

**3 GAR – BUSINESS REGULATIONS
CH. 9 – CANNABIS CONTROL BOARD**

**CHAPTER 9
CANNABIS CONTROL BOARD**

SOURCE: Promulgated and adopted pursuant to the Administrative Adjudication Law, 5 GCA Chapter 9, and effective on May 30, 2022 by operation of law.

2022 NOTE: Rule-making authority for the Cannabis Control Board pursuant to 11 GCA § 8109, 8110, and 9107, enacted by P.L. 35-005 (Apr. 4, 2019).

- Article 1. Definitions.
- Article 2. Licensing of Cannabis Establishments.
- Article 3. General.
- Article 4. Cannabis Cultivation.
- Article 5. Cannabis Product Manufacturing.
- Article 6. Retail Cannabis Stores.
- Article 7. Cannabis Labeling and Packaging.
- Article 8. Cannabis Testing Facility.
- Article 9. Enforcement and Penalties.

**ARTICLE 1
DEFINITIONS**

§ 9101. Definitions.

§ 9101. Definitions.

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

(a) “*Adult only facility*” means:

(1) A location restricted to persons age twenty-one (21) and older by the Department or classified by the Department as off limits to persons under twenty-one (21) years of age; or

(2) A venue restricted to persons age twenty-one (21) and older and where persons under twenty-one (21) years of age are prohibited from entering or remaining, including employees and volunteers.

(b) “*Advertisement*” means all representations disseminated in any manner or by any means, other than by

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labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of cannabis and cannabis products.

(c) “*Allowable amount*” means:

(1) One (1) ounce or less of cannabis, eight (8) grams or less of cannabis concentrate, or any cannabis-infused products containing eight hundred (800) mg or less of tetrahydrocannabinol;

(2) Possessing, growing, processing, or transporting no more than six (6) cannabis plants, with three (3) or fewer being mature flowering plants, and possession of the cannabis produced by the plants on the premises where the plants were grown; provided, that the growing takes place in an enclosed, locked place, is not conducted openly or publicly, and is not made available for sale;

(3) Transferring one (1) ounce or less of cannabis and immature cannabis plants; eight (8) grams or less of cannabis concentrate; or any cannabis-infused products containing eight hundred (800) mg or less of tetrahydrocannabinol to a person who is twenty-one (21) years of age or older without remuneration; Title 11 GCA, Chapter 8, § 8103.

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

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

(f) “*Billboard*” means a permanent off-premises sign in a fixed location used, in whole or in part, for the display of

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off-site commercial messages in accordance with Title 21 GCA, Chapter 61, Subarticle 5.

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

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

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

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

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

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

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(m) “*Cannabis cultivation facility*” means an entity licensed to cultivate, prepare, and package cannabis; and to sell cannabis to retail cannabis stores, cannabis product manufacturing facilities, and other licensed cannabis cultivation facilities, *but not to consumers*.

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

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

(p) “*Cannabis Identification Card*” means the official card issued by the Department to legally permit a responsible official, employee or designated transporter to possess, handle or transport cannabis.

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

(r) “*Cannabis product*” means a finished product intended for human consumption or use that is comprised partially or completely of cannabis. This term is used generally to refer to one (1) or more of the following: cannabis flower, cannabis concentrates, and cannabis-infused products.

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

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

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

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

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

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

(1) The use of comically exaggerated features;

(2) The attribution of human characteristics to animals, plants or other objects, or the similar use of anthropomorphic technique; or

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

(y) “*Chain of custody*” form means a form, approved by the Department, to track the movement of cannabis, cannabis

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concentrate, cannabis-infused product or cannabis products as it is transferred from licensed cannabis establishment to licensed cannabis establishment.

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

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

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

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

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

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

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

(gg) “*Denial*” means the Board’s decision not to issue a cannabis identification card, cannabis establishment license or Permit to Operate to an applicant, because the applicant or the application does not comply with the applicable requirements in these rules and regulations.

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

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

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

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

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

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

(nn) “*Employee*” means any person, including the owner, operator, manager or other person performing any

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function or services in a licensed cannabis establishment, whether for compensation or otherwise.

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

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

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

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

(rr) “*Felony offense*” means:

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

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

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

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

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

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

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

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

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

(1) A valid Guam mayor’s verification; or

(2) Guam rental agreement, lease or mortgage with the applicant's name and Guam home address; or

(3) Guam utility bills (i.e. power, water, and trash) with the applicant’s name and Guam home address.

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

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

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

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

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

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

(aaa) “*Kief*” sometimes transliterated as “keef”, also known as “Dust”, “Chief”, or “cannabis crystals” among other names, refers to the pure and clean collection of loose

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cannabis trichomes, which are accumulated by being sifted from cannabis flowers or buds with a mesh screen or sieve.

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

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

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

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

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

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

- (1) “*Topical cannabis-infused product*” or “*topical*”, which is a non-ingestible cannabis-infused product that produces a non-psychoactive effect when used as intended. Topical cannabis-infused products

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include, but are not limited to, cannabis-infused creams, salves, bath soaks, and lotions; or

(2) “*Transdermal cannabis-infused product*” or “*transdermal*”, which is a non-ingestible cannabis-infused product that contains at least one (1) skin-permeation-enhancing ingredient to facilitate absorption through the skin into the bloodstream, and may be psychoactive when used as intended. Transdermal cannabis-infused products include, but are not limited to, cannabis-infused adhesive patches that are applied to the skin surface.

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

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

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

(1) Shipping containers or wrapping used solely for the transportation of any consumer commodity in bulk or in quantity to manufacturers, packers or processors or to wholesale or retail distributors thereof;

(2) Shipping containers or outer wrappings used by retailers to ship or deliver any commodity to retail customers if such containers and wrappings bear no printed matter pertaining to any particular commodity.

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

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

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

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

(nnn) “*Public Place*”

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

(2) “Public place” includes, but is not limited to, the following:

- (A) Airports;
- (B) Banks;
- (C) Bars;
- (D) Child care facilities;
- (E) Child care group homes during hours of operation;
- (F) Common areas of apartment buildings, condominiums, or other multi-family housing facilities;
- (G) Educational facilities;
- (H) Entertainment facilities;
- (I) Government of Guam offices, buildings, and properties;
- (J) Health care institutions;

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- (K) Hotel and motel common areas;
- (L) Laundromats;
- (M) Libraries;
- (N) Office buildings;
- (O) Parking lots;
- (P) Parks;
- (Q) Public beaches;
- (R) Public transportation facilities;
- (S) Reception areas;
- (T) Restaurants;
- (U) Retail food production or marketing establishments;
- (V) Retail food establishments;
- (W) Retail stores;
- (X) Schools;
- (Y) Shopping malls;
- (Z) Sidewalks;
- (AA) Sports facilities;
- (BB) Theaters; and
- (CC) Waiting rooms.

(3) “*Public place*” does not include the following:

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

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

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

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

(1) A president, vice-president, secretary, or treasurer of a business organization (corporation, LLP, or LLC) in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the business organization;

(2) A general partner or sole proprietorship;

(3) For a public agency: a principal executive officer, ranking elected official, or an authorized representative as approved by the Director. For the purposes of these rules and regulations, a principal executive officer of a federal agency includes the chief executive officer, commanding officer, or equivalent rank or position, who has responsibility for the overall operations of a principal unit of the agency;

(4) A responsible official shall not have been convicted in any state or jurisdiction of the United States, including the Commonwealth of the Northern Mariana Islands, for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, excluding marijuana convictions; and

(5) A responsible official shall be registered with the Department and hold a cannabis identification card.

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

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

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

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

- (1) Having an effect on the body or mind;
- (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

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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.

**ARTICLE 2
LICENSE OF CANNABIS ESTABLISHMENTS**

- § 9201. Fees.
- § 9202. Responsible Official.
- § 9203. Applying for a Cannabis Identification Card by a Responsible Official or Designated Transporter.
- § 9204. Denial or Approval of a New Application for a Cannabis Identification Card for a Responsible Official or Designated Transporter.
- § 9205. Revoking the Cannabis Identification Card of a Responsible Official or Designated Transporter.
- § 9206. Changing the Information on a Cannabis Identification Card of a Responsible Official or Designated Transporter.
- § 9207. Types of Cannabis Establishment Licenses.

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- § 9208. Requirements for a Cannabis Establishment License.
- § 9209. Application Process for a Cannabis Establishment License.
- § 9210. Applying for a Cannabis Establishment License.
- § 9211. Issuance of a Cannabis Establishment License.
- § 9212. Permit to Operate a Cannabis Establishment.

§ 9201. Fees.

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

- (1) Responsible Official:
 - (A) New: One Thousand Dollars (\$1,000)
 - (B) Renewal: Seven Hundred Fifty Dollars (\$750)
- (2) Designated Transporter:
 - (A) New: Two Hundred Dollars (\$200)
 - (B) Renewal: One Hundred Seventy-Five Dollars (\$175)
- (3) Cannabis Establishment Occupational License: Manager and Employee
 - (A) New: Fifty Dollars (\$50)
 - (B) Renewal: Twenty-Five Dollars (\$25)

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

- (1) Type I Cultivation Facility License:
 - (A) Application Fee: Five Hundred Dollars (\$500)
 - (B) New License Fee: Five Hundred Dollars (\$500)
 - (C) License Renewal Fee: Five Hundred Dollars (\$500)

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

(2) Type II Cultivation Facility License:

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

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

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

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

(3) Type III Cultivation Facility License:

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

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

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

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

(4) Type IV Cultivation Facility License:

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

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

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

(D) Permit to Operate Fee: Fifteen Thousand Dollars (\$15,000) per year

(5) Cannabis Product Manufacturing Facility License:

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(A) Application Fee: Three Thousand Dollars
(\$3,000)

(B) New License Fee: Four Thousand Dollars
(\$4,000)

(C) License Renewal Fee: Four Thousand Dollars
(\$4,000)

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

(6) Cannabis Testing Facility License:

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

(B) New License Fee: Two Thousand Dollars
(\$2,000)

(C) License Renewal Fee: Two Thousand Dollars
(\$2,000)

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

(7) Retail Cannabis Store License:

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

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

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

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

(c) Additional Cannabis Identification Card, License and
Permit Fees:

(1) Late Fee of Cannabis Establishment License: One
Hundred Dollars (\$100)

(2) Late Fee of Permit to Operate: One Hundred
Dollars (\$100)

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(3) Amendment of Cannabis Establishment License: One Hundred Dollars (\$100)

(4) Amendment of Permit to Operate: One Hundred Dollars (\$100)

(5) Copy of Cannabis Establishment License: One Hundred Dollars (\$100)

(6) Copy of Permit to Operate: One Hundred Dollars (\$100)

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

(d) All fees are non-refundable.

§ 9202. Responsible Official.

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

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

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

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

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

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

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

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

(b) Denial of Application:

(1) The Board may deny an application if:

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

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

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

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

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

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(c) Approval of application:

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

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

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

(2) The Cannabis Identification Card for a Responsible Official or Designated Transporter of a Cannabis Establishment shall contain:

(A) The identification number;

(B) The full name of the applicant;

(C) Date of birth of applicant;

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

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

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

(G) The Cannabis Identification Card type.

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

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

(1) Has violated any provision of the laws related to use of medicinal or adult use cannabis;

(2) Diverted cannabis to an individual who was not authorized to possess cannabis under the Act and these rules and regulations;

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(3) Had entered a plea of guilty to, a plea of nolo contendere to, been found guilty of, or been convicted of a felony offense or crime of moral turpitude; or

(4) Knowingly violated the Act or these rules and regulations.

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

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

(1) The Board receives the written notification from the Cannabis Establishment that the responsible official or designated transporter:

(A) No longer serves as a Responsible Official or Designated Transporter; or

(B) Is no longer employed by the Cannabis Establishment.

(2) The Cannabis Establishment license that is listed on the responsible official's or designated transporter's cannabis identification card is no longer valid.

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

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

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

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

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

(1) For a change of name:

(A) The cardholder's former name;

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

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

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

(2) For a change in home address:

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

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

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

(D) Other acceptable forms of identification.

(3) The signature of the cardholder and date the cardholder signed.

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- (4) A verification of identity;
- (5) A current photograph of the cardholder;
- (6) The applicable fee in § 9201; and
- (7) Any applicable late fee.

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

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

§ 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.

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(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.

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

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

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

§ 9209. Application Process for a Cannabis Establishment License.

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

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

- (1) Verify the information contained in the application;
- and

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(2) Conduct a thorough investigation to determine whether or not the applicant and the premises qualify for a license; and

(3) Generate an Investigation Report of the Department's discoveries and recommendations; and

(4) Shall forward to the Board for review a completed application within thirty (30) calendar days of receipt; or

(5) Shall provide written notification to the responsible official of an incomplete application within thirty (30) business days of the Department's determination and specify where the application is incomplete.

(c) The Board shall deny an application if:

(1) The responsible official did not provide all the required information; or

(2) The Board determines that the information provided is false.

(d) The Board *shall not* issue a license for a cannabis establishment located within a distance of one thousand (1,000) feet from any public or private school and other places or facilities where youth generally congregate, which include childcare centers, public playgrounds, and parks.

(1) The measurements *shall* be taken in a straight line from the center of the nearest entrance to the building of such school or place of facility stated herein to the center of the nearest entrance of the cannabis establishment for which a license is applied.

(2) The provisions of this Section *shall not* prohibit the renewal of any valid license previously issued and in effect at the time of a subsequent construction or establishment of a school or place or facility stated herein within five hundred (500) feet of such licensed cannabis establishment, and provided that the premises of such licensed cannabis establishment *shall not* subsequently be added to or enlarged.

(e) The Board shall reject any application that does not comply with this Act.

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(f) The Board shall provide the responsible official with a written notification within seven (7) business days of denial and specify the reason for denial.

(g) The responsible official, whose application was denied, can file an appeal with the Board within ten (10) business days.

(h) The cannabis establishment, whom the responsible official was representing and whose application was denied, shall not reapply for up to six (6) months from the date of denial unless otherwise authorized by the Board.

(i) The Board shall issue a license within five (5) business days of approving the application. The application will be approved if the application is complete and in accordance with these Rules.

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

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

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

§ 9210. Applying for a Cannabis Establishment License.

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

- (a) The authorized responsible official's:
 - (1) Full Name
 - (2) ID Card Number
- (b) If the applicant is applying as a business organization:
 - (1) Legal name of the business organization;

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(2) Physical address of the proposed cannabis establishment business;

(3) Type of business organization (e.g. sole proprietor, corporation, partnership, LLC, LLP); and

(4) Names and titles of the owners, responsible official and board members;

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

(1) Proof of Guam residency;

(2) A verification of identity;

(3) Police, Court and Attorney General clearances;

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

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

(1) Map from the Department of Land Management of the proposed location of the cannabis establishment business;

(2) Affirmation from the Department of Land Management that the cannabis establishment is not located within a Drug Free School Zone;

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

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

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

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

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

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

(h) The appropriate application fees in § 9201.

§ 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.

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(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
 - (E) Telephone number(s).
- (4) Type of cannabis establishment;
- (5) Application fee payment receipt number;
- (6) The date of issuance; and
- (7) The date of expiration.

§ 9212. Permit to Operate a Cannabis Establishment.

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

- (1) An application in a form prescribed by the Department that includes:
 - (A) The cannabis establishment's:
 - (i) Legal name;
 - (ii) Physical address;
 - (iii) Guam mailing address;

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- (iv) Responsible official’s full name;
 - (v) Responsible official’s Cannabis identification card number;
 - (vi) Type of cannabis establishment license;
 - (vii) Date of issue of the cannabis establishment license;
 - (viii) Date of expiration of the cannabis establishment license;
 - (ix) Date the licensed cannabis establishment must reapply; and
 - (x) The Business Privilege Tax Number issued by the Department.
- (B) A declaration that the information provided to the Department to apply for a Permit to Operate a cannabis establishment is true and correct; and
- (C) The signature of the responsible official and the date the responsible official signed;
- (2) A site plan drawn to scale of the cannabis establishment’s location depicting streets, property lines, buildings, parking areas, outdoor areas, if applicable; fences, security features, fire hydrants, if applicable; and access to water mains;
- (3) The distance of the cannabis establishments to the closest school and Drug Free School Zone;
- (4) A floor plan, drawn to scale, of the building where the cannabis establishment is located showing the following:
- (A) Layout and dimensions of each room;
 - (B) Name and function of each room;
 - (C) Location of each hand washing sink;
 - (D) Location of each toilet;
 - (E) Location of all means of entry;

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

(G) Location of standby power source;

(H) Location of each panic button; and

(I) Location of natural and artificial lighting sources.

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

(A) Those employees of the Department so designated to guide applicants through the application process will determine, after considering the scope of the business being proposed for permitting, which agencies from the list below must clear the permit application prior to approval by the Board.

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

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

(C) Agencies include:

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

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

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

(iv) Department of Public Health and Social Services (DPHSS), Division of Environmental Health for compliance with all regulatory codes with which the proposed business must comply;

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

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

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

(6) The applicable fee in § 9201.

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

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

(c) The Department shall provide a written notification of failure to pass inspection to the responsible official of the cannabis establishment within five (5) business days of the Department’s determination of failure to pass and specify the areas of concern.

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

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

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

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

**ARTICLE 3
GENERAL**

- § 9301. Employee Training.
- § 9302. Display of Identification Badge.
- § 9303. Alarm Systems.
- § 9304. Surveillance Systems.
- § 9305. Lock Standards.
- § 9306. Traceability.
- § 9307. Transportation.

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- § 9308. Designated Transporters.
- § 9309. Waste Management and Disposal.
- § 9310. Destruction and Disposal of Cannabis.
- § 9311. Security.
- § 9312. Chain of Custody Form.
- § 9313. Loss of Cannabis.

§ 9301. Employee Training.

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

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

2022 NOTE: Subsection (b) designation added by the Compiler pursuant to the authority of 1 GCA § 1606.

§ 9302. Display of Identification Badge.

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

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

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

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

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

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

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

§ 9303. Alarm Systems.

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

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

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

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

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

§ 9304. Surveillance Systems.

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

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

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

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

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

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

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

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

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

(j) Controlled areas include:

(1) Any area within an indoor, greenhouse or outdoor room or area where cannabis is grown, or cannabis or cannabis waste is being moved within, processed, stored, or destroyed. Rooms or areas where cannabis or cannabis waste is never present are not considered control areas and do not require camera coverage.

(2) All point-of-sale (POS) areas.

(3) Twenty feet of the exterior of the perimeter of all required fencing and gates enclosing an outdoor grow operation.

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(4) Any gate or other entry point that is part of the required enclosure for an outdoor growing operation must be lighted in low-light conditions.

(5) A motion detection lighting system may be employed to light the gate area in low-light conditions.

(6) Any room or area storing a surveillance system storage device.

(k) Request for Waiver

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

(A) DRT may, in its discretion and on a case by case basis, approve the security waiver if it finds that the alternative safeguard proposed by the licensee or applicant for initial licensure meets the goals of the above security requirements or that the security requirements are in conflict with a local ordinance of general applicability.

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

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

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

(ii) The reason for the waiver;

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

(iv) An explanation of how and why the alternative safeguard accomplishes the goals of the security rules, specifically public safety,

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prevention of diversion, accountability, and prohibiting access to minors.

§ 9305. Lock Standards.

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

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

§ 9306. Traceability.

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

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

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

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

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

(1) Key notification of “events,” such as when a plant enters the system (moved from the seedling or clone area to the vegetation production area at a young age);

(2) When plants are to be partially or fully harvested or destroyed;

(3) When a lot or batch of cannabis, cannabis extract, cannabis concentrates, cannabis-infused product, or cannabis waste is to be destroyed;

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(4) When useable cannabis, cannabis concentrates, or cannabis-infused products are transported;

(5) Any theft of useable cannabis, cannabis seedlings, clones, plants, trim or other plant material, extract, infused product, seed, plant tissue or other item containing cannabis;

(6) All cannabis plants eight or more inches in height or width must be physically tagged and tracked individually;

(7) A complete inventory of all cannabis, seeds, plant tissue, seedlings, clones, all plants, lots of useable cannabis or trim, leaves, and other plant matter, batches of extract, cannabis concentrates, cannabis-infused products, and cannabis waste;

(8) All cannabis, useable cannabis, cannabis-infused products, cannabis concentrates, seeds, plant tissue, clone lots, and cannabis waste must be physically tagged with the unique identifier generated by the traceability system and tracked;

(9) Cannabis excise tax records;

(10) All samples sent to an independent testing lab, any sample of unused portion of a sample returned to a licensee, and the quality assurance test results;

(11) All vendor samples provided to another licensee for purposes of education or negotiating a sale;

(12) All samples used for quality testing by cultivators or cannabis product manufacturing facilities;

(13) Samples containing useable cannabis provided to Dispensaries;

(14) Samples provided to DRT for quality assurance compliance checks; and

(15) Other information specified by the CCB.

§ 9307. Transportation.

(a) Notification of shipment. Upon transporting any cannabis or cannabis product, a producer, cannabis product

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manufacturing facilities, retailer, or certified third-party testing lab shall notify DRT of the type and amount and/or weight of cannabis and/or cannabis products being transported, the name of transporter, information about the transporting vehicle (color, make, model and license plate number), times of departure and expected delivery. This information must be reported in the traceability system described.

(b) Receipt of shipment. Upon receiving the shipment, the licensee or certified third-party lab receiving the product shall report the amount and/or weight of cannabis and/or cannabis products received in the traceability system.

(c) Transportation manifest. A complete printed transport manifest on a form provided by the DRT containing all information required by the DRT must be kept with the product at all times.

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

(e) Transportation of product

(1) Cannabis or cannabis products that are being transported must meet the following requirements:

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

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

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

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

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

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(F) Any vehicle transporting cannabis or cannabis products must travel directly from the originating licensee to the receiving licensee and must not make any unnecessary stops in between except to other facilities receiving product;

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

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

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

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

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

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

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

2022 NOTE: Subsection designations altered pursuant to the authority of 1 GCA § 1606.

§ 9308. Designated Transporters

(a) Cannabis, cannabis concentrate, cannabis-infused product or cannabis product in an amount greater than the allowable amount for personal consumption shall only be

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transported by a designated transporter of a licensed cannabis establishment with a valid cannabis identification card.

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

(1) Have a valid Cannabis Identification Card for a Designated Transporter issued by the Department;

(2) Be trained and knowledgeable on transportation protocols;

(3) Use a vehicle that does not bear any markings to indicate that the vehicle contains cannabis or bears the name or logo of the cannabis establishment to transport the cannabis, cannabis concentrate, cannabis-infused product or cannabis product;

(4) Ensure that the cannabis, cannabis concentrate, cannabis-infused product or cannabis products are not visible or recognizable from outside the vehicle;

(5) Ensure that the cannabis, cannabis concentrate, cannabis-infused product or cannabis products are stored in airtight, tamper proof packaging to maintain their quality and safety;

(6) Shall carry their cannabis identification card at all times when transporting or delivering cannabis, cannabis concentrate, cannabis-infused product or cannabis products and upon request, produce the cannabis identification card to the Department or to a law enforcement officer acting in their official capacity.

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

(d) Each time cannabis, cannabis concentrate, cannabis-infused product or cannabis products are transported on behalf of a licensed cannabis establishment, the licensed cannabis establishment shall document the transport in the seed-to-sale system or the chain of custody form prescribed by the Department

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that lists the elements required by the Department’s tracking system.

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

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

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

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

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

(1) If an emergency requires stopping the vehicle, the designated transporter shall report the emergency immediately to law enforcement through the 911 emergency systems and the cannabis establishment which shall immediately notify the Department.

(2) The designated transporter shall complete an incident report form prescribed by the Department.

§ 9309. Waste Management and Disposal.

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

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

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

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

(1) Hold on the licensed premises for at least three business days under camera coverage prior to disposal;

(2) Document a reason for the waste in a form and manner prescribed by DRT; and

(3) Document the exact time and method of destruction in a form and manner prescribed by DRT.

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

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

(g) Waste items consisting of usable cannabis, concentrates, extracts or cannabinoid products must be disposed of on the licensed premises or transferred to another licensee for disposal.

(h) Any product containing cannabis or hemp waste may not be transferred or sold to any licensee for consumption.

(i) Cannabis production could result in the generation of hazardous waste (e.g. use of solvents for processing might result in ignitable or toxic wastes)

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(j) Management of pesticides may result in pesticide hazardous wastes. Disposal of hazardous waste above specified quantities requires a Guam EPA permit.

(k) Potential hazardous wastes:

(1) Pressurized gas

(2) Solvents

(3) Used oil

(4) Used mercury containing lamps

(5) Waste pesticides – three percent or greater of any substance or mixture listed in 40 Code of Federal Regulations 261.33(e) or 10 percent or greater of any substance or mixture.

(6) Reportable quantities of a pesticide spill - pesticide residues greater than 200 lbs. or 25 gallons.

(l) Solid and liquid wastes generated during cannabis production and processing must be stored, managed, and disposed of in accordance with applicable Guam laws and regulations.

(m) Wastewater generated during cannabis production and processing must be disposed of in compliance with applicable Guam laws and regulations.

(1) Wastes from the production and processing of cannabis plants must be evaluated against Guam’s hazardous waste regulations to determine if those wastes designate as hazardous waste.

(2) It is the responsibility of each waste generator to properly evaluate their waste to determine if it is designated as a hazardous waste. If a generator's waste does designate as a hazardous waste, then that waste(s) is subject to the applicable management standards found in Guam’s hazardous waste regulations.

(3) Wastes that must be evaluated against the hazardous waste regulations include, but are not limited to, the following:

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(A) Waste from cannabis flowers, trim and solid plant material used to create an extract;

(B) Waste solvents used in the cannabis process;

(C) Discarded plant waste, spent solvents and laboratory wastes from any cannabis processing or quality assurance testing; and

(D) Cannabis extract that fails to meet quality testing.

(4) Cannabis wastes that do not designate as hazardous shall be managed in accordance with subsection (5) of this section.

(A) Cannabis plant, useable cannabis, trim and other plant material in itself is not considered hazardous waste unless it has been treated or contaminated with a solvent.

(B) Cannabis waste that does not designate as hazardous waste (per subsection (3) of this section) must be rendered unusable following the methods in subsection (5) of this section prior to leaving a licensed producer, manufacturer, or laboratory.

(C) Disposal of the cannabis waste rendered unusable must follow the methods under subsection (5) of this section. Wastes that must be rendered unusable prior to disposal include, but are not limited to, the following:

(i) Waste evaluated per subsection (4) of this section and determined to not designate as “Hazardous Waste”;

(ii) Cannabis plant waste, including roots, stalks, leaves, and stems that have not been processed with solvent;

(iii) Solid cannabis sample plant waste possessed by testing laboratories to test for quality assurance that must be disposed of; and

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(iv) Other wastes as determined by DRT.

(5) The allowable method to render cannabis plant waste unusable is by grinding and incorporating the cannabis plant waste with other ground materials so the resulting mixture is at least fifty (50) percent non-cannabis waste by volume. Other methods to render cannabis waste unusable must be approved by DRT before implementation.

(6) Material used to grind with the cannabis falls into two categories:

(A) Compostable mixed waste: Cannabis waste to be disposed as compost feedstock or in another organic waste method (for example, anaerobic digester) may be mixed with the 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

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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.

(B) All cannabis, cannabis concentrate and cannabis-infused product waste must be weighed before leaving any cannabis facility. A scale used to weigh cannabis waste prior to entry into the inventory tracking system shall be tested and approved by DRT.

(C) A Licensee is required to maintain accurate and comprehensive records regarding waste material that accounts for, reconciles, and evidences all waste activity related to the disposal of cannabis.

(D) A Licensee is required to maintain accurate and comprehensive records regarding any waste material produced through the trimming or pruning of a cannabis plant prior to harvest, which must include weighing and documenting all waste, including fibrous waste. Unless required by the seed to sale tracking system, records of waste produced prior to harvest must be maintained on the licensed premises. Waste, excluding fibrous waste, whether produced prior to or subsequent to harvest, must be disposed of in accordance with this Rule and be made unusable and unrecognizable.

§ 9310. Destruction and Disposal of Cannabis.

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(a) All laboratory tested cannabis determined to be unusable or contaminated according to the minimum laboratory testing requirements set by these rules and regulations must be destroyed and/or disposed in accordance with Guam law within twenty-four (24) hours of determination and reported to the Guam Environmental Protection Agency and the Department of Public Health and Social Services with forty-eight (48) hours of disposal pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122512 (k).

(b) All unused, unsold, contaminated or expired cannabis, cannabis concentrate, cannabis-infused product or cannabis product or waste products resulting from the cultivation and manufacturing process including any inventory existing at the time of revocation or surrender of a license shall be destroyed or disposed pursuant to federal and local laws to ensure that the cannabis, cannabis concentrate, cannabis-infused product or cannabis products do not become available to unauthorized persons and is documented as subtracted from inventory;

(c) A cannabis establishment shall establish written policies and procedures to be followed by all of its employees for the disposal or destruction of cannabis, cannabis concentrate, cannabis-infused product or cannabis products.

(d) The disposal or destruction of the cannabis, cannabis concentrate, cannabis-infused product or cannabis products cannot be in public view or expose the public unknowingly to cannabis.

(e) If necessary, the Department and authorized law enforcement personnel may be authorized to possess cannabis for the purpose of secure destruction and disposal in accordance to the Act, these rules and regulations, relevant local regulations and must render the *cannabis* unusable and unrecognizable.

(f) The waste must be unusable and unrecognizable prior to leaving the licensed premises of any cannabis establishment. Cannabis wastes are additionally subject to the following inventory tracking requirements:

(1) Post-harvest cannabis waste materials must be identified, weighed and tracked while on the licensed

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premises until disposed of in a manner as outlined above. Cannabis waste must be weighed and inventoried before leaving any cannabis establishment using a scale certified or calibrated in accordance with measurement standards.

(2) A licensee is required to maintain accurate and comprehensive records regarding waste material that account for, reconcile and evidence all waste activity related to the disposal of cannabis.

(3) A licensee is required to maintain accurate and comprehensive records regarding any cannabis waste material produced through the trimming or pruning of a cannabis plant prior to harvest. Records must include weighing and documenting all wastes.

(4) The cannabis establishment shall submit a video recording to the Department of the destruction and disposal of the cannabis, cannabis concentrate, cannabis-infused product or cannabis product, and attach the recording with a written report of the destruction of the cannabis. The written report shall include the information required in 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122521.

§ 9311. Security.

(a) A cannabis establishment shall implement appropriate security measures to prevent the unauthorized access into areas containing cannabis, cannabis concentrate, cannabis-infused product or cannabis products and the theft and diversion of said products.

(b) A cannabis establishment is responsible for the security of all cannabis, cannabis concentrate, cannabis-infused product or cannabis products on licensed premises or in transit from one cannabis establishment to another cannabis establishment.

(c) A cannabis establishment shall be responsible for ensuring that all surveillance equipment are properly functioning and maintained so that the playback quality is suitable for viewing and the surveillance equipment are capturing the activities in the monitored areas.

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(d) A cannabis establishment shall comply with all applicable security requirements set forth in these rules and regulations.

(e) All entrances, exits, windows, gates, and other points of entry of a cannabis establishment shall be equipped with commercial grade, non-residential door locks or other functioning mechanical or electrical security devices;

(f) The cannabis establishment shall have an alarm system that:

(1) Shall provide coverage for all points of ingress and egress to the facility, including but not limited to, doorways, windows, loading bays, skylights and retractable roof mechanisms;

(2) Shall provide coverage of any room with an exterior wall, any room containing a safe, and any room used to grow or store cannabis, cannabis concentrate, cannabis-infused product or cannabis products;

(3) Shall be activated twenty-four (24) hours a day every day; and

(4) Shall have the ability to remain operational during a power outage.

(g) All cannabis establishments shall be equipped with video surveillance systems that have the following features:

(1) Video cameras that can provide coverage of all entrances and exits from limited access areas and all entrances to and exits from the cannabis establishment, capable of identifying any activity occurring in or adjacent to the cannabis establishment;

(2) Video cameras having a minimum resolution to allow for the monitoring of persons and activities in any area;

(3) Allows for twenty-four (24) hour, seven (7) days per week continuous video monitoring.

(4) Display a date and time stamp on all recorded video.

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(5) Able to archive recorded video for a minimum of one (1) year.

(6) Sufficient battery backup for video cameras and recording equipment to support at least four (4) hours of recording in the event of a power outage;

(7) All establishments must maintain at least one (1) on-site display monitor connected to the surveillance system at all times. The monitor shall have a screen size of at least twelve (12) inches.

(h) All cannabis establishments shall maintain camera coverage of the following areas:

(1) All points of ingress and egress to the facility, including, but not limited to, doorways, windows, loading bays, skylights, and retractable roof mechanisms;

(2) Any room, except restrooms, containing a safe, and any room or area used to grow, process, manufacture, prepare, weigh, package, tag, store, distribute, transport cannabis;

(3) All areas in which any part of the disposal process of cannabis occurs.

(i) The video surveillance system video recording storage device shall be secured in a manner that limits access to protect the system from tampering or theft.

(j) Cannabis establishments shall keep a surveillance equipment maintenance log on the premises to record all service activity including the identity of the individual(s) performing the service, the service date and time and the reason for the service to the surveillance system.

(k) Cannabis establishments shall identify individuals with access to surveillance system controls and monitoring upon request by the Department.

(l) All video surveillance records and recordings shall be available upon request to the Department and law enforcement agencies. The cannabis establishment shall keep all video surveillance records and recordings for at least one (1) year.

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(m) A cannabis cultivation facility shall have a surveillance or security camera in each grow room capable of identifying any activity occurring within the grow room in dark conditions.

(n) In the event of a breach or failure in its security system, the cannabis establishment shall immediately suspend retail transactions and secure the affected area until the security system is fully operable. The cannabis establishment shall notify the Department immediately upon the breach or failure and again when it resumes operations.

(o) A cannabis establishment shall have policies and procedures that address the following:

- (1) Restrict access to the areas that cannabis, cannabis concentrate, cannabis-infused product or cannabis products;
- (2) Provide for the identification of authorized individuals, i.e. employee badges;
- (3) Prevent loitering; and
- (4) Conduct video surveillance monitoring.

§ 9312. Chain of Custody Form.

All sales or transfers of cannabis, cannabis concentrate, cannabis-infused product or cannabis product from licensed cannabis establishment to licensed cannabis establishment shall be tracked via a seed-to-sale program compatible with the Department or prescribed chain of custody form to include, but not be limited to:

- (a) Cannabis Cultivation Facility to a Cannabis Testing Facility:
 - (1) The lot number of cannabis crop or batch number of cannabis concentrate, cannabis-infused product or cannabis product, if applicable;
 - (2) The date the cannabis was harvested;
 - (3) The net weight and gross weight of cannabis sold or transferred;

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(4) The name, address, and license number of the cannabis cultivation facility from which the crop originated;

(5) The signature of the person who received and verified the shipment;

(6) The time and date when the receiving party took custody of the shipment; and

(7) Any other information deemed necessary by the Department.

(b) Licensed cannabis establishment to licensed cannabis establishment:

(1) The lot number of the cannabis crop;

(2) The batch number of the cannabis concentrate, cannabis-infused product or cannabis product, if applicable;

(3) The date the cannabis was harvested;

(4) The name, address, and license number of the licensed cannabis establishment from which the crop originated;

(5) The name, address, and license number of the licensed cannabis establishment from which the cannabis product originated;

(6) The net weight and gross weight of cannabis, cannabis concentrate, cannabis-infused product or cannabis product sold or transferred;

(7) The laboratory test results and report;

(8) A declaration from the cannabis testing facility that the product meets the minimum laboratory testing requirements set by the Department of Public Health and Social Services;

(9) A declaration from the licensed cannabis establishment that all information in the chain of custody form is true and correct;

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(10) The name, address, and license number or cannabis identification number of the receiving party;

(11) The signature of the person who received and verified the shipment;

(12) The time and date when receiving party took custody of the shipment;

(13) The travel plan; and

(14) Any other information deemed necessary by the Department.

(c) Cannabis Testing Facility to Licensed Cannabis Establishment:

(1) A Chain of Custody report as specified in Subsection (a) of this Section;

(2) A Chain of Custody report as specified in Subsection (b) of this Section, if applicable;

(3) Net weight and gross weight of amount of any unused, untested cannabis, cannabis concentrate, cannabis-infused product or cannabis product returned to the licensed cannabis establishment.

§ 9313. Loss of Cannabis.

Any loss of cannabis, cannabis concentrate, cannabis-infused product or cannabis product over one (1) ounce due to theft, natural disaster, or other reason, shall be reported to the Department and the Guam Police Department within twenty-four (24) hours, along with the associated Chain of Custody forms for the lost cannabis or cannabis-related product. The report shall include the amount of cannabis in weight that was lost and any other information required by the Department.

**ARTICLE 4
CANNABIS CULTIVATION**

§ 9401. Policy

§ 9402. Cannabis Cultivator Registration Requirement

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- § 9403. Acceptable Cannabis Growing Conditions
- § 9404. Cultivation Site
- § 9405. Cannabis Cultivation Amendments
- § 9406. Cannabis Plant Production
- § 9407. Cannabis Seed Selection
- § 9408. Crop Pest, Weed and Disease Management Practice Standard
- § 9409. Cannabis Waste Management
- § 9410. Cannabis Cultivation Penalties and Disbarment

§ 9401. Policy.

(a) The Guam Department of Agriculture (DOAG) shall duly exercise the powers vested in it as a “Regulatory Agency” in the cultivation, production, green debris management and destruction of cannabis in the Territory of Guam for which the use and/or end product results in either recreational and/or medicinal applications. Only approved naturally derived cultivation practices shall be permitted in the growing of cannabis. The producer is responsible for obtaining the necessary permits and/or certifications required by the regulatory agency and must comply with any specific instructions while engaged in the cultivation and production of cannabis on the island of Guam.

(b) Commercial synthetic pesticides have catastrophic effects on human health and the natural environment. As well as causing significant damage to the environment, synthetic pesticides used on cannabis contain chemicals that will inevitably end up in the human body. Attention to biodiversity and greater emphasis on environmental protection will ensure that our island’s future generations will have a sustainable future.

2022 NOTE: Subsection designations added pursuant to 1 GCA § 1606.

§ 9402. Cannabis Cultivator Registration Requirement.

Cannabis Cultivators must register with DOAG and obtain a “Bona Fide Farmer Certificate”.

(a) Cultivator registration information shall include, but is not limited to:

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(1) Company Name and Responsible Official Contact information including mailing address, telephone number, and e-mail;

(2) Physical Address;

(3) Global Positioning System Coordinates of both the proposed cannabis grow site and the storage facility;

(4) Size of the plantation and map;

(5) Expected number of plants to be grown (in various stages) as allowable by the Department of Revenue and Taxation (DRT) producer license;

(6) A copy of the valid DRT license, a renewed copy should be provided each renewal year.

(b) No changes or alterations are permitted to the Bona Fide Farmer Certificate unless first approved by the Department of Agriculture. Bona Fide Farmer Certificate renewals shall be initiated thirty (30) days prior to expiration date.

(c) Site evaluations shall be conducted for the purpose of examining the operations and ensuring compliance with the Guam Cannabis Law for production and handling operations. A representative(s) of DOAG shall conduct site evaluations, at any time with or without prior notice. Failure to comply will result in grounds for suspension and/or revocation of the Bona Fide Farmer Certificate.

(d) If a Notice of Violations is issued, pursuant to noncompliance with the production, cultivation, green waste management and disposal requirements, DOAG shall establish a review panel comprised of personnel from its Division of Agricultural Development Services (ADS), to determine actions to be taken. All reports are to be submitted no later than fifteen (15) calendar days for administrative review within the Department for corrective actions to be taken. Failure to comply within 30 days after issuance of the notice of violation and an administrative directive for corrective measures are proposed, shall be grounds for the

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Department to notify the CCB of the failure to comply and a possible revocation of the Bona Fide Farmer Certificate. The Department, its agents, and/or representatives shall not be held liable for any consultations given to growers which may result in crop failure due to grower negligence, acts of God, or unforeseen circumstances.

§ 9403. Acceptable cannabis growing conditions.

(a) Cannabis may be grown directly in the ground, in containers, or in a closed system (e.g. hydroponics, aeroponics, aquaponics) with only the allowed cultivation amendments listed in § 9305.

(b) Cannabis production must take place within:

(1) a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors; or

(2) Outdoor production may take place in nonrigid greenhouses, or similar structures; or

(3) An expanse of open ground fully enclosed by a physical barrier that obscures public view of the premises with a wall or fence at least ten (10) feet high with at least a one (1) inch thick metal gate.

(4) Monitoring devices must be implemented at all cultivation sites.

(c) Any cannabis plantation, in a field, farm parcel, greenhouse, or growing facility in which cannabis is intended to be grown, harvested, processed or sold for commercial purposes, must not have any substances that are prohibited by the Department of Agriculture’s guidelines on premises.

(d) The plantation must have a distinct, defined boundary and/or buffer zone sufficient in size or other features (e.g. windbreaks or a diversion ditch) to prevent the possibility of unintended contact by prohibited substances applied to adjacent land areas with an area that is part of a certified operation and within the specified GPS coordinates.

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(e) A producer shall select suitable cultivation practices that maintain or promote the improvement of the physical, chemical, and biological condition of soil and minimize soil erosion.

(f) Potting soil, crop production aids, soil amendments, and other growing media approved by the Department may be used in cannabis cultivation.

§ 9404. Cultivation Site.

A cannabis cultivation site is defined as a contiguous land area on which the applicant plans to engage in cultivation, storage, or management of cannabis green waste. A cannabis plantation may be grown in an open air or enclosed area.

2022 NOTE: Subsection designations omitted pursuant to the authority of 1 GCA § 1606.

§ 9405. Cannabis Cultivation Amendments.

(a) The producer must manage the allowed cultivation amendment materials, to maintain or improve soil organic matter content, biological diversity, nutrient cycling, and microbial activity in a manner that does not contribute to the contamination of crops, air, water, or any adverse impacts to the environment by plant nutrients, pathogenic organisms, heavy metals, or residues of substances. Only the following specified soil amendments, fertilizers, other crop production aids, and pesticides may be used in the production of cannabis. The allowed cultivation amendments include:

(1) Raw animal manure, which shall be composted unless it is:

(A) Incorporated into the soil not less than 120 days prior to the harvest of cannabis whose consumable portion has direct contact with the soil surface or soil particles; or

(B) Incorporated into the soil not less than 90 days prior to the harvest of cannabis whose consumable portion does not have direct contact with the soil surface or soil particles.

(2) Aquatic plants (alkali extracted)

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- (3) Blood Meal
- (4) Boron
- (5) Calcium carbonate/limestone (mined)
- (6) Humic acid (alkali extracted)
- (7) Iron phosphate (molluscicide use only)
- (8) Feather meal
- (9) Fulvic acid
- (10) Fish/shrimp meal
- (11) Guano (mined)
- (12) Gypsum (mined)
- (13) Humates/Leonardite (mined)
- (14) Peat
- (15) Coco coir
- (16) Rockwool (without the fiberglass, metals)
- (17) Potassium magnesium sulfate, potassium sulfate (mined)
- (18) Rock phosphate (mined)
- (19) Worm castings (vermiculture)
- (20) Fish emulsion
- (21) Compost tea
- (22) Green waste compost
- (23) Seaweed/Kelp
- (24) Beneficial Microorganisms
- (25) Beneficial bacteria

(b) A producer may manage crop nutrients and soil fertility to maintain or improve soil organic matter content in a manner that does not contribute to the contamination of crops, soil, air, or water.

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(c) The producer shall not use any fertilizer or composted plant and animal material that contains a synthetic substance not included on the National List of Allowed and Prohibited Substances 7 C.F.R. section 205.601.

(d) Genetic modification of cannabis is prohibited.

§ 9406. Cannabis Plant Production.

(a) Only the following specified amendments, other crop production aids, and pesticides may be used in the production of cannabis:

(1) The substance(s) for consideration of use in the production of cannabis shall only be derived from Cannabis cultivation amendments listed in § 9305, if these substances are commercially purchased from an off-island source, proper clearances and permits must be obtained prior to importation from the Guam Environmental Protections Agency (GEPA).

(2) The pesticides, herbicides, fungicides, repellents and fertilizers manufacture, use and disposal or the like, must not have adverse effects on Guam’s environment and use must be carried out in a manner according to the manufacturer’s label instructions. The allowed pesticides, herbicides, fungicides, and repellents include:

(A) Acetic acid;

(B) Ammonium carbonate (as bait);

(C) *Bacillus subtilis*, *Bacillus thuringiensis*, and other allowed *Bacillus* bacteria;

(D) Ammonium soaps;

(E) Botanical extracts;

(F) Boric acid/orthoboric acid, borax;

(G) Chitin (from the shells of crustaceans and other sources);

(H) Chlorine materials;

(I) Citrus (extract);

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(J) Copper hydroxide, copper oxychloride, copper sulfate (Bordeaux mixtures);

(K) Ethanol (ethyl alcohol);

(L) Ethylene;

(M) Gibberellic acid;

(N) Ferric phosphate;

(O) Neem oil (Azadirachtin);

(P) *Pseudomonas syringae*, *Pseudomonas uorescens*, and other allowed *Pseudomonas* bacteria;

(Q) Hydrogen peroxide;

(R) Pyrethins;

(S) Isopropyl alcohol;

(T) Soybean oil (and other vegetable oils);

(U) Lime-sulfur;

(V) *Saccharopolyspora spinosa* (bacteria) (aka Spinosad);

(W) Oils (horticultural: crop, petroleum, mineral, and paraffinic based);

(X) Peracetic acid;

(Y) Pheromones;

(Z) Soap (horticultural, sodium/potassium salts + fatty acids);

(AA) Sulfur (elemental)

(3) The quality of the substance is maintained when the substance or its breakdown products do not have an adverse effect on human or environmental health.

(4) The substance(s) made by a producer to be applied in the cultivation system and practice production should be safe and contain no residue of heavy metals or contaminants.

(b) Examples of prohibited products:

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(1) The use of products containing plant growth regulators not allowed for use on food crops including, but not limited to, any of the following ingredients, are prohibited:

- (A) Ancymidol;
- (B) Chlormequat chloride;
- (C) Clofencet;
- (D) Colchicine;
- (E) Colloidal silver;
- (F) Daminozide;
- (G) Dikegulac-sodium;
- (H) Flumetralin;
- (I) Flurprimidol; and
- (J) Paclobutrazol.

(2) The following non-synthetic substances prohibited for use in cannabis production include, but are not limited to:

- (A) Ash from manure burning;
- (B) Arsenic;
- (C) Calcium chloride, bine process is natural and prohibited for use except as a foliar spray to treat a physiological disorder associated with calcium uptake;
- (D) Lead salts;
- (E) Potassium chloride – unless derived from a mined source and applied in a manner that minimize chloride accumulation in the soil;
- (F) Sodium fluoaliminate (mined);
- (G) Sodium Nitrate – unless use is restricted to no more than 20% of the crop's total nitrogen requirement;
- (H) Strychnine;
- (I) Tobacco dust (nicotine sulfate)

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(3) The use of vitamin-hormone products not intended for use on food crops is prohibited.

(4) The use of products containing the insecticide DDVP (Dichlorvos) is prohibited in all areas where cannabis is being grown or processed.

(c) Soil amendments, fertilizers, growing media, other crop production aids, and pesticides that do not conform to this Section cannot be used, kept, or stored on the licensed premises.

(d) The following cannabis and cannabis products are subject to seizure and destruction:

(1) Cannabis exposed to unauthorized soil amendments or fertilