(c), the Board shall issue a notice of violation and
5 administrative penalty against the cannabis establishment and provide an opportunity to
6 request a hearing on the proposed penalty. The request must be made within 10 days of
7 the date that the notice is served upon the cannabis establishment.

8 **§ 9905. Same: Hearing.**

9 (a) The Board, upon receipt of a request for hearing pursuant to Section
10 9913(e), shall, as soon as practicable, hold an administrative hearing consistent with the
11 provisions of the Administrative Adjudication Law.

12
13 **§ 9906. Criminal Prosecution.**

14 The criminal prosecution of any person under the provisions of this Chapter shall
15 be in addition to, and independent of the power of the Board and Department, to suspend
16 or revoke any license.

17
18 **§ 9907. Severability.**

19 If any provision or the application of any provision of these rules and regulations
20 is held invalid, that invalidity shall not affect other provisions or applications of these
21 rules and regulations.

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27

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
32-35 (COR) As amended by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response; and further amended on the floor	Clynton E. Ridgell Tina Rose Muña Barnes Joe S. San Agustin Régine Biscoe Lee Telo T. Taitague Jose "Pedro" Terlaje	AN ACT TO ADD A NEW CHAPTER 8 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO REGULATING THE USE, PRODUCTION, SALE, AND TAXATION OF MARIJUANA, TO BE KNOWN AS THE "GUAM CANNABIS INDUSTRY ACT OF 2019"; TO ADD A NEW CHAPTER 9 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE CANNABIS CONTROL BOARD; TO REPEAL §§ (c)(23) AND (c)(31) OF APPENDIX A, CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DECLASSIFYING MARIJUANA AS A SCHEDULE I CONTROLLED SUBSTANCE; AND TO AMEND §§ 67.401.2(b), 67.401.4(f), (h), AND (j), 67.401.5, 67.401.6, 67.411(b) AND 67.412(a), AND REPEAL § 67.401.4(k), ALL OF ARTICLE 4, CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REDEFINING REFERENCES TO IT IN THE GUAM UNIFORM CONTROLLED SUBSTANCES ACT; AND ADDING A NEW § 70.44.4 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO POSSESSION OF CANNABIS BY PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE.	1/31/19 2:40 p.m.	2/4/19	Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response	3/7/19 9:00 a.m. 2:00 p.m.	3/19/19 1:46 p.m. As amended by the Committee on Economic Development, Agriculture, Maritime Transportation, Power and Energy Utilities, and Emergency Response	Request: 2/4/19 Fiscal Note: 2/20/19	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES	
3/21/19	AN ACT TO ADD A NEW CHAPTER 8 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO REGULATING THE USE, PRODUCTION, SALE, AND TAXATION OF MARIJUANA, TO BE KNOWN AS THE "GUAM CANNABIS INDUSTRY ACT OF 2019"; TO ADD A NEW CHAPTER 9 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE CANNABIS CONTROL BOARD; TO REPEAL §§ (c)(23) AND (c)(31) OF APPENDIX A, CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DECLASSIFYING MARIJUANA AS A SCHEDULE I CONTROLLED SUBSTANCE; AND TO AMEND §§ 67.401.2(b), 67.401.4(f), (h), AND (j), 67.401.5, 67.401.6, 67.411(b) AND 67.412(a), AND REPEAL § 67.401.4(k), ALL OF ARTICLE 4, CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REDEFINING REFERENCES TO IT IN THE GUAM UNIFORM CONTROLLED SUBSTANCES ACT; AND ADDING A NEW § 70.44.4 TO TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO POSSESSION OF CANNABIS BY PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE.	3/21/19	3/28/19	4/9/19	35-5	4/4/19	Received: 4/4/19 Mess and Comm. Doc. No. 35GL-19-0322.		

UFISINAN I MAGA'HÅGA
OFFICE OF THE GOVERNOR



LOURDES A. LEON GUERRERO
MAGA'HÅGA • GOVERNOR

JOSHUA F. TENORIO
SIGUNDO MAGA'LÅHI • LIEUTENANT GOVERNOR

April 4, 2019

Honorable Tina Rose Muña-Barnes
Speaker
I Mina'trentai Singko Na Liheslaturan Guåhan
Guam Congress Building
Hagåtña, Guam 96910

35GL-19-0322
Speaker Tina Rose Muña Barnes

APR 04 2019
Time 3:50 ()AM ()PM
Received By:

2019 APR -4 PM 3:51

Re: An Act to Add A New Chapter 8 To Title 11 Of Guam Code Annotated, Relative To Regulating the Use, Production, Sale, And Taxation of Marijuana, To Be Known As the 'Guam Cannabis Industry Act of 2019'; To Add A New Chapter 9 To Title 11 Of Guam Code Annotated, Relative To Creating The Cannabis Control Board; To Repeal §§ (c)(23) and (c)(31) Of Appendix A, Chapter 67, Title 9, Guam Code Annotated, Relative To Declassifying Marijuana As A Schedule I Controlled Substance; To Amend §§ 67.401.2(b), 67.402.4(f), (h), And (j), 67.401.5, 67.401.6, 67.411(b) And 67.412(a), And Repeal § 67.401.4(k), All Of Article 4, Chapter 67, Title 9, Guam Code Annotated, Relative To Redefining References To Marijuana In The Guam Uniform Controlled Substances Act; And To Add A New § 70.44.4 To Article 1 of Chapter 70, Title 9, Guam Code Annotated, Relative to Possession Of Cannabis By Persons Under Twenty-One (21) Years Of Age," (the "Act")

Dear Madam Speaker:

After careful consideration, I have signed Bill 32-35 as **Public Law 35-5**.

Over the past few days, I have had the privilege of listening to our community voice both concerns and support for this legislation. Late last week, I hosted groups who needed a venue to be heard. There, I was able to listen to the individual perspectives on how cannabis can and has impacted each person's life. The time spent truly influenced my consideration, more so than any article, journal, or statistical report that I have read in preparing for this decision.

There is no doubt that drug addiction is a real problem that plagues our island. Since the 1970s, we have participated in the "War on Drugs" in an effort to eradicate controlled substances from our community. Unfortunately, that method has done little other than to drive the black market further underground, all the while continuing to tighten its grip on our island. This law provides a more productive approach. It allows the government to regulate and insert controls so that adults

0322

can consume cannabis products safely. More importantly, the law strengthens and finances our efforts to provide preventative education and effective treatments.

Employers, including the Government of Guam, will still require employees to abide by Drug-Free Workplace policies. To avoid any confusion, I have also issued Executive Order #2019-11, solidifying that the Government of Guam Drug Free Workplace Policy continues to prohibit the use of cannabis. Government employees, while acting in their official capacities, may not possess, consume or otherwise be under the influence of any derivation of cannabis.

Our youth shall not and will not be allowed to access cannabis. Those who provide access to anyone under the age of 21 shall be penalized. Our courts will continue to restrict persons on conditions of release, probation, and parole supervision from possession and use of cannabis. Only law-abiding adults – who already must make responsible decisions on whether or not to consume alcohol or tobacco products – will be afforded another choice: whether or not to consume cannabis products.

P.L. 35-5 is far from the perfect piece of legislation. Understanding that, my Administration is dedicated to not only fulfilling all of the requirements to regulate the cannabis industry, but also to actively work with this Legislature to ensure that the body of law surrounding safe adult consumption of cannabis remains current and relevant for our island. *Si Yu'os Ma'ase!*

Senseremente,



LOURDES A. LEON GUERRERO

Maga'hågan Guåhan

Governor of Guam

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

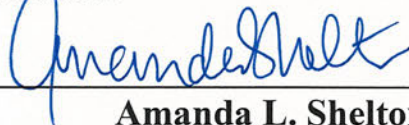
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

This is to certify that **Bill No. 32-35 (COR)**, "AN ACT TO *ADD* A NEW CHAPTER 8 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO REGULATING THE USE, PRODUCTION, SALE, AND TAXATION OF CANNABIS, TO BE KNOWN AS THE "*GUAM CANNABIS INDUSTRY ACT OF 2019*"; TO *ADD* A NEW CHAPTER 9 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE CANNABIS CONTROL BOARD; TO *REPEAL* §§ (c)(23) AND (c)(31) OF APPENDIX A, CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DECLASSIFYING MARIJUANA AS A SCHEDULE I CONTROLLED SUBSTANCE; TO *AMEND* §§ 67.401.2(b), 67.401.4(f), (h), AND (j), 67.401.5, 67.401.6, 67.411(b) AND 67.412(a), AND *REPEAL* § 67.401.4(k), ALL OF ARTICLE 4, CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REFERENCES TO MARIJUANA IN THE GUAM UNIFORM CONTROLLED SUBSTANCES ACT; AND TO *ADD* A NEW § 70.44.4 TO ARTICLE 1 AND *AMEND* § 70.53 OF ARTICLE 3, BOTH OF CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE POSSESSION OF CANNABIS AND THE INTOXICATION OF PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE," was on the 27th day of March 2019, duly and regularly passed.



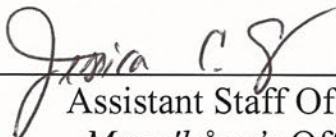
Tina Rose Muña Barnes
Speaker

Attested:



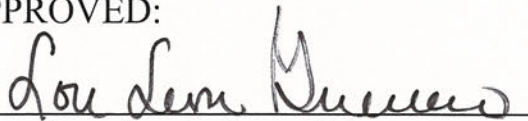
Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 28th day of March, 2019, at 3:08 o'clock p.M.



Assistant Staff Officer
Maga'håga's Office

APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Jessica Cruz

RCVD AT CENTRAL FILES
MAR 28 '19 PM 3:11

2019-1690

Date: 4/4/2019

Public Law No. 35-5

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 32-35 (COR)

As amended by the Committee on Economic Development,
Agriculture, Maritime Transportation, Power
and Energy Utilities, and Emergency Response;
and further amended on the Floor.

Introduced by:

Clynton E. Ridgell
Tina Rose Muña Barnes
Joe S. San Agustin
Régine Biscoe Lee
Telo T. Taitague
Jose "Pedo" Terlaje

William M. Castro
Kelly Marsh (Taitano), PhD
James C. Moylan
Louise B. Muña
Telena Cruz Nelson
Amanda L. Shelton
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO ADD A NEW CHAPTER 8 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO REGULATING THE USE, PRODUCTION, SALE, AND TAXATION OF CANNABIS, TO BE KNOWN AS THE "GUAM CANNABIS INDUSTRY ACT OF 2019"; TO ADD A NEW CHAPTER 9 TO TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO CREATING THE CANNABIS CONTROL BOARD; TO REPEAL §§ (c)(23) AND (c)(31) OF APPENDIX A, CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO DECLASSIFYING MARIJUANA AS A SCHEDULE I CONTROLLED SUBSTANCE; TO AMEND §§ 67.401.2(b), 67.401.4(f), (h), AND (j), 67.401.5, 67.401.6, 67.411(b) AND 67.412(a), AND REPEAL § 67.401.4(k), ALL OF ARTICLE 4, CHAPTER 67, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO REFERENCES TO MARIJUANA IN THE GUAM UNIFORM CONTROLLED SUBSTANCES ACT; AND TO ADD A NEW § 70.44.4 TO ARTICLE 1 AND AMEND § 70.53 OF ARTICLE 3, BOTH OF CHAPTER 70, TITLE 9, GUAM CODE ANNOTATED, RELATIVE TO PROHIBITING THE POSSESSION OF CANNABIS AND THE INTOXIFICATION OF PERSONS UNDER TWENTY-ONE (21) YEARS OF AGE.

1 **GUAM CANNABIS INDUSTRY ACT**

- 2 § 8101. Title.
- 3 § 8102. Definitions.
- 4 § 8103. Personal Use of Cannabis.
- 5 § 8104. Restrictions on Personal Cultivation, Penalty.
- 6 § 8105. Public Consumption Banned, Penalty.
- 7 § 8106. False Identification, Penalty.
- 8 § 8107. Cannabis Accessories Authorized.
- 9 § 8108. Lawful Operation of Cannabis-Related Facilities.
- 10 § 8109. Cannabis Control Board.
- 11 § 8110. Rulemaking.
- 12 § 8111. Cannabis Establishment Registrations.
- 13 § 8112. Employers, Driving, Minors, and Control of Property.
- 14 § 8113. Excise Tax on Cannabis.
- 15 § 8114. Monthly Statements and Payments.
- 16 § 8115. Federal Law, Applicability.
- 17 § 8116. Prior Duties, Penalties, and Proceedings.
- 18 § 8117. Contracts.
- 19 **§ 8101. Title.**

20 This Chapter *shall* be known and may be cited as the “*Guam Cannabis*
21 *Industry Act of 2019.*”

22 **§ 8102. Definitions.**

23 As used in this Chapter:

24 (a) *Board* means the Cannabis Control Board referenced in § 8109
25 of this Chapter.

26 (b) *Cannabis* means all parts of the plant of the genus *cannabis*,
27 whether growing or not, the seeds thereof, the resin extracted from any part

1 of the plant, and every compound, manufacture, salt, derivative, mixture, or
2 preparation of the plant, its seeds, or its resin, including cannabis or marijuana
3 concentrate. Cannabis *does not* include the mature stalks of the plant, fiber
4 produced from the stalks, oil, or cake made from the seeds of the plant,
5 sterilized seed of the plant which is incapable of germination, or the weight of
6 any other ingredient combined with marijuana to prepare topical or oral
7 administrations, food, drink, or other products.

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

15 (d) *Cannabis concentrate* means any cannabis product or subset of
16 cannabis produced by extracting cannabinoids from cannabis.

17 (e) *Cannabis cultivation facility* means an entity licensed to
18 cultivate, prepare, and package cannabis; and to sell cannabis to retail
19 cannabis stores, cannabis product manufacturing facilities, and other licensed
20 cannabis cultivation facilities, but not to consumers.

21 (f) *Cannabis establishment* means a cannabis cultivation facility,
22 cannabis testing facility, a cannabis product manufacturing facility, or a retail
23 cannabis store.

24 (g) *Cannabis flower* or *flower* means the inflorescence(s) of the
25 mature pistillate (female) cannabis plant.

26 (h) *Cannabis-infused product* means any product that is comprised
27 of cannabis concentrate or cannabis plant material and other ingredients, and

1 is intended for use or consumption other than by smoking or vaporizing,
2 including ingestible cannabis-infused products, topical cannabis-infused
3 products, transdermal cannabis-infused products, and transmucosal cannabis-
4 infused products.

5 (i) *Cannabis product* means a finished product intended for human
6 consumption or use that is comprised partially or completely of cannabis. This
7 term is used generally to refer to one (1) or more of the following: cannabis
8 flower, cannabis concentrates, and cannabis-infused products.

9 (j) *Cannabis product category* means a defined group of cannabis
10 products that are in the same form. Cannabis flower, cannabis concentrates,
11 and cannabis-infused products are all cannabis product categories, though the
12 latter category may be further broken down into sub-categories such as
13 ingestible cannabis-infused products and non-ingestible cannabis-infused
14 products.

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

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

1 (m) *Consumer* means a person twenty-one (21) years of age or older
2 who purchases cannabis or marijuana products for personal use only, but *not*
3 for resale to others.

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

7 (o) *Department* means the Guam Department of Revenue and
8 Taxation.

9 (p) *Ingestible cannabis-infused product* or *ingestible* means a
10 product that contains cannabis and at least one (1) other ingredient, is intended
11 for use or consumption other than by inhalation, is intended to be taken into
12 the body, and is one (1) of the following:

13 (1) *edible cannabis-infused product* or *edible*, which is an
14 ingestible cannabis-infused product that is intended to be taken by
15 mouth, swallowed, and is primarily absorbed through the
16 gastrointestinal tract. Edible cannabis-infused products may be
17 psychoactive when used as intended. Without limitation, edible
18 cannabis-infused products may be in the form of a food, beverage,
19 capsule, or tablet; or

20 (2) *transmucosal cannabis-infused product* or *transmucosal*,
21 which is an ingestible cannabis-infused product that is intended to be
22 placed in a body cavity and absorbed through the mucosal lining of that
23 cavity, and may be psychoactive when used as intended. Transmucosal
24 cannabis-infused products include, but are not limited to, cannabis-
25 infused tinctures, anal suppositories, lozenges, and nasal sprays.

1 (q) *Marijuana* means *cannabis* as defined in Subsection (b) of this
2 Section. For purposes of this Chapter, the terms marijuana and cannabis *shall*
3 carry the same meaning and *shall* be used interchangeably.

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

8 (1) *topical cannabis-infused product* or *topical*, which is a
9 non-ingestible cannabis-infused product that produces a non-
10 psychoactive effect when used as intended. Topical cannabis-infused
11 products include, but are not limited to, cannabis-infused creams,
12 salves, bath soaks, and lotions; or

13 (2) *transdermal cannabis-infused product* or *transdermal*,
14 which is a non-ingestible cannabis-infused product that contains at least
15 one (1) skin-permeation-enhancing ingredient to facilitate absorption
16 through the skin into the bloodstream, and may be psychoactive when
17 used as intended. Transdermal cannabis-infused products include, but
18 are not limited to, cannabis-infused adhesive patches that are applied to
19 the skin surface.

20 (s) *Retail cannabis store* means an entity licensed to purchase
21 cannabis and to sell cannabis and cannabis products to consumers. Nothing
22 herein shall be construed to prohibit a licensed retail cannabis store to
23 purchase, sell, or transfer cannabis and cannabis products to another licensed
24 retail cannabis store.

25 (t) *Unreasonably impracticable* means that the measures necessary
26 to comply with this Chapter require such a high investment of risk, money,
27 time, or any other resource or asset that the operation of a cannabis

1 establishment is not worthy of being carried out in practice by a reasonably
2 prudent businessperson.

3 **§ 8103. Personal Use of Cannabis.**

4 Notwithstanding any other provision of law, *except* as provided in this
5 Chapter, the following acts by persons twenty-one (21) years of age or older are
6 lawful and *shall not* be a criminal or civil offense under Guam law or be a basis for
7 seizure or forfeiture of assets under Guam law:

8 (a) possessing, using, displaying, purchasing, or transporting
9 cannabis accessories, one (1) ounce or less of cannabis, eight (8) grams or less
10 of cannabis concentrate, or any cannabis-infused products containing eight
11 hundred (800) mg or less of tetrahydrocannabinol;

12 (b) possessing, growing, processing, or transporting *no more than*
13 six (6) cannabis plants, with three (3) or fewer being mature flowering plants,
14 and possession of the cannabis produced by the plants on the premises where
15 the plants were grown; provided, that the growing takes place in an enclosed,
16 locked place, is not conducted openly or publicly, and is not made available
17 for sale;

18 (c) transferring one (1) ounce or less of cannabis and immature
19 cannabis plants; eight (8) grams or less of cannabis concentrate; or any
20 cannabis-infused products containing eight hundred (800) mg or less of
21 tetrahydrocannabinol to a person who is twenty-one (21) years of age or older
22 without remuneration;

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

1 (e) assisting another person who is twenty-one (21) years of age or
2 older in any of the acts described in Subsections (a) through (d) of this Section
3 if such assistance is provided for a non-commercial purpose.

4 (f) The provisions of this § 8103 *do not* apply to cannabis
5 establishments as defined in this Chapter.

6 **§ 8104. Restrictions on Personal Cultivation, Penalty.**

7 The personal cultivation of cannabis described in § 8103(b) of this Chapter is
8 subject to the following terms:

9 (a) Cannabis cultivation for personal use may *only* occur inside a
10 private residence, inside an accessory structure to a private residence located
11 upon the grounds of a private residence, or within a fully enclosed, locked
12 outdoor space on the grounds of a private residence; provided, that:

13 (1) cultivation takes place within a closet, room, greenhouse,
14 or other fully enclosed area that is equipped with a lock or other security
15 device that allows access only to persons authorized to access the area;
16 and

17 (2) *no more than* six (6) plants are possessed, cultivated, or
18 processed at a single residence or upon the grounds of that residence, at
19 one (1) time;

20 (b) cannabis cultivation for personal use may *only* occur on property
21 lawfully possessed by the cultivator or with the consent of the person in lawful
22 possession of the property;

23 (c) cannabis plants *shall* be cultivated in a location where the plants
24 are *not* visible from any public location;

25 (d) a person who cultivates cannabis *shall* take reasonable
26 precautions to ensure the plants are secure from unauthorized access; and

1 (e) a person who violates this Section while otherwise acting in
2 compliance with § 8103(b) of this Chapter is guilty of a violation punishable
3 by a fine of up to Five Hundred Dollars (\$500).

4 **§ 8105. Public Consumption Banned, Penalty.**

5 It is unlawful to consume cannabis openly and in public, unless otherwise
6 permitted by regulations duly promulgated and enacted by the Cannabis Control
7 Board. A person who violates this Section is guilty of a violation punishable by a
8 fine of up to One Hundred Dollars (\$100).

9 **§ 8106. False Identification, Penalty.**

10 (a) A person who is under twenty-one (21) years of age may not present or
11 offer to a licensed cannabis establishment or the cannabis establishment's agent or
12 employee any written or oral evidence of age that is false, fraudulent, or not actually
13 the person's own, for the purpose of:

14 (1) purchasing, attempting to purchase, or otherwise procuring or
15 attempting to procure cannabis or cannabis products; or

16 (2) gaining access or attempting to gain access to a cannabis
17 establishment.

18 (3) A person who violates this Section is guilty of a violation
19 punishable by a fine of up to Five Hundred Dollars (\$500).

20 (b) A licensee, or his or her agent or employee, *shall not* sell, give, nor
21 permit to be sold, given, or served any cannabis or cannabis products to any person
22 under twenty-one (21) years of age. For the purpose of preventing any violation of
23 this Section, any licensee, or her or his agent or employee, may refuse to sell or serve
24 cannabis or cannabis products to any person who is unable to produce adequate
25 written evidence that she or he has reached the age of twenty-one (21) years. In any
26 criminal prosecution or proceeding for the suspension or revocation of any license
27 and based upon a violation of this Section, proof that the defendant licensee, or her

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

9 **§ 8107. Cannabis Accessories Authorized.**

10 Notwithstanding any other provision of law, it is lawful and *shall not* be an
11 offense under Guam law or be a basis for seizure or forfeiture of assets for persons
12 twenty-one (21) years of age or older to manufacture, possess, or purchase cannabis
13 accessories, or to distribute or sell cannabis accessories to a person who is twenty-
14 one (21) years of age or older.

15 **§ 8108. Lawful Operation of Cannabis-Related Facilities.**

16 (a) Notwithstanding any other provision of law, the following acts, when
17 performed by a retail cannabis store with a current, valid registration or a person
18 twenty-one (21) years of age or older who is acting in his or her capacity as an owner,
19 employee, or agent of a retail cannabis store, are lawful and *shall not* be an offense
20 under Guam law or be a basis for seizure or forfeiture of assets under Guam law:

21 (1) possessing, displaying, storing, or transporting cannabis,
22 cannabis products, or cannabis accessories, *except* that such items may *not* be
23 displayed in a manner that is visible to the general public from a public right-
24 of-way;

25 (2) delivering or transferring cannabis or cannabis products to a
26 cannabis testing facility;

1 (3) receiving cannabis or cannabis products from a cannabis
2 cultivation facility or cannabis product manufacturing facility;

3 (4) purchasing cannabis from a cannabis cultivation facility;

4 (5) purchasing cannabis or cannabis products from a cannabis
5 product manufacturing facility; and

6 (6) delivering, distributing, or selling cannabis, cannabis products,
7 or cannabis accessories to consumers.

8 (b) Notwithstanding any other provision of law, the following acts, when
9 performed by a cannabis cultivation facility with a current, valid registration or a
10 person twenty-one (21) years of age or older who is acting in his or her capacity as
11 an owner, employee, or agent of a cannabis cultivation facility, are lawful and *shall*
12 *not* be an offense under Guam law or be a basis for seizure or forfeiture of assets
13 under Guam law:

14 (1) cultivating, harvesting, processing, packaging, transporting,
15 displaying, storing, or possessing cannabis;

16 (2) delivering or transferring cannabis to a cannabis testing facility;

17 (3) delivering, distributing, or selling cannabis to a cannabis
18 cultivation facility, a cannabis product manufacturing facility, or a retail
19 cannabis store;

20 (4) receiving or purchasing cannabis from a cannabis cultivation
21 facility; and

22 (5) receiving cannabis seeds or immature cannabis plants from a
23 person twenty-one (21) years of age or older.

24 (c) Notwithstanding any other provision of law, the following acts, when
25 performed by cannabis product manufacturing facility with a current, valid
26 registration or a person twenty-one (21) years of age or older who is acting in his or
27 her capacity as an owner, employee, or agent of a cannabis product manufacturing

1 facility, are lawful and *shall not* be an offense under Guam law or be a basis for
2 seizure or forfeiture of assets under Guam law:

3 (1) packaging, processing, transporting, manufacturing, displaying,
4 or possessing cannabis or cannabis products;

5 (2) delivering or transferring cannabis or cannabis products to a
6 cannabis testing facility; and

7 (3) delivering or selling cannabis or cannabis products to a person or
8 establishment authorized to possess, use, display, purchase, or transport
9 cannabis or cannabis products.

10 (d) Notwithstanding any other provision of law, possessing, cultivating,
11 processing, repackaging, storing, transporting, displaying, transferring, or delivering
12 cannabis, when performed by a cannabis testing facility with a current, valid
13 registration or a person twenty-one (21) years of age or older who is acting in his or
14 her capacity as an owner, employee or agent of a cannabis testing facility, are lawful
15 and *shall not* be an offense under Guam law or be a basis for seizure or forfeiture of
16 assets under Guam law.

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

22 (f) Nothing in this Section prevents the imposition of penalties upon
23 cannabis establishments for violating this Chapter or rules adopted by the Cannabis
24 Control Board referenced in § 8109 of this Chapter.

25 **§ 8109. Cannabis Control Board.**

1 *I Liheslaturan Guåhan shall create a Cannabis Control Board which shall*
2 assume the power, duties, and authority to promulgate rules and regulations
3 necessary to enforce this Chapter.

4 **§ 8110. Rulemaking.**

5 (a) *No later than one (1) year after the effective date of this Act, the*
6 Cannabis Control Board *shall* prescribe forms and adopt such rules and regulations
7 necessary for the implementation of this Chapter in accordance with Chapter 9 of
8 Title 5, Guam Code Annotated. Such regulations *shall not* prohibit the operation of
9 cannabis establishments either expressly or through regulations that make their
10 operation unreasonably impracticable. Such regulations *shall* include:

11 (1) procedures and grounds for the issuance, renewal, suspension,
12 denial, or revocation of a registration to operate a cannabis establishment;

13 (2) a schedule of application, registration, and renewal fees;
14 provided, that application fees *shall not* exceed Five Thousand Dollars
15 (\$5,000) with this upper limit adjusted annually for inflation, unless the
16 Cannabis Control Board determines a greater fee is necessary to carry out its
17 responsibilities under this Chapter;

18 (3) qualifications for registration that are directly and demonstrably
19 related to the operation of a cannabis establishment or security requirements
20 for cannabis establishments, including for the transportation and storage of
21 cannabis by cannabis establishments;

22 (4) requirements to prevent the sale or diversion of cannabis and
23 cannabis products to persons under the age of twenty-one (21);

24 (5) labeling and packaging requirements for cannabis and cannabis
25 products sold or distributed by a cannabis establishment;

26 (6) health and safety regulations and standards for the manufacture
27 of cannabis products and the cultivation of cannabis;

1 (7) reasonable restrictions on the advertising and display of cannabis
2 and cannabis products;

3 (8) reasonable restrictions on the quantity of cannabis and cannabis
4 products purchased at any one (1) time by a consumer so as to effectually
5 prevent the resale of cannabis items;

6 (9) implementation of a “seed to sale” tracking system;

7 (10) civil penalties for the failure to comply with regulations made
8 pursuant to this Chapter; and

9 (11) any other rules the Cannabis Control Board considers necessary
10 for the administration of the Guam Cannabis Industry Act, and the
11 implementation and enforcement of this Chapter.

12 (b) In order to ensure that individual privacy is protected, the Cannabis
13 Control Board *shall not* require a consumer to provide a retail cannabis store with
14 personal information other than government-issued identification to determine the
15 consumer’s age, and a retail cannabis store *shall not* be required to acquire or record
16 personal information about consumers.

17 **§ 8111. Cannabis Establishment Registrations.**

18 (a) Each application or renewal application for a registration to operate a
19 cannabis establishment *shall* be submitted to the Cannabis Control Board. A renewal
20 application may be submitted up to ninety (90) days prior to the expiration of the
21 cannabis establishment’s registration.

22 (b) The Cannabis Control Board *shall* begin accepting and processing
23 applications to operate cannabis establishments *no later than* ninety (90) days after
24 the regulations prescribed in § 8110 of this Chapter become effective. Upon receipt
25 of an application for licensure, the Cannabis Control Board *shall not* unreasonably
26 delay the processing, approval, or rejection of the application, or if the application
27 is approved, the issuance of the license.

1 (c) The Cannabis Control Board *shall* issue an annual registration to the
2 applicant within sixty (60) days after receiving an application, or thirty (30) days
3 after receiving a renewal application, *unless* the Cannabis Control Board finds that
4 the applicant is not in compliance with the regulations established pursuant to § 8110
5 of this Chapter.

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

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

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

18 **§ 8112. Employers, Driving, Minors, and Control of Property.**

19 (a) Nothing in this Chapter shall be construed or interpreted to amend,
20 repeal, affect, restrict, or preempt the rights and obligations of public and private
21 employers to maintain a drug and alcohol free workplace; require an employer to
22 permit or accommodate the use, consumption, possession, transfer, display,
23 transportation, sale, or growth of cannabis in the workplace; or affect the ability of
24 employers to have policies prohibiting the use of marijuana by employees and
25 prospective employees in the workplace.

1 (b) Nothing in this Chapter is intended to affect the ability of employers to
2 enact and enforce workplace policies restricting the use or consumption of cannabis
3 by employees in the workplace.

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

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

10 (e) Nothing in this Chapter is intended to permit the transfer of cannabis,
11 with or without remuneration, to a person under the age of twenty-one (21) years.

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

17 **§ 8113. Excise Tax on Cannabis.**

18 (a) A Guam excise tax is imposed on the sale or transfer of cannabis from
19 a cannabis cultivation facility to a retail cannabis store or cannabis product
20 manufacturing facility. Every cannabis cultivation facility *shall* pay a Guam excise
21 tax at the rate of fifteen percent (15%) on the dollar value of cannabis that is sold or
22 transferred from a cannabis cultivation facility to a retail cannabis store or cannabis
23 product manufacturing facility. Provided further, that no such excise tax shall be
24 levied upon cannabis intended for sale as medical cannabis.

25 (b) The Department of Revenue and Taxation *shall* establish procedures
26 for the collection of all excise taxes levied.

1 (c) The Cannabis Control Board may exempt certain parts of the cannabis
2 plant from the excise tax described in Subsection (a), or may establish an alternate
3 rate or tax structure in accordance with the rules and regulations promulgated in
4 accordance with this Chapter.

5 (d) There is hereby established a fund to be known as the *Cannabis Fund*
6 which *shall* be maintained separate and apart from any other fund of the government
7 of Guam and *shall* be administered by the Department of Administration. Fifty
8 percent (50%) of the excise tax collected or received pursuant to § 8113(a) *shall* be
9 deposited in the Cannabis Fund, and *shall* be annually allocated, and is hereby
10 appropriated and *shall* be continued to be deemed appropriated as follows:

11 (1) twenty-five percent (25%) of the Fund to the Department of
12 Public Health and Social Services; and

13 (2) twenty-five percent (25%) of the Fund for the following:

14 (A) fifteen percent (15%) to the Guam Police Department for
15 the purposes of recruiting or maintaining police officers and purchasing
16 equipment and detection devices;

17 (B) fifteen percent (15%) to the Guam Customs and
18 Quarantine Agency for the purposes of recruiting or maintaining
19 customs and quarantine officers and purchasing equipment and
20 detection devices;

21 (C) twenty percent (20%) to the Department of Revenue and
22 Taxation for operations consistent with the implementation of this Act;

23 (D) forty percent (40%) to the Guam Behavioral Health and
24 Wellness Center substance abuse treatment, prevention, and education;
25 and

26 (E) ten percent (10%) to the Department of Agriculture's
27 Conversation Officer Law Enforcement Section for the purposes of

1 recruiting or maintaining conservation officers and purchasing
2 equipment and detection devices.

3 **§ 8114. Monthly Statements and Payments.**

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

9 (1) the total number of ounces, including fractional ounces sold or
10 transferred;

11 (2) the names and addresses of each buyer and transferee; and

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

14 **§ 8115. Federal Law, Applicability.**

15 Nothing in this Chapter proposes or intends to require any individual or entity
16 to engage in any conduct that violates federal law, exempt any individual or entity
17 from any requirement of federal law, or pose any obstacle to federal enforcement of
18 federal law.

19 **§ 8116. Prior Duties, Penalties, and Proceedings.**

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

22 **§ 8117. Contracts.**

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

26 **§ 8118. Smoking of Cannabis Regulated.**

1 Smoking of cannabis products *shall* be regulated and enforced in accordance
2 with the requirements of Chapter 90 of Title 10, Guam Code Annotated, known as
3 the “Natasha Protection Act of 2005.”

4 **§ 8119. Unlawful Dissemination of Cannabis Odor.**

5 No person or business shall permit or cause the smoke or noxious odor from
6 cannabis cultivation or consumption to emanate from its point of generation onto
7 another real property that is not in its possession. Violations in this Section *shall* be
8 deemed a nuisance in accordance with Part 3 of Chapter 10, Title 20, Guam Code
9 Annotated and § 23101 of Chapter 23, Title 21, Guam Code Annotated. Violations
10 of this Section and the resulting penalties herein are in addition to other violations
11 and penalties of law.

12 **§ 8120. Baseline Data Study Prior to Enactment.**

13 Prior to enactment of the rules and regulations by the Cannabis Control Board,
14 the Office of the Governor, in collaboration with the Bureau of Statistics and Plans,
15 Department of Public Health and Social Services, Guam Behavioral Health and
16 Wellness Center, Guam Police Department, the Judiciary of Guam, and other
17 relevant government of Guam agencies, *shall* conduct a baseline study which
18 consists of a collection of baseline data on cannabis use through population based
19 surveys before enactment, and baseline data measuring various public safety and
20 public health issues related to cannabis use in order to measure the impact of this
21 Act. This study *shall* be reviewed annually by the Cannabis Control Board and used
22 as a monitoring and comparison tool with public health and public safety data
23 relative to cannabis use going forward.

24 **Section 3.** A new Chapter 9 is *added* to Title 11 of Guam Code Annotated,
25 to read:

26 **“CHAPTER 9**

27 **CANNABIS CONTROL BOARD**



- 1 § 9101. Short Title.
- 2 § 9102. Cannabis Control Board, Established.
- 3 § 9103. Appointment of Members; Term.
- 4 § 9104. Qualifications of Members.
- 5 § 9105. Meetings of Board; Quorum; Chairperson, Vice Chairperson.
- 6 § 9106. Staff Support.
- 7 § 9107. Duties of Board.
- 8 § 9108. Limitations on Board Jurisdiction.
- 9 § 9109. Cannabis Control Fund, Created.

10 **§ 9101. Short Title.**

11 This Chapter *shall* be known as the “*Cannabis Control Board Act of 2019.*”

12 **§ 9102. Cannabis Control Board, Established.**

13 There is hereby established a “Cannabis Control Board” (Board) within the
 14 Department of Revenue and Taxation.

15 **§ 9103. Appointment of Members; Term.**

16 The Board *shall* have a membership of nine (9) members who are appointed
 17 by and serve at the pleasure of *I Maga'hågan Guåhan*.

18 (a) One (1) member *shall* be the Director of the Department of
 19 Revenue and Taxation, or his or her designee;

20 (b) one (1) member *shall* be the Director of the Department of
 21 Agriculture, or his or her designee;

22 (c) one (1) member *shall* be the Director of the Department of Public
 23 Health and Social Services or his or her designee;

24 (d) one (1) member *shall* be the Director of the Guam Behavioral
 25 Health and Wellness Center or his or her designee;

26 (e) one (1) member *shall* be the General Manager of the Guam
 27 Visitors Bureau or his or her designee;

1 (f) one (1) member *shall* be the Chief of the Guam Police
2 Department or his or her designee;

3 (g) one (1) member *shall* represent the Guam business community;
4 and

5 (h) two (2) members *shall* represent the general public, and *at least*
6 one (1) member from the general public *shall* possess a medical cannabis card.
7 Each member *shall* serve a term of four (4) years.

8 **§ 9104. Qualifications of Members.**

9 Each member *shall* be a citizen of the United States of America or a permanent
10 resident of Guam for at least one (1) year immediately preceding the appointment;
11 be at least twenty-one (21) years of age; not have been convicted of a crime, other
12 than traffic offenses, that involves moral turpitude; and, must *not* be an applicant for,
13 or hold a license to conduct any activities under the Board’s supervision and
14 regulation.

15 **§ 9105. Meetings of Board; Quorum; Chairperson, Vice**
16 **Chairperson.**

17 The Board *shall* meet at least monthly and may meet more frequently as its
18 duties require. A quorum *shall* consist of *at least* three (3) members being present
19 for the conduct of all official business. At its initial meeting, a quorum being present,
20 the members *shall* select their chairperson and vice chairperson.

21 **§ 9106. Staff Support.**

22 The Department of Revenue and Taxation *shall* provide staff support for the
23 Board.

24 **§ 9107. Duties of Board.**

25 The Board *shall* have all of the powers and duties specified in this Chapter,
26 and also the powers necessary or proper to enable it to carry out the purposes of this
27 Chapter and the purposes of the “Guam Cannabis Industry Act of 2019.” The

1 jurisdiction, supervision, powers and duties of the Board *shall* extend to any person
2 who buys, sells, produces, possesses, transports, or delivers any cannabis items
3 within Guam. The Board *shall* be responsible for:

4 (a) conducting hearings pertaining to any violation of this Chapter
5 or regulations promulgated hereby, including hearings for the purpose of
6 approving cannabis licenses and any other business allowed under this
7 Chapter;

8 (b) promulgating such rules and regulations, as may be necessary to
9 fulfill the intent, policies, and purposes of this Chapter, pursuant to the
10 Administrative Adjudication Law in Chapter 9 of Title 5, Guam Code
11 Annotated;

12 (c) levying fines and penalties for any violation of provisions of this
13 Chapter and the regulations promulgated by the Board;

14 (d) requiring and demanding access to, for the purposes of
15 inspecting, examining, photocopying, or auditing, all papers, books, and
16 records of a licensed cannabis business on its premises or elsewhere as
17 practical, including inspecting the gross income produced by a cannabis
18 establishment and verification of their income, and all other matters affecting
19 the enforcement of the Board's policy or as required pursuant to this Chapter;

20 (e) the types of licenses or permits to be covered by the cannabis
21 license and its structure, including onsite ingestion, application of topicals,
22 and smoking or vaping in a manner consistent with Chapter 90 of Title 10
23 GCA;

24 (f) regulating the testing, purchase, sale, production, processing,
25 transportation, and delivery of cannabis and cannabis products to be sold to
26 consumers by a retail cannabis store in accordance with the provisions of this
27 Chapter and the provisions of Chapter 8, Title 11 GCA;

1 (g) granting, refusing, suspending, or canceling licenses for the sale,
2 processing, or production of cannabis items, or other licenses in regard to
3 cannabis items, and to permit, in its discretion, the transfer of a license of any
4 person;

5 (h) investigating and aiding in the prosecution of every violation of
6 Guam law relating to cannabis items, and cooperating in the prosecution of
7 offenders before the Superior Court of Guam;

8 (i) adopting such regulations as are necessary and feasible for
9 carrying out the intent and provisions of this Chapter and to amending or
10 repealing such regulations;

11 (j) exercising all powers incidental, convenient or necessary to
12 enable it to administer or carry out the provisions of this Chapter, and the
13 provisions of Chapter 8, Title 11 GCA;

14 (k) regulating and prohibiting any advertising by manufacturers,
15 processors, wholesalers or retailers of cannabis items by newspapers, letters,
16 billboards, radio, television, or otherwise;

17 (l) regulating the use of cannabis items for scientific,
18 pharmaceutical, manufacturing, mechanical, industrial, and other purposes;

19 (m) adopting separate regulations as are necessary and feasible for
20 the public display and use of cannabis items at exhibitions promoting cannabis
21 as an alternative to pharmaceuticals;

22 (n) adopting separate regulations as are necessary and feasible for
23 the development of a hemp program for strains of cannabis that exceed three
24 tenths percent (0.3%) on a dry weight basis of any part of the cannabis plant,
25 or per volume or weight of cannabis product, or the combined percent of delta-
26 9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the
27 cannabis plant regardless of moisture content;

1 (o) conducting an annual summit with the Department of Revenue
2 and Taxation, the Department of Agriculture, the Department of Public Health
3 and Social Services, the Guam Police Department, the Department of Land
4 Management, and other stakeholders in the government and private sectors to
5 discuss the regulation of cannabis on Guam;

6 (p) developing an annual report which *shall* include, but not be
7 limited to:

8 (1) incidents of impaired driving, hospitalization, and use of
9 other health care services related to cannabis use on Guam;

10 (2) ownership and employment trends in Guam's cannabis
11 industry examining participation by racial, ethnic, and socioeconomic
12 subgroups, including identification of barriers to participation in the
13 industry;

14 (3) a compilation of data on the number of incidents of
15 discipline in schools, including suspensions or expulsions, resulting
16 from cannabis use or possession of cannabis or cannabis products; and

17 (4) a compilation of data on the number of penalties, arrests,
18 prosecutions, incarcerations, or sanctions imposed for violations under
19 this Act.

20 The Board *shall* incorporate available data into its report and coordinate
21 with the Department of Public Health and Social Services, the Guam
22 Department of Education, the Guam Police Department, the Guam
23 Department of Labor, and the Guam Economic Development Authority. The
24 Board *shall* annually submit its report to the Speaker of *I Liheslaturan*
25 *Guåhan* and, when appropriate, make recommendations for further research
26 or policy changes. The annual reports *shall* be posted online on *I Liheslaturan*
27 *Guåhan's* website; and

1 (q) prescribing forms and adopting such rules and regulations as the
2 Board deems necessary for the implementation and administration of this
3 Chapter *no later than* one (1) calendar year after the effective date of this Act.

4 **§ 9108. Limitations on Board Jurisdiction.**

5 The Board *shall not* regulate the personal cultivation of cannabis as may be
6 allowed by Guam law. The Board has no power to purchase, own, sell, or possess
7 any cannabis items.

8 **§ 9109. Cannabis Control Fund, Created.**

9 There is hereby created, separate and apart from all other funds of the
10 government of Guam, the Cannabis Control Fund (Fund). All fees, fines, penalties
11 and other charges resulting from the licensing and enforcement of adult cannabis use
12 on Guam *shall* be deposited in this Fund. Expenditures of the Fund *shall* be by
13 appropriation from *I Liheslaturan Guåhan*, except that sixty percent (60%) of all
14 funds *shall* be appropriated to the Guam Behavioral Health and Wellness Center for
15 the following purposes:

16 (a) twenty percent (20%) *shall* be used for cannabis prevention and
17 education programs for those under twenty-one (21) years of age; and

18 (b) forty percent (40%) *shall* be used for substance abuse, treatment,
19 prevention and education programs.

20 **§ 9110. Licensing Prohibition for Establishments Near Schools.**

21 The Board *shall not* issue a license for a cannabis establishment located within
22 a distance of one thousand (1,000) feet from any public or private school and other
23 places or facilities where youth generally congregate, which include childcare
24 centers, public playgrounds, and parks. The measurements *shall* be taken in a
25 straight line from the center of the nearest entrance to the building of such school or
26 place or facility stated herein to the center of the nearest entrance of the cannabis
27 establishment for which a license is applied. The provisions of this Section *shall not*

1 prohibit the renewal of any valid license previously issued and in effect at the time
2 of a subsequent construction or establishment of a school or place or facility stated
3 herein within five hundred (500) feet of such licensed cannabis establishment, and
4 provided that the premises of such licensed cannabis establishment *shall not*
5 subsequently be added to or enlarged.”

6 **Section 4.** §§ (c)(23) and (c)(31) of Appendix A, Chapter 67, Title 9, Guam
7 Code Annotated, are *repealed* and marijuana is hereby declassified as a Schedule 1
8 Controlled Substance. Any reference by the Guam Uniform Controlled Substances
9 Act to marijuana, such as “marihuana,” “tetrahydrocannabinol,” “cannabis,” and
10 derivatives thereof, *shall* be deemed repealed, null, and void upon the passage of this
11 Act.

12 **Section 5.** § 67.401.2(b) of Article 4, Chapter 67, Title 9, Guam Code
13 Annotated, is *amended* to read:

14 “(b) Any person who violates Subsection (a) with respect to any
15 controlled substance *shall* be guilty of a felony of the third degree.”

16 **Section 6.** § 67.401.4(f) of Article 4, Chapter 67, Title 9, Guam Code
17 Annotated, is *amended* to read:

18 “(f) If he is guilty of an offense involving a controlled substance
19 listed in Schedule I or II of this Act which is not a narcotic drug or a controlled
20 substance in Schedule III of this Act and if he has been convicted of one (1)
21 or more prior offenses punishable under the provisions of Subsection (e) of
22 this Section, a felony under any provision of this Act, any law of the United
23 States, a state or foreign jurisdiction relating to narcotic drugs or depressant
24 or stimulant substances and one (1) or more of the convictions are final, he
25 *shall* be sentenced to a term of imprisonment of not more than ten (10) years
26 and, in addition, may be fined not more than Thirty Thousand Dollars

1 (\$30,000.00). The sentence *shall* include a special parole term of at least two
2 (2) years in addition to such term of imprisonment.”

3 **Section 7.** § 67.401.4(h) of Article 4, Chapter 67, Title 9, Guam Code
4 Annotated, is *amended* to read:

5 “(h) If he is guilty of an offense involving a controlled substance
6 listed in Schedule IV of this Act and if he has been convicted of a felony under
7 a provision of this Act; or a law of the United States, a state or foreign
8 jurisdiction relating to narcotic drugs or depressant or stimulant substances,
9 and such convictions are final, then he *shall* be sentenced to a term of
10 imprisonment of not more than six (6) years and, in addition, may be fined not
11 more than Twenty Thousand Dollars (\$20,000.00). The sentence *shall* include
12 a special parole term of at least two (2) years in addition to such term of
13 imprisonment. Imposition or execution of such sentence *shall not* be
14 suspended and probation *shall not* be granted.”

15 **Section 8.** § 67.401.4(j) of Article 4, Chapter 67, Title 9, Guam Code
16 Annotated, is *amended* to read:

17 “(j) If he is guilty of an offense involving a controlled substance
18 listed in Schedule V of this Act and if he has been convicted of a felony under
19 a provision of this Act, or a law of the United States, a state or foreign
20 jurisdiction relating to narcotic drugs or depressant or stimulant substances,
21 and such convictions are final, then he *shall* be sentenced to a term of
22 imprisonment of not more than two (2) years or a fine of not more than Ten
23 Thousand Dollars (\$10,000.00), or both. Imposition or execution of such
24 sentence *shall not* be suspended and probation *shall not* be granted.”

25 **Section 9.** § 67.401.4(k) of Article 4, Chapter 67, Title 9, Guam Code
26 Annotated, is hereby *repealed*.

1 **Section 10.** § 67.401.5 of Article 4, Chapter 67, Title 9, Guam Code
2 Annotated, is *amended* to read:

3 **“§ 67.401.5. Fines for Drug Offenses.**

4 Any person who is guilty of an offense pursuant to § 67.402(a) of this
5 Act may, in addition to imprisonment for felony of the third degree, be fined
6 not more than Twenty-five Thousand Dollars (\$25,000.00), except that if any
7 person commits such offense after previously being convicted of one (1) or
8 more prior offenses involving § 67.402(a) of this Act, or for a felony under
9 any other provision of this Act or other law of the United States, state or
10 foreign jurisdiction relating to narcotic drugs or depressant or stimulant
11 substances, and one (1) or more of the convictions have become final, such
12 person may, in addition to imprisonment for felony of the third degree, be
13 fined not more than Fifty Thousand Dollars (\$50,000.00).”

14 **Section 11.** § 67.401.6 of Article 4, Chapter 67, Title 9, Guam Code
15 Annotated, is *amended* to read:

16 **“§ 67.401.6. Additional Fines for Drug Offenses.**

17 Any person who is guilty of an offense pursuant to § 67.403(a) of this
18 Act may, in addition to imprisonment for felony of the third degree, be fined
19 not more than Thirty Thousand Dollars (\$30,000.00); except, that if any
20 person commits such offense after previously being convicted of one (1) or
21 more offenses pursuant to § 67.403(a) of this Act or for any felony under any
22 other provision of this Act or other law of the United States, state or foreign
23 jurisdiction relating to narcotic drugs or depressant or stimulant substances,
24 and one (1) or more of the convictions have become final, such person *shall*
25 be sentenced to a term of imprisonment of not more than eight (8) years and,
26 in addition, may be fined not more than Sixty Thousand Dollars
27 (\$60,000.00).”

1 **Section 12.** § 67.411(b) of Article 4, Chapter 67, Title 9, Guam Code
2 Annotated, is *amended* to read:

3 “(b) For purposes of this Section, a person *shall* be considered
4 convicted of a second or subsequent offense if, prior to the commission of
5 such offense, he was convicted of one (1) or more felonies under any provision
6 of this Act or law of the United States, a state or foreign jurisdiction relating
7 to narcotic drugs or depressant or stimulant drugs.”

8 **Section 13.** § 67.412(a) of Article 4, Chapter 67, Title 9, Guam Code
9 Annotated, is *amended* to read:

10 “(a) Whenever any person who has not previously been convicted of
11 an offense under this Act or under any statute of the United States or of any
12 state relating to narcotic drugs or stimulant, depressant or hallucinogenic
13 drugs, pleads guilty to or is found guilty of possession of a controlled
14 substance under § 67.401.2(a), the Court, without entering a judgment of guilt
15 and with the consent of the accused, may defer further proceedings and place
16 him on probation upon terms and conditions. Upon violation of a term or
17 condition, the Court may enter an adjudication of guilty and proceed as
18 otherwise provided. Upon fulfillment of the terms and conditions, the Court
19 *shall* discharge such person and dismiss the proceedings against him.
20 Discharge and dismissal under this Section *shall* be without Court
21 adjudication of guilt and *shall not* be deemed a conviction for purposes of
22 disqualifications or disabilities imposed by law upon conviction of a crime.
23 Discharge and dismissal under this Section may occur only once with respect
24 to any person.”

25 **Section 14.** A new § 70.44.4 is *added* to Article 1, Chapter 70, Title 9, Guam
26 Code Annotated, to read:

1 **“§ 70.44.4. Possession of Cannabis by Persons Under Twenty-**
2 **one (21) Years of Age.**

3 Any person under twenty-one (21) years of age possessing cannabis
4 *shall* be guilty of a petty misdemeanor and subject to a One Hundred Dollar
5 (\$100.00) fine and suspension of their driver’s license for twelve (12) months
6 for the first offense and a Two Hundred-Fifty Dollar (\$250.00) fine and
7 suspension of their driver’s license for an additional twelve (12) months for
8 each subsequent possession. Suspension of one’s driver’s license *may* be
9 waived by the court and replaced with one hundred (100) hours of community
10 service for each possession if the guilty individual can demonstrate financial
11 or personal hardship resulting from the loss of his or her driving privileges.
12 The violation of this Section and the resulting penalties prescribed herein are
13 in addition to other violations of public law related to cannabis possession.”

14 **Section 15.** § 70.53 of Article 3, Chapter 70, Title 9, Guam Code Annotated,
15 *is amended* to read:

16 **“§ 70.53. Intoxication of Persons Under the Age of Twenty-One.**

17 (a) No person twenty-one (21) years or older *shall* knowingly give
18 or otherwise make available any alcoholic beverage or cannabis to a person
19 under the age of twenty-one (21) years. A person violates this Section who
20 gives or otherwise makes available an alcoholic beverage or cannabis to a
21 person under the age of twenty-one (21) with the knowledge that the person
22 to whom the alcoholic beverage or cannabis is made available will violate this
23 § 70.53.

24 (b) A person violates this Section who owns, occupies, or controls
25 premises on which alcoholic beverages or cannabis are consumed by any
26 person under twenty-one (21) years of age, and who knows of alcohol or
27 cannabis consumption by persons under twenty-one (21) years of age on such

1 premises, and who reasonably could have prohibited or prevented such
2 alcohol or cannabis consumption.

3 (c) Any person who violates this Section:

4 (1) *shall* be punished by a fine of not more than Two
5 Thousand Dollars (\$2,000) or by imprisonment for not more than one
6 (1) year or both; and

7 (2) in addition to the sentence referenced in Subsection (c)(1)
8 the court *may* require the violator to make restitution for any damages
9 to property or a person caused by a violation of this § 70.53, and *may*
10 require participation in volunteer service to a community service
11 agency.

12 (d) The prohibitions of this Section apply only to a person who is
13 present and in control of the location at the time the consumption occurs. The
14 prohibitions of this Section do not apply to the owner of rental property, or
15 the agent of an owner of rental property, unless the consumption occurs in the
16 individual unit in which the owner or agent resides.

17 (e) This Section *shall not* apply to any religious practice,
18 observance, or ceremony.

19 (f) The violations of this Section and the resulting penalties
20 prescribed herein, *supra*, are in addition to other violations of public law
21 related to alcoholic beverages or cannabis.”

22 **Section 16.** Nothing in this Act shall be construed or interpreted to amend,
23 repeal, affect, restrict, or preempt laws pertaining to Guam Public Laws 32-237, 34-
24 125, 34-165, or any other existing statute or public law relative to medical cannabis.

25 **Section 17. Independent Economic Impact Study.**

26 (a) No less than ninety (90) days from the effective date of this Act,
27 the Guam Visitors Bureau (GVB) *shall* issue a Request for Proposal for the

1 purpose of conducting an Independent Economic Impact Study (IEIS) relative
2 to the legalization of cannabis for adult use in Guam. GVB is authorized to
3 expend funds from the Tourist Attraction Fund to fund the IEIS. GVB, in
4 collaboration with the Guam Economic Development Authority and the
5 University of Guam, *shall* determine the study's parameters.

6 (b) The Independent Economic Impact Study *shall* be completed by
7 an identified group that includes an economist who holds a Doctor of
8 Philosophy or Master's Degree in Economics from an institution of higher
9 learning accredited by an accreditation agency recognized by the U.S.
10 Secretary of Education or an accrediting body that is recognized
11 internationally. This IEIS *shall* be transmitted to the Speaker of *I Liheslaturan*
12 *Guåhan* no later than one (1) year from the effective date of this Act.

13 **Section 18. Severability.** If any provision of this Act or its application to any
14 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
15 *not* affect other provisions or applications of this Act that can be given effect without
16 the invalid provision or application, and to this end the provisions of this Act are
17 severable.

18 **Section 19. Effective Date.** This Act *shall* be effective upon enactment.

1 purpose of conducting an Independent Economic Impact Study (IEIS) relative
2 to the legalization of cannabis for adult use in Guam. GVB is authorized to
3 expend funds from the Tourist Attraction Fund to fund the IEIS. GVB, in
4 collaboration with the Guam Economic Development Authority and the
5 University of Guam, *shall* determine the study's parameters.

6 (b) The Independent Economic Impact Study *shall* be completed by
7 an identified group that includes an economist who holds a Doctor of
8 Philosophy or Master's Degree in Economics from an institution of higher
9 learning accredited by an accreditation agency recognized by the U.S.
10 Secretary of Education or an accrediting body that is recognized
11 internationally. This IEIS *shall* be transmitted to the Speaker of *I Liheslaturan*
12 *Guåhan* no later than one (1) year from the effective date of this Act.

13 **Section 18. Severability.** If any provision of this Act or its application to any
14 person or circumstance is found to be invalid or contrary to law, such invalidity *shall*
15 *not* affect other provisions or applications of this Act that can be given effect without
16 the invalid provision or application, and to this end the provisions of this Act are
17 severable.

18 **Section 19. Effective Date.** This Act *shall* be effective upon enactment.

I Mina'trentai Siette Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	FISCAL NOTES	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
260-37 (COR) As amended by the Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance, and Universal Health Insurance; and further amended on the Floor	William A. Parkinson	AN ACT TO <i>ADD</i> A NEW § 8108(7) OF DIVISION 1, CHAPTER 8, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO LAWFUL OPERATION OF CANNABIS-RELATED FACILITIES.	3/13/24 12:13 p.m.	3/19/24	Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance and Universal Health Insurance	Request: 3/19/24 3/25/24	4/4/24 2:00 p.m.	5/13/24 3:41 p.m.	Additional Testimony 5/22/24
	SESSION DATE		TITLE	DATE PASSED	TRANSMITTED	DUE DATE	PUBLIC LAW NO.	DATE SIGNED	NOTES
	6/24/24	AN ACT TO <i>ADD</i> A NEW § 8108(a)(7) OF DIVISION 1, CHAPTER 8, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE LAWFUL OPERATION OF CANNABIS-RELATED FACILITIES.	7/10/24	7/10/24	7/22/24	37-116	7/22/24	Received: 7/22/24 Messages and Communications Doc. No. 37GL-24-2389	

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HÅGAN GUÅHAN
OFFICE OF THE GOVERNOR OF GUAM

Transmitted via Email to: speaker@guamlegislature.org

Doc Type: 37GL-24-2389
OFFICE OF THE SPEAKER
THERESE M. TERLAJE

July 22, 2024

THE HON. THERESE M. TERLAJE, *Speaker*
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

JUL 22 2024
Time: 6:40 pm
Received: [Signature]

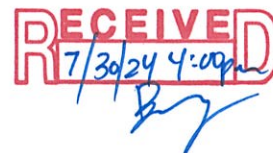
Re: Bill No. 260-37 (COR) – AN ACT TO ADD A NEW § 8108(a)(7) OF DIVISION 1, CHAPTER 8, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE LAWFUL OPERATION OF CANNABIS-RELATED FACILITIES.

Håfa Adai Madam Speaker,

Bill No. 260-37 exempts cannabis businesses from the Cannabis Control Board's Rules and Regulations requiring cannabis laboratory testing. Bill No. 260-37 will be in effect until the licensure and opening of a cannabis testing facility or two years after the date of enactment, whichever happens first.

The Guam Cannabis Industry Act was enacted on April 4, 2019, and soon afterward, the Cannabis Control Board passed Rules and Regulations. Since then, there has been no established cannabis business primarily due to the lack of a cannabis testing facility that is ISO 17025 accredited or certified by the Americans for Safe Access Patient Focused Certification Program, as required by the Cannabis Control Board's Rules and Regulations. With the enactment of this law, cannabis businesses will no longer be required to test cannabis in a cannabis testing facility until either (1) a licensed cannabis testing facility opens or (2) two years after the date of enactment. Bill 260-37 also adds additional disclaimers to make the public aware of the dangers of cannabis. Also, Bill No. 260-37 puts the onus on the cannabis cultivator, under the penalty of perjury, that the products meet the requirements relating to contaminants identified in 3 GARR § 9802.

There are benefits and safeguards to laboratory testing, but I also recognize the apprehension of investing in an expensive laboratory testing facility without knowing the value of the market. Bill 260-37 finds a balance through labeling and reassurances from cannabis cultivators to ensure safety, in order to give an opportunity for these businesses to open and create a market. Once a market is established, investors will have data points to justify investing in a laboratory testing facility. The testing exemption will last, at the most, for two years, at which point laboratory testing requirements in compliance with the Cannabis Control Board's Rules and Regulations will commence.



To: The Hon. Therese M. Terlaje, Speaker
Fr: The Hon. Lourdes A. Leon Guerrero, Governor of Guam
Date: July 22, 2024
Re: Bill No. 260-37 (COR)

Page 2 of 2

For the foregoing reasons, I am signing Bill No. 260-37 (COR) into law as ***Public Law 37-116***.

Senseramente,



LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan

Governor of Guam

Enclosure(s): Bill No. 260-37 (COR) nka P.L. 37-116

cc via email: *Honorable* Joshua F. Tenorio, *Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws

I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

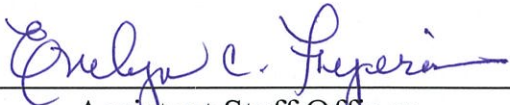
This is to certify that **Bill No. 260-37 (COR)**, "AN ACT TO *ADD* A NEW § 8108(a)(7) OF DIVISION 1, CHAPTER 8, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE LAWFUL OPERATION OF CANNABIS-RELATED FACILITIES," was on the 10th day of July 2024, duly and regularly passed.


Therese M. Terlaje
Speaker


Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 10th day of July,
2024, at 4:22 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:


Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: JULY 22, 2024

Public Law No. 37-116



I MINA'TRENTAI SIETTE NA LIHESLATURAN GUÅHAN
2024 (SECOND) Regular Session

Bill No. 260-37 (COR)

As amended by the Committee on Fire, Agriculture, Power and Energy Utilities, Public Transit, Unemployment Insurance, and Universal Health Insurance; and further amended on the Floor.

Introduced by:

William A. Parkinson
Chris Barnett
Frank Blas, Jr.
Joanne M. Brown
Christopher M. Dueñas
Thomas J. Fisher
Jesse A. Lujan
Tina Rose Muña Barnes
Roy A. B. Quinata
Joe S. San Agustin
Dwayne T.D. San Nicolas
Amanda L. Shelton
Telo T. Taitague
Therese M. Terlaje

AN ACT TO *ADD* A NEW § 8108(a)(7) OF DIVISION 1, CHAPTER 8, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE LAWFUL OPERATION OF CANNABIS-RELATED FACILITIES.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that under the authority granted by 11 GCA, Chapter 8, § 8110 of the Guam
4 Cannabis Industry Act, the Guam Cannabis Board promulgated rules regarding
5 the need for cannabis testing (see Article 7 of the Cannabis Control Board's
6 Rules and Regulations).

1 *I Liheslatura* finds that the requirements for a cannabis testing facility, as
2 defined in 11 GCA, Chapter 8, § 8102(l), while laudable, could stop Guam’s
3 cannabis industry before it starts.

4 *I Liheslatura* further finds that currently there are no cannabis testing
5 facility companies on island that can or will meet the requirement that it be ISO
6 17025 accredited or certified by the Americans for Safe Access Patient Focused
7 Certification Program, but there are several companies attempting to establish a
8 cannabis business.

9 *I Liheslatura* finds that requiring a cannabis testing facility where none
10 exists will further delay and derail Guam’s cannabis industry.

11 *I Liheslatura* further finds that some testing is not only beneficial but
12 needed.

13 Through this Act, *I Liheslaturan Guåhan* intends to exempt cannabis
14 businesses from some of the testing requirements while there is no cannabis
15 testing facility on island.

16 **Section 2.** A new § 8108(a)(7) is hereby *added* to Chapter 8, Division 1,
17 Title 11, Guam Code Annotated, to read:

18 “(7) delivering, distributing, or selling cannabis to consumers or other
19 cannabis businesses *if and only if* there is no cannabis testing facility on Guam
20 that is ISO 17025 accredited or certified by the Americans for Safe Access
21 Patient Focused Certification Program. So long as the cannabis flowers or buds are
22 marked with a label indicating the amount, strain, batch number, and date of
23 harvest, name and address of licensed cultivation company and manufacturing
24 company, as applicable, there shall be a disclaimer stating, (A) “the marijuana
25 contained within this package has not been tested for contaminants”; and (B)
26 “Marijuana use can be addictive and can impair an individual’s ability to drive
27 a motor vehicle or operate heavy machinery. Marijuana smoke contains

1 carcinogens and can lead to an increased risk for cancer, tachycardia,
2 hypertension, heart attack, and lung infection. KEEP OUT OF REACH OF
3 CHILDREN.”

4 (A) Upon the licensure and opening of a cannabis testing facility
5 by the Guam Cannabis Control Board, all cannabis must be tested as
6 required by the applicable rules and regulations. The Guam Cannabis
7 Control Board shall notify every licensee that it has ten (10) days to
8 demonstrate that it is compliant with the relevant testing requirements.
9 The company’s Responsible Official is responsible for demonstrating
10 compliance.

11 (B) Notwithstanding any other provision of law, rule, or
12 regulation, in the absence of a licensed cannabis testing facility on
13 Guam, cannabis cultivators may deliver, distribute or sell cannabis
14 flowers or buds; provided, the cannabis cultivator attests under
15 penalty of perjury their cannabis flowers or buds meets the
16 requirements relating to contaminants contained in 3 GARR §
17 9802(f)(2).”

18 **Section 3.** Section 8108(a)(7) of Chapter 8, Division 1, Title 11, Guam
19 Code Annotated, shall be effective ninety (90) days after enactment. Section
20 8108(a)(7) of Chapter 8, Division 1, Title 11, Guam Code Annotated, shall sunset
21 two (2) years after the date of enactment.

INSIGHTS

2025 Federal Hemp Reclassification: Congress Moves to Redefine "Hemp" and Ban Most Hemp-Derived THC Products

By Cassia Furman, Shawn Hauser, Juliana Todeschi, Bridgette Nikisher

Nov 13, 2025



This week, the regulated hemp industry is weathering the most significant federal policy shift since hemp was removed from the Controlled Substances Act in the 2018 Farm Bill. Language added to the [FY2026 Agriculture, Rural Development, Food and Drug Administration and Related Agency Appropriations Act](#) (the "Agricultural Appropriations Bill" or "Bill") amends the federal definition of "hemp" to effectively ban most commercial hemp and cannabinoid products nationwide.

The new definition reshapes the entire hemp market, from cultivation to retail. The change dramatically impacts businesses manufacturing or selling products made with hemp-derived cannabinoids such as delta-9 THC, delta-8 THC, and THCA, as well as other cannabinoids to be identified by the FDA and HHS Secretary. The Bill also bans any cannabinoids that are 1) not capable of being naturally produced by a Cannabis sativa L. plant; OR 2) are capable of being naturally produced by a Cannabis sativa L. plant but were synthesized or manufactured outside the plant.

Overview of Federal Hemp Redefinition Legislative Process

The legislative process resulted in an unusual combination of a short-term Continuing Resolution (CR) and the full-year FY2026 Agriculture Appropriations Bill, which includes the restrictive hemp language championed by Senator Mitch McConnell (R-KY). McConnell's fellow Kentucky senator Rand Paul (R-KY) pushed for an amendment to strip the restrictive hemp language from the Bill. Still, he could not garner sufficient support with reopening the government on the line. The restrictive hemp language remained in the Bill that passed the Senate on November 10, 2025, passed the House on November 12, 2025, and was signed by President Trump. The hemp language in the Bill will now take effect in one year.

Key Changes in the Proposed Hemp Definition

Total THC Standard

Lawful hemp is defined by the inclusion of not more than 0.3 percent Total THC on a dry weight basis, inclusive of THCA and any other cannabinoids that have similar effects as THC (to be designated by the HHS Secretary), for example, delta-8 THC. This replaces the 2018 Farm Bill standard that only measured delta-9 THC.

Strict Potency Limit of 0.4 mg Total THC per Container

To qualify as legal "hemp," final hemp-derived cannabinoid products may not exceed 0.4mg Total THC per container. "Container" is defined as "the innermost wrapping, packaging, or vessel in direct contact with a final hemp-derived cannabinoid product," which is intended for final retail sale and expressly excludes bulk packaging.

Ban on Synthetic/Converted Cannabinoids

Both final hemp products and "Intermediate Hemp Material" (commonly known as Work-in-Progress or "WIP") are excluded from the legal definition of hemp if they contain any synthetic or manufactured cannabinoids (naturally occurring cannabinoids synthesized outside the plant). These products are reclassified as Schedule I marijuana.

WIP Restrictions

The Bill excludes WIP with more than 0.3% Total THC from the definition of hemp, making any WIP exceeding this threshold federally illegal marijuana. This creates significant issues for hemp manufacturers, given that extracts generally exceed this amount.

Hemp Seeds

Viable seeds are explicitly excluded from the definition of hemp if the parent plant exceeds the 0.3% Total THC threshold (meaning seeds derived from marijuana are illegal). Furthermore, seeds are categorized as "industrial hemp" only if intended for specific non-consumable purposes, such as producing fiber, stalk, non-cannabinoid oils, or for limited research.

15 Years.

The new federal hemp restrictions will take effect on November 12, 2026. The U.S. Food and Drug Administration (FDA) is directed to issue guidance within ninety (90) days that identifies all relevant cannabinoids and clarifies the definition of "container."

What Happens Next?

Implementation Date: The Agricultural Appropriations Bill became law on November 12, 2025, meaning the hemp restrictions will take effect on November 12, 2026.

The hemp industry now focuses on legislative efforts to revisit the hemp definition or otherwise enable the lawful sale of hemp-derived cannabinoids before the ban. Potential vehicles include appropriations/spending bills (including January 2026 when the current CR expires), a 2026 Farm Bill effort, or, prospectively, standalone legislation. However, the latter would be a huge hurdle in this Congress.

If the restrictive hemp language remains in place following the November 12, 2026, effective date, all hemp products exceeding the thresholds will be deemed federally illegal cannabis products subject to state cannabis regulations, federal restrictions on interstate commerce, and punitive IRS Section 280E tax treatment, among other changes. Various state hemp programs will require amendments that correlate with the new federal status. Please contact us for additional details.

Conclusion: A Pivotal Moment for the U.S. Hemp Industry

While the 0.4mg THC cap effectively guts the hemp industry as we know it, this moment marks a historic pivot in federal cannabis policy. For the first time in modern history, the U.S. government is explicitly sanctioning the presence of THC in consumable hemp products, marking a watershed acknowledgment of cannabinoids in commerce. Even though the one-year transition period offers limited time to adapt, it also works as a catalyst to again press for federal policy reform on cannabinoid products, regardless of source.

Vicente LLP's hemp and cannabinoid regulatory attorneys are actively tracking the federal hemp ban and legislative updates. [Contact our team with questions about the impact of this bill and its implications for the future of the hemp industry.](#)

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[Bridgette Nikisher](#), [Cassia Furman](#), [Delta-8](#), [Delta-9](#), [Federal](#), [Federal and International Law & Policy](#), [Federal Policy](#), [Hemp & Cannabinoids](#), [Hemp-Derived Products](#), [Hemp-Derived THC](#), [Intoxicating Hemp](#), [Juliana Todeschj](#), [Shawn Hauser](#)

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INSIGHTS

Rescheduling Marijuana: What It Means (and Doesn't) for Criminal Justice Reform

By Angela George, Shawn Hauser

Nov 3, 2025



Key Summary

- Marijuana products remain federally illegal until approved by the FDA, and only three cannabis-based drugs have received such approval to date.
- Most marijuana-related criminal charges and penalties remain intact, as many CSA provisions specifically target marijuana regardless of its schedule; only penalties unique to Schedule I substances no longer apply to marijuana, such as certain advertising restrictions.
 - *Note: Marijuana dispensaries remain in violation of the CSA under Schedule III.*
- Federal restrictions on benefits, employment, and firearm ownership remain, and prior convictions are unaffected by rescheduling.

The DEA's proposal to move marijuana from Schedule I to Schedule III under the Controlled Substances Act marks a historic shift in federal policy by formally recognizing marijuana's medical use and lower abuse potential. Yet, despite this reclassification, its effect on the criminal justice system is minimal.

Biden's Marijuana Reform Goals vs. the Reality of Rescheduling

While rescheduling acknowledges progress, it stops short of achieving the broader criminal justice reforms President Biden envisioned when he directed federal agencies to review marijuana scheduling in 2022.

In his October 2022 proclamation, President Biden acknowledged that "sending people to prison for possessing marijuana has upended too many lives" and that despite similar usage rates across racial groups, "black and brown people have been arrested, prosecuted, and convicted at disproportionate rates. He also noted how criminal records for marijuana possession continue to impose "needless barriers to employment, housing, and educational opportunities."

Yet, as this analysis makes clear, rescheduling alone does not remedy these harms, since marijuana remains a federally controlled substance subject to most of the same criminal penalties and collateral consequences.

What Does Rescheduling Mean for Marijuana Legalization?

While [Schedule I classification](#) is reserved for substances defined as having "no accepted medical use and a high potential for abuse" (like heroin, LSD, and ecstasy), [Schedule III classification](#) includes those substances defined as having "moderate to low potential for physical and psychological dependence," while recognizing accepted medical uses such as ketamine, testosterone, and Tylenol with codeine.

However, even under Schedule III, marijuana will remain illegal at the federal level until the substance gains approval from the federal Food & Drug Administration (FDA) or until Congress passes a federal regulatory framework for marijuana.

The FDA drug approval process is complex and multi-phase, typically requiring over a decade of research and can often cost more than [\\$1 billion](#) per new medicine, due to the extreme rigor and high failure rate of clinical trials. Marijuana flower, as a botanical, poses additional challenges for approval under this framework. To date, there are only three approved cannabis-based drugs, and FDA approval timelines historically move at a glacial pace.

CSA Rescheduling: Changed Legal Classification, Same Status Quo

Despite marijuana's proposed reclassification as a Schedule III substance being less restrictive than its former Schedule I classification, the majority of marijuana-related criminal charges and penalties largely remain the same.

15 Years.

This is because very few major criminal penalties under the Controlled Substances Act depend solely on Schedule I classification. Most federal marijuana crimes, including possession, manufacturing, and distribution, are tied to the quantity of "marihuana" involved, not its schedule. In other words, changing marijuana's schedule does not affect the base offenses or sentencing thresholds that drive most prosecutions under federal law.

Marijuana-Specific Criminal Penalties Under Schedule III

The Controlled Substances Act (CSA) explicitly contains marijuana-specific criminal provisions and general prohibitions that apply regardless of a substance's schedule. As noted above, most criminal penalties under the CSA hinge on the quantity of 'marihuana' involved rather than its schedule classification.

Specific CSA sections, including those providing enhanced penalties (21 U.S.C. 842 and 843), and restrictions on dispensing only for a medical purpose (21 U.S.C. 829(c)), would still render every adult-use market transaction a federal crime. Ancillary businesses will still face regulatory risk because Schedule III does not change the core federal criminal status of the state-legal retail model.

Absent an intentional revision of this language by Congress, federal penalties for marijuana remain largely intact – the same as they've been since the CSA's passage in 1970. Data is clear that federal and state enforcement disproportionately targets communities of color, with marijuana possession being the largest [driver of drug arrests](#)—accounting for approximately 35% of all drug arrests nationally. The disproportionate social harms of drug-related incarceration felt by communities of color can be linked directly to the enforcement of low-level marijuana possession crimes.

How Controlled Substance Laws Still Apply to Marijuana

Many provisions of the CSA apply broadly to all scheduled substances. Under these provisions, marijuana, if reclassified to Schedule III, would still be subject to the same general prohibitions as any other controlled substance.

For example, simple [possession of a controlled substance](#) still constitutes the same offense as possessing marijuana without a valid prescription. While marijuana would be reclassified as a Schedule III controlled substance, its legal possession would still require a prescription approved by the U.S. Food and Drug Administration (FDA), as is the case with [other Schedule III substances](#) such as ketamine, buprenorphine, or prescription anabolic steroids.

Generally Applicable Schedule I Penalties Removed

The primary substantive change in federal criminal treatment of marijuana concerns penalties specific only to Schedule I substances.

For example, marijuana no longer falls under the purview of [21 U.S.C. § 843](#), which outlines advertising restrictions specific to Schedule I substances.

Collateral Consequences & Criminal Justice Impact

Despite rescheduling, most collateral consequences for marijuana use and marijuana-related convictions, such as ineligibility for federal assistance programs or benefits, termination or ineligibility for employment, and firearm prohibitions, remain intact without further legislative action.

Prior marijuana-related convictions, even those specific to Schedule I substances, also remain unaffected by rescheduling. Further legislative or administrative action would be needed to implement any expungement or resentencing scheme for prior marijuana-related offenses.

Positive Impact on Sentencing Decisions

The downward shift to Schedule III offers indirect relief to the criminal justice system by fundamentally changing the drug's judicial perception. Because a drug's classification influences the seriousness of the offense during sentencing, judges and federal prosecutors will now have legal justification to view marijuana as a substance with an accepted medical use and a lower abuse potential. This officially signals a federal de-prioritization that can lead to lower charging minimums, more favorable plea negotiations, and lighter sentences for non-violent marijuana crimes compared to offenses involving Schedule I or II drugs.

Although this change falls short of urgently needed reform and does not alter existing cannabis-specific laws, it may still encourage courts and prosecutors to further de-prioritize enforcement against non-violent, state-legal conduct and help narrow the scope of potential criminal liability for cannabis-related activities.

Marijuana Rescheduling vs. Descheduling: Why the Difference Matters

While rescheduling itself does little to address the broader harms of the War on Drugs, which has disproportionately impacted minority communities, it may serve as the incremental step towards descheduling, which would be necessary to fully remove criminal penalties and implement comprehensive reform.

.15 Years.

Rescheduling also opens the door for further conversations and shifting perspectives on the substance, which is an instrumental step forward in rectifying the harms brought about by the decades-long War on Drugs.

Vicente LLP continues to monitor federal cannabis rescheduling developments and their implications for businesses, policymakers, and advocates. Vicente's attorneys work at the intersection of law and policy to advance responsible cannabis regulation and support equitable, evidence-based reform.

For guidance on navigating cannabis policy or engaging in federal advocacy efforts, [contact us today](#)

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[Cannabis Reform](#), [Drug Policy](#), [Drug Reform](#), [Federal](#), [Federal Policy](#), [Rescheduling Cannabis](#), [Shawn Hauser](#)

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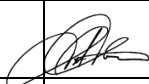
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COMMITTEE VOTE SHEET

Bill No. 245-38 (COR)- Introduced by Telo T. Taitague- *“An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment.”*

COMMITTEE MEMBERS	SIGNATURE/ DATE SIGN	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Telo T. Taitague Chairperson	 01.20.26	✓				
Senator Darrel Christopher Barnett Vice Chairperson	EVOTE 01.20.26			✓		
Senator Sabina F. Perez Member	EVOTE 01.20.26			✓		
Senator Therese M. Terlaje Member						
Senator Shelly V. Calvo Member						
Speaker Frank F. Blas, Jr. Member	EVOTE 01.21.26			✓		



Senator Telo Taitague <senatortelot@gmail.com>

REQUEST FOR EVOTE: COMMITTEE REPORT ON BILL NO. 245-38 (COR)

5 messages

Senator Telo Taitague <senatortelot@gmail.com>

20 January 2026 at 10:20

To: Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, Senator Therese Terlaje <senatortelajeguam@gmail.com>, "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Office of Senator Sabina Perez <office.senatorperez@guamlegislature.gov>, Senator Telo Taitague <senatortelot@gmail.com>
 Cc: senatortelot.charissa@gmail.com, Rowena Fejeran <senatortelot.rowena@gmail.com>

Håfa Adai Committee Members,

Please see the attached Committee Report on Bill No. 245-38 (COR)- Introduced by Telo T. Taitague- "An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment."

Please indicate your preferred action, based on the following options:

- _____ TO DO PASS;
- _____ TO NOT PASS;
- _____ TO REPORT OUT ONLY;
- _____ TO ABSTAIN;
- _____ TO PLACE IN INACTIVE FILE

Please submit your response **ASAP**. Your responses will be logged into the Committee Vote Sheet for **Bill No. 245-38 (COR)**. Should you have any questions, please do not hesitate to contact our office.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague


38th Guam Legislature

Chairperson

Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement

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 **Committee Report on Bill No. 245-38 (COR)_Routing January 20, 2026.pdf**
 14723K

Office Senator Perez <office.senatorperez@guamlegislature.gov> 20 January 2026 at 13:14
 To: Senator Telo Taitague <senatortelot@gmail.com>
 Cc: Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, Senator Therese Terlaje <senatortelajeguam@gmail.com>, "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, senatortelot.charissa@gmail.com, Rowena Fejeran <senatortelot.rowena@gmail.com>

To report out only.

[Quoted text hidden]

Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov> 20 January 2026 at 13:19
 To: Senator Telo Taitague <senatortelot@gmail.com>

To report out only.

On Tue, Jan 20, 2026 at 10:21 AM Senator Telo Taitague <senatortelot@gmail.com> wrote:

[Quoted text hidden]



The Office of Senator Chris Barnett

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Senator Telo Taitague <senatortelot@gmail.com> 21 January 2026 at 10:31
 To: Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, Senator Therese Terlaje <senatortelajeguam@gmail.com>, "Speaker Frank Blas, Jr." <speakerblas@guamlegislature.gov>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Office of Senator Sabina Perez <office.senatorperez@guamlegislature.gov>, Senator Telo Taitague <senatortelot@gmail.com>
 Cc: senatortelot.charissa@gmail.com, Rowena Fejeran <senatortelot.rowena@gmail.com>

Hafa adai Committee members, this email is a follow up request for review and vote on this report. Your time and attention is greatly appreciated.

Si Yu'os Ma'åse,

Create a Great Day!

Senator Telo T. Taitague

38th Guam Legislature

Chairperson

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[Quoted text hidden]

Speaker Frank Blas Jr. <speakerblas@guamlegislature.gov>

21 January 2026 at 14:16

To: Senator Telo Taitague <senatortelot@gmail.com>

Cc: Senator Darrel Christopher Barnett <malafunkshun@guamlegislature.gov>, Senator Therese Terlaje <senatorterlajeguam@gmail.com>, Office of Senator Shelly Calvo <officeofsenatorshellycalvo@guamlegislature.gov>, Office of Senator Sabina Perez <office.senatorperez@guamlegislature.gov>, senatortelot.charissa@gmail.com, Rowena Fejeran <senatortelot.rowena@gmail.com>

Håfa Adai,

To Report Out Only

Si Yu'os Ma'åse'

Frank Blas Jr.



Speaker, Frank F. Blas, Jr.

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COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 245-38 (COR) - *“An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment,”* was introduced on Friday, December 12, 2025 by Senator Telo T. Taitague, and was subsequently referred by the Committee on Rules to the Committee on *Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement*, on Monday, December 22, 2025. The Committee convened a Public Hearing on Thursday, January 8, 2026 at 8:30 a.m., in the Guam Congress Building, Public Hearing Room.

Public Notice Requirement:

In compliance with Open Government Law, a five (5) day public notice of this hearing was published on Tuesday, December 30, 2025, and a forty-eight (48) hour notice was published on Tuesday, January 6, 2026, on KUAM-TV and on the Guam Public Notice Website. Notices were also sent to all senators, and all main media broadcasting outlets via email on the same dates.

Senators Present:

Senator Telo Taitague, Chairperson
Senator Shelly V. Calvo, Member
Senator Eulogio Shawn Gumataotao
Senator Sabrina Salas Mantanae

Appearing Before the Senate Panel:

Maria Lizama, Director, Department of Revenue & Taxation
Amanda Shelton, Deputy Director, Department of Public Health & Social Services (DPHSS)

Stephen Roberto, Guam's Real Deal LLC
Jonathan Savares
Chelsa D. Muña, Director, Department of Agriculture

Written Testimony Submitted:

Therese C. Arriola, MBA, Director, DPHSS
Carissa E. Pangelinan, EdD, Director, Guam Behavioral Health & Wellness Center (GBHWC)
Daren D. Burrier, Fire Chief, Guam Fire Department (GFD)
Charlie Balbastro, Representative, Guam Youth Congress
Stephen Roberto, Guam's Real Deal LLC

II. SUMMARY OF TESTIMONY & DISCUSSION

The Public Hearing was Called-to-Order at 8:38 a.m. Bill No. 245-38 (COR)- "*An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment,*" was the first item on the agenda.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: *Buenas yan hãfa adai.* This public hearing is called to order and the time now is 8:38am. Sorry, I apologize for the late start and it is Thursday, January 8, 2026. This hearing is conducted by myself, Senator Telo Taitague, Chairwoman of the *Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Election, and Retirement.* To comply with the open government law, notices of this hearing was published on KUAM and the Government of Guam Public Notice Portal on Tuesday, December 30, 2025. And the second notice on Tuesday, January 6th, 2026. Notice of this hearing was also disseminated to all senators and media via email and is made available on the Guam Legislature's website. I would like to recognize those who are here in person and those who are watching from home. Welcome to your Guam legislature.

I'd also like to welcome my colleagues who are joining us today, Senator Sabrina Salas Matanane and Senator Shawn Gumataotao Thank you, Senators, for being here, and colleagues, copies of the legislation and documents received ahead of this hearing can be accessed through the Google Drive link, which is published on the public hearing notices



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for this hearing, and also emailed to you in advance. For the listening public, you can also access the Google Drive link on the public hearing notice published on the Government of Guam public notice portal at notices.guam.gov or the Guam Legislature's website at guamlegislature.gov. If you need assistance, please feel free to call the legislature at (671) 472-3465.

Before we begin, I would like to set some rules of engagement for this public hearing. When speaking, please make sure you speak directly into the microphone. Don't be shy. And for the record, please state your name, position, and who you represent. I also ask that when you testify today, if you have to leave early, please let me know in advance so that any questions that my colleagues or I have, we can ask you before you leave. Okay? And I respectfully ask that you conduct yourself professionally and respect others' opinions. Those individuals who do not comply of these rules will be removed from the room and prohibited from further participation.

So on the following agenda, today's agenda for discussion this morning, is Bill No. 245-38 COR introduced by myself, which is AN ACT TO AMEND SECTION 3 OF PUBLIC LAW 37-116, RELATIVE TO EXTENDING THE SUNSET PROVISION FOR THE TEMPORARY EXEMPTION OF CANNABIS LABORATORY TESTING REQUIREMENTS FROM TWO (2) YEARS TO FIVE (5) YEARS AFTER THE DATE OF ENACTMENT or when a lab is open. So, it will sunset when the lab is open.

Also, we have a roundtable discussion later on after this public hearing, on cannabis. So let me go ahead and I've introduced the bill already and I'll get started. So, Bill 245-38 had a fiscal note. It was received by BBMR on December 23, 2025, noting that the bill is administrative in nature and poses no additional fiscal impact upon the funds of the government of Guam. Also, our legal counsel preliminarily reviewed the bill upon introduction, and there were no recommendations for legal counsel at this time.

The invitations for this public hearing were sent to DRT, CCB, DOA, Department of Agriculture, that is, GWA, GPA, Guam Behavioral Wellness, Department of Public Health and Social Service, GPD, GFD, the Guam Visitors Bureau, and Department of Land Management. So, I'm just going to read a short statement about the bill:

So again, Buenas yan hãfa adai, and thank you to everyone who is here today to testify in today's hearing.

I want to begin by being very clear: public health and consumer safety remain central to this Legislature's responsibility. Laboratory testing for cannabis is an important safeguard for consumers and this bill does not abandon that principle.

The provision was enacted because Guam did not yet have a licensed testing facility that met the required accreditation standards. That exemption is not intended to eliminate laboratory testing or lower safety standards. It is a restricted time allowance to give regulated businesses a path forward while the testing infrastructure was being established. We know there has already been an applicant for a cannabis testing laboratory, and there is clear public interest in getting a compliant lab operational on Guam. Under this framework, full testing requirements are triggered as soon as a licensed testing facility becomes operational, and this bill simply extends the sunset period to allow that transition to occur without penalizing businesses for conditions beyond their control.

More than a year later, we remain in a transitional period. A compliant testing facility has not yet been licensed or opened on Guam, and stakeholders continue to operate under uncertainty as the regulatory system continues to take shape. This bill does not change testing standards, nor does it make the exemption permanent. It simply extends the existing sunset period to provide additional time for the necessary infrastructure to be established.

The measure before us is about balance. It recognizes the importance of consumer protection through laboratory testing, while also acknowledging the practical realities of implementing a new and highly regulated industry on Guam. Extending the sunset provision provides a more realistic timeframe for compliance without compromising the Legislature's responsibility to protect public health.

Today's hearing is an opportunity to hear from our agencies, industry participants, and the public on this measure and I appreciate everyone taking the time to participate and share their perspectives. Thank you.



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And at this time, I'd like to offer the floor now to Maria Lizama, Director of the Department of Revenue and Taxation, who oversees the regulatory side of the Cannabis industry. At this time, you are now recognized.

MARIE LIZAMA, DIRECTOR, DEPARTMENT OF REVENUE & TAXATION (DRT): Good morning, Madam Chair. My name is Marie Lizama, and I'm the Director of the Department of Revenue and Taxation. Good morning also to Senators Sabrina Salas Matanane and Senator Shawn Gumataotao. My testimony is short. Technically, the Department takes no official position with regard to the proposed legislation. However, should it pass into law, we would have no objection. We would simply comply. That's all.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Thank you. Like those short and sweet ones, you know. You did your homework, so I appreciate that. I also like to read into the record some of those who have provided testimony.

We also have a Stephen Roberto. Would you like to come and read your testimony into the record? Okay, I wasn't sure if it was just oral or just turned in for written. So, Mr. Roberto, you are now recognized, sir, to read your testimony into the record, and good morning to you. Happy New Year. Okay, just we'll have someone turn on your microphone for you. And again, just please speak directly into the microphone. You can move the microphone up and down to fit your position and then your name and who you represent.

STEPHEN ROBERTO, GUAM'S REAL DEAL LLC: Happy New Year, Madam Chair, members of the Committee. My name is Steve Roberto. I'm writing on behalf of Guam's Real Deal LLC, a Guam-based stakeholder in the emerging but stalled cannabis industry. I want to provide written testimony in support of Bill No. 245-38 which seeks to amend Section 3 of Public Law 37-116 by extending the sunset provision for the temporary exemption of cannabis laboratory testing requirements from two years to five years after the date of enactment. We strongly favor this extension and appreciate the opportunity to contribute to the roundtable discussion on the Cannabis Industry Act,

particularly regarding barriers to program implementation, regulatory challenges, and inter-agency coordination.

As a company actively navigating the licensing and operational landscape under the Cannabis Industry Act, Guam's Real Deal LLC has firsthand experience with the significant bureaucratic hurdles that have impeded the timely rollout of Guam's cannabis program. Since the Act's enactment, regulatory delays have been numerous and persistent, stemming from a combination of inexperienced agencies, complex intra-agency coordination requirements, and evolving federal considerations that complicate the local implementation. For instance, the adoption of necessary regulations for licensing, enforcement, and even basic program elements like seed-to-sell tracking with Metric has progressed far slower than anticipated. These challenges have not only stalled laboratory licensing applications, but have also created uncertainty around zoning, financing, and business feasibility issues that directly impact stakeholders like us who are committed to compliant operations.

Guam's Real Deal is one of the early licensees that is perhaps the closest company to finish the regulatory process, but it's still working to satisfy the legion of regulatory hurdles. As an early licensee, we've made substantial investments to get our business up and running. While we oppose changes to the legal and regulatory landscape that would apply differently to different licensees, we support any change that is applied equally to all applicants. Generally, we support any effort to improve compliance and business survival, protect local jobs and tax revenue, reduce incentives for consumers to rely on unregulated sources, and strengthen enforcement. A functional, profitable legal market is the most effective tool against the black market, which thrives when lawful operators are constrained by delays and uncertainty.

Guam's cannabis industry can succeed only if regulations reflect real-world operating conditions and protect those who complied early and in good faith. Extending the testing waiver is essential to provide the breathing room needed for these bureaucratic issues to be resolved without prematurely halting industry's progress. Without this extension, businesses risk the loss of their substantial investments, which would undermine the economic investment goals of the Act, and deter potential participants from contributing to Guam's economy.

We urge the Committee to support Bill No. 245-38 as a practical measure to address these ongoing delays and foster a stable environment for responsible industry growth.



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Guam's Real Deal LLC remains available to provide more information or participate in further discussions. Please, Senators, contact me if needed. I want to thank you for your leadership on this important matter and for convening this roundtable to address these critical barriers. *Si Yu'os ma'åse'.*

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Thank you Mr. Roberto, and Mr. Roberto this is on Bill 245; it is a bill that we're having a public hearing, and we're going to have the roundtable, so I hope you're going to stick around for that.

STEPHEN ROBERTO, GUAM'S REAL DEAL LLC: I will, yes, ma'am.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Okay, great. Good to know. Okay, we also received testimony from the Guam Youth Congress as well. They sent in testimony. They do not object to the Bill 245-38. I also see the Deputy Director of Public Health here, former Senator Amanda Shelton. You're here for testimony for Bill 245? You are now recognized.

AMANDA SHELTON, DEPUTY DIRECTOR, DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES (DPHSS): *Si Yu'os ma'åse'* Madam Chair and good morning and *Håfa adai*. I'm here to provide my testimony on behalf of our Director Theresa Arriola.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: And your name for the record.

AMANDA SHELTON, DEPUTY DIRECTOR, DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES (DPHSS): Amanda Shelton. Thank you.

[Reads testimony into the record]

Buenas yan Håfa Adai Chairperson and honorable members of the Committee. The Department of Public Health and Social Services respectfully thanks you for the opportunity to present on Bill No. 245-38, An Act to amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary

Exemption of Cannabis Laboratory Testing Requirements for Two (2) Years to Five (5) Years After the Date of Enactment.

As the regulatory agency charged with protecting public health and overseeing compliance with applicable health and safety standards, DPHS does not support nor oppose the proposed extension of the sunset provision from two years to five years after enactment.

While the Department is not taking a position on the bill, we understand the intent and context in which the legislation is being proposed. The existing sunset provision for the temporary laboratory testing exemption is approximately six months from taking effect and the original purpose of Public Law 37-116 was to provide temporary regulatory relief to allow the cannabis industry time to develop the necessary infrastructure for compliance.

However, despite the passage of the original law, there are currently no licensed cannabis facilities in operation, including licensed laboratories capable of conducting the required testing. As such, the intended regulatory relief has not yet translated into a functioning, regulated cannabis marketplace.

DPHSS remains committed to its role in ensuring that any future cannabis operations on Guam prioritize public health, consumer safety, and regulatory compliance, including appropriate testing standards once facilities are operational. Any extension of the sunset provision is ultimately a policy determination for the legislature, balancing industry readiness with the long-term public health considerations. Si Yu'os ma'åse. Thank you again for the opportunity to provide testimony on this measure.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Thank you so much. And at this time, I'd like to open it up to my colleagues if they have any questions for the panel. Senator Gumataotao.

SENATOR SHAWN GUMATAOTA: Thank you, Madam Chair, and thank you all for being with us this morning. I don't have very many questions, but maybe you can help me understand a couple of different things. At the public hearing last month regarding the qualifications of dietician and nutritionist professionals, I was inquiring about any ongoing investigations involving illicit sellers of unapproved or misbranded drugs or food supplements. And the response from practitioners was that the supplement industry



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is not regulated and that consumption of food supplements is really at the risk of consumers. So with that said, as maybe an authorized cannabis distributor recognizing the absence of testing facilities in Guam right now, maybe Steve, you can help me answer this, and maybe if anyone here in the audience can answer this; what consumer complaints are you aware of involving your products, and how have you actively engaged consumers regarding any potential adverse risks that are associated with the use of your products?

STEPHEN ROBERTO, GUAM'S REAL DEAL LLC: Well, to answer that question, Senator, we haven't been able to make any products.

SENATOR SHAWN GUMATAOTAO: If anybody else in this room can answer that? And why I'm asking, it's important for us, because as we're trying to get this off the ground, the delays that I mean, we believe there is a value. I just mean, it just baffles the mind that we are still two years from asking for an extension. And by the way, I do support the intent, and I plan to probably vote in favor of this. But as a government, and this is, it's not an oversight hearing on public health or even revenue tax in this matter, but it's important for us as we are, when the policies are set, especially on an industry that needs us the most, meaning it needs policy makers, it needs our regulatory agencies. It's clear that we need to be pushing harder to get that work done. We can't say, okay, we don't have this or we don't have that. The policy's pretty clear; we just need to execute. And this doesn't make me feel any better that knowing that there's folks out there, hundreds of folks that can benefit from its use today.

I have only one other question, Madam Chair, is during the public hearing last legislative term on the policy that this bill is attempting to amend, an individual from the CNMI testified at length about the impact of having a cannabis testing facility requirement in place. Recognizing the CNMI's experience with this evolving industry, what specific strategies have been put forward or are under active consideration by stakeholders in Guam's cannabis industry and our public or our government agencies, including regulatory improvements to protect consumer health and encourage safe and responsible production and distribution. I'm aware that they are not doing it, but have you, either

former Senator Shelton or Marie, have you reached out to your colleagues in the Northern Marianas and inquired about how they're doing that business today?

MARIE LIZAMA, DIRECTOR, DEPARTMENT OF REVENUE & TAXATION (DRT): Speaking for DRT, no. There have been no efforts to reach out to the CNMI with regard to how they're conducting or how they're running their industry.

SENATOR SHAWN GUMATAOTAO: Knowing that the policy is in place, Marie, again, it's not an oversight hearing, but is there anyone on your team that may or could engage the Northern Marianas?

MARIE LIZAMA, DIRECTOR, DEPARTMENT OF REVENUE & TAXATION (DRT): We could possibly request that the compliance team, which pretty much oversees some of the, you know, setting up of the meetings, the CCB meetings, you know, and so forth, as well as kind of managing the application process; I would have to speak to the team with regard to that.

SENATOR SHAWN GUMATAOTAO: John, did you, I know you just stepped up.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Yeah, I skipped, he didn't write in, but I was just told that he would like to testify. So, if you're done with your questions, and a lot of these questions, sir, will be done during the roundtable. We'll bring those up for sure, you know, so that we can expand it.

SENATOR SHAWN GUMATAOTAO: No, for sure. I'm probably going to ask them again.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Yes, yes, and I hope you do.

SENATOR SHAWN GUMATAOTAO: But in this case, for this measure, I felt that it would be important to add it to the record because if we're about to do this, I think that it will bring value to it all. But other than that, I will ask it again. Thank you again panel, for being with us this morning. I appreciate your time.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Thank you, Senator and is it okay if I'll just have a Mr. Savares actually provide his testimony. I'm sorry. I didn't see you on the sign-up sheet but you're very welcome and you're recognized. Please state your name for the record and who you represent.



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JONATHAN SAVARES: *Hafa adai*, my name is Jonathan Savares. Thank You Senator Telo, for this bill and for the extension for the lab waiver requirements. Just to address some of the questions that Senator Gumataotao has just posed; on a personal level, from what we are hearing and what we've heard previously from the government agencies, nobody was reaching out to the CNMI. When this lab bypass bill was done, it was almost a copycat from... almost very similar to how the CNMI got their industry launched. And what it is, the safeguards that were put in place was, there's actually a laboratory, there's supposed to be labeling that this product is not tested. Also, the safeguards that were placed are dealing with, there's no extraction, no edibles, those things that are problem some within the industry that have been seen within the industry in the states were removed. Because we know that most times from the data shows that when you deal with hydrocarbon extractions or infusions, that's when we see more problems within the ER, people getting panic attacks, negative effects.

All those issues were eliminated in the initial bill, and Senator Taitague was a very great advocate when it came to standing up to make sure that those protections were in place. And I do appreciate her due diligence when this initial bill was pushed forward, and I do support the five-year extension. But ultimately what it is, is this is a cat-and-mouse game. I firmly believe that if the lab cannot stand up without the cultivator, and the cultivator cannot stand up, we can bypass the lab. And this is what we're doing. But at the end of the day, the cultivation issues that still loom, and we'll get into that with the roundtable, are what the holdup is. If we cannot get the plant and the cultivators up and running, then we'll never have an industry. So, yeah. Thank you.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Thank you so much. And just one more person that I'd like to invite up who signed up to testify on Bill 245, is Chelsa Muña from the Department of Agriculture. If you'd like to come up and we'll hear your testimony before we continue on. And while you're getting ready, I'd like to recognize my colleague, Senator Shelly Calvo, who's joined us today. Good morning and Hafa Adai, Chelsa. Happy New Year. Thank you for being here. So, yeah, no worries. Take your time. And then just state your name for the record and who you represent.

CHELSA MUNA, DIRECTOR, DEPARTMENT OF AGRICULTURE: *Håfa Adai*, Senator. Good morning. Thank you. And thank you to the other senators. Well, the Department of Agriculture's testimony was really brief. It was just that we're in support and in favor of Bill 245. And we also emailed our response to questions this morning for the roundtable.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Okay. Thank you so much, and thank you for being here. Senator Sabrina Salas Matanane, you are now recognized for any questions.

SENATOR SABRINA SALAS MATANANE: Thank you, Madam Chair. As the Committee Chair with oversight over cannabis, first, I just appreciate you introducing this legislation and holding the roundtable meeting. So, really, I'm just going to defer all of the questions that I have for the roundtable portion. Thank you.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Thank you so much. Senator Calvo, do you have any questions or comments you'd like to make?

SENATOR SHELLY V. CALVO: No questions at the moment, but I just wanted to say *si Yu'os ma'åse'*, Madam Chair, and thank you very much to everyone who's here in the hearing room. And I'll save the questions for later. Thank you.

SENATOR TELO T. TAITAGUE, CHAIRPERSON: Okay. Well, thank you so much, colleagues. And, of course, those who are testifying today. Yeah, we're going to have a great conversation today after this. So, we're going to take a short recess. But before we go, I'd like to just state for the record that Bill 245-38 has been duly heard by this Committee, and any testimonies will be accepted from today's hearing, five business days from today. You can mail to my office at 238 Archbishop Flores Street, Suite 407 of the DNA Building in Hagåtña. You may also send your written testimony to my office via email at senatortelot@gmail.com.

And thank you for your participation. We had put in the record that we were going to start the roundtable at around 9:30 but we're going to do it a little bit earlier. I'm sure there's a lot to discuss so at this time we're going to take a short recess and prepare for the roundtable which will start in like five minutes, if that's okay, and then we'll just keep going okay. Thank you. We stand in recess.



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Public Hearing Adjourned at: 9:05 a.m.

III. FINDINGS & RECOMMENDATIONS

The Committee finds that Bill No. 245-38 (COR) seeks to amend Section 3 of Public Law 37-116 to extend the sunset provision for the temporary exemption of cannabis laboratory testing requirements from two (2) years to five (5) years after the date of enactment, or until a licensed testing facility becomes operational, whichever occurs first. The Committee finds that testimony from multiple government agencies confirmed that no licensed cannabis testing laboratory is currently operational on Guam, despite the passage of more than one year since the enactment of Public Law 37-116.

Testimony received by the Committee on Bill No. 245-38 (COR), is as follows:

- Director Maria Lizama, Department of Revenue and Taxation (DRT), testified that it takes no official position, but would comply with the law if enacted and expressed no objection to the extension.
- Deputy Director Amanda Shelton, Department of Public Health and Social Services (DPHSS), stated that it does not support nor oppose the bill, but confirmed that:
 - The original exemption was intended to provide temporary regulatory relief while the industry developed testing capacity.
 - No licensed cannabis laboratories are currently operational.
 - Any extension of the exemption is a policy determination for the Legislature, balancing industry readiness and long-term public health considerations.
- Director Chelsa Muña, Department of Agriculture, testified in support of the bill, indicating no objection to extending the sunset period.
- Stephen Roberto, Member of Guam's Real Deal LLC, an early cannabis licensee, testified in strong support of the bill, citing:
 - Persistent regulatory delays and inter-agency coordination challenges since the enactment of the Cannabis Industry Act.

- Significant financial investments made in good faith by early licensees who remain unable to operate due to factors beyond their control.
- The extension as a necessary measure to prevent loss of investment, deter black-market activity, and allow time for regulatory systems to stabilize.
- Support for regulatory changes only if applied equally to all licensees.
- Jonathon Savares, expressed support for the bill, and emphasized:
 - The original laboratory exemption framework was modeled after the CNMI's approach.
 - Existing safeguards already prohibit edibles, extraction, and high-risk products during the exemption period.
 - The extension is necessary because cultivation, processing, and laboratory development are interdependent and cannot advance independently.
- Representative Charlie Balbastro, Guam Youth Congress, submitted written testimony in support of the bill, acknowledging the importance of consumer safety and public health, the need to provide businesses with sufficient time to prepare for full laboratory testing requirements, and recognized individual choice while supporting regulatory safeguards.

During the hearing Senator Shawn Gumataotao raised concerns regarding the continued absence of cannabis testing infrastructure, noting that the need to extend the sunset provision underscores broader implementation and execution challenges within the current regulatory framework, despite the policy having been enacted more than a year ago. Senator Gumataotao also questioned the lack of intergovernmental coordination, particularly the absence of formal engagement with other jurisdictions such as the Commonwealth of the Northern Marianas (CNMI), which has operational experience with cannabis testing and regulatory rollout, and suggested that such coordination could inform Guam's regulatory approach. He emphasized that extending the sunset provision should not diminish the Legislature's commitment to consumer safety, nor delay the eventual implementation of full laboratory testing requirements, and stressed the importance of continued pressure on agencies to execute existing statutory mandates.

Chairperson Telo T. Taitague, sponsor of Bill No. 245-38 (COR), stated that the measure is intended to preserve public health and consumer safety while addressing the practical realities of implementing a newly regulated industry. The Senator emphasized that laboratory testing remains a critical safeguard and that the bill does not eliminate or weaken testing requirements, but instead extends a temporary exemption originally enacted due to the absence of a licensed testing facility on Guam. Senator Taitague noted that, more than a year after enactment, no



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compliant laboratory has become operational, and that the extension provides a reasonable and limited timeframe for infrastructure development, with full testing requirements triggered immediately once a licensed facility becomes available.

The Committee finds that Bill No. 245-38 (COR) is a narrowly tailored, administrative measure that responds to documented implementation delays beyond the control of licensees, carries no fiscal impact to the Government of Guam, and does not alter substantive public health or safety standards. Based on the testimony received, the absence of a licensed cannabis testing facility, and the shared acknowledgment by agencies and stakeholders that the extension is necessary to prevent regulatory stagnation while infrastructure development continues, the Committee finds sufficient basis to report out the bill as introduced.

The Committee on Economic Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs, Justice, Elections, and Retirement hereby reports out, **Bill No. 245-38 (COR)- Introduced by Telo T. Taitague- “An Act to Amend Section 3 of Public Law 37-116, Relative to Extending the Sunset Provision for the Temporary Exemption of Cannabis Laboratory Testing Requirements from Two (2) Years to Five (5) Years After the Date of Enactment,”** with the recommendation [To Report Out Only](#).

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 245-38 (COR)

Introduced by:

Telo T. Taitague 

AN ACT TO *AMEND* SECTION 3 OF PUBLIC LAW 37-116, RELATIVE TO EXTENDING THE SUNSET PROVISION FOR THE TEMPORARY EXEMPTION OF CANNABIS LABORATORY TESTING REQUIREMENTS FROM TWO (2) YEARS TO FIVE (5) YEARS AFTER THE DATE OF ENACTMENT.

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

2 **Section 1. Legislative Findings & intent.** *I Liheslaturan Guåhan* finds that
3 Public Law 37-116, enacted on July 22, 2024, amended Chapter 8, Division 1, Title
4 11, Guam Code Annotated, to temporarily exempt cannabis businesses from certain
5 laboratory testing requirements under the Guam Cannabis Industry Act. This
6 exemption was intended to allow the cannabis industry to commence operations in
7 the absence of a licensed testing facility that meets the standards of ISO 17025
8 accreditation or certification by the Americans for Safe Access Patient Focused
9 Certification Program.

10 *I Liheslaturan Guåhan* further finds that, despite the enactment of Public Law
11 37-116 and the passage of over one (1) year, no cannabis testing facility has been
12 licensed or opened on Guam that satisfies these requirements. While the temporary
13 exemption has facilitated initial steps toward establishing cultivation and sales, the

1 perceived lack of a compliant testing facility may be hindering full market
2 development and investor confidence.

3 *I Liheslaturan Guåhan* further finds that Guam's only cannabis testing
4 laboratory applicant, cultivation facility applicants and retail applicants have faced
5 issues with obtaining clearances from stakeholder agencies needed for full licensure.
6 These hurdles, stem from misunderstandings in rules and hesitancy to commit to
7 binding contracts and expenses without certainty on facility qualifications. This
8 persistent clog hinders the progress in establishing the industry's needed
9 infrastructure.

10 It is, therefore, the intent of *I Liheslaturan Guåhan* to extend the sunset
11 provision in Section 3 of Public Law 37-116 from two (2) years to five (5) years
12 after the date of enactment to provide additional time for a licensed testing facility
13 to emerge. This extension balances the benefits of consumer safety through eventual
14 laboratory testing with the practical need to foster industry growth.

15 **Section 2.** Section 3 of Public Law 37-116 is hereby amended to read:
16 "Section 8108(a)(7) of Chapter 8, Division 1, Title 11, Guam Code Annotated, shall
17 be effective ninety (90) days after enactment. Section 8108(a)(7) of Chapter 8,
18 Division 1, Title 11, Guam Code Annotated, shall sunset ~~two (2)~~ five (5) years after
19 the date of enactment."

20 **Section 3. Effective Date.** The provisions of this Act shall become effective
21 immediately upon enactment.



COMMITTEE ON RULES

Vice Speaker V. Anthony Ada, Chairperson
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature

December 23, 2025

To: **Rennae V. C. Meno**
Clerk of the Legislature

From: **Vice Speaker V. Anthony Ada** 
Chairperson, Committee on Rules

Subject: **Fiscal Note Waiver for Bill No. 245-38 (COR)**

Håfa Adai!

Find the attached, Fiscal Note Waiver for the following bill:

Bill No. 245-38 (COR).

I also request that the same be sent to the respective Chairperson of the Standing Committee, to which this bill has been referred. Kindly copy the same to Management Information Services (MIS) for posting on our website.





BUREAU OF BUDGET & MANAGEMENT RESEARCH

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932



LOURDES A. LEON GUERRERO
GOVERNOR

JOSHUA F. TENORIO
LIEUTENANT GOVERNOR

LESTER L. CARLSON, JR.
DIRECTOR

DEC 23 2025

Vice Speaker V. Anthony Ada
Chairperson, Committee on Rules
I Mina'trentai Ocho Na Liheslaturan Guåhan
Thirty-Eighth Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Hafa adai, Vice Speaker Ada:

The Bureau requests that Bill No. 245-38 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 245-38 (COR) is an act to *amend* Section 3 of Public Law 37-116, relative to extending the sunset provision for the temporary exemption of cannabis laboratory testing requirements from two (2) to five (5) years after the date of enactment. The proposed legislation intends to extend the sunset provision of cannabis laboratory testing as there has been no cannabis testing facility licensed or opened on Guam to satisfy the requirements since the passage of Public Law 37-116. The proposed legislation seeks to extend the sunset provision to provide additional time for a licensed testing facility to emerge.

As such, this bill is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.

Senseramente,

LESTER L. CARLSON, JR.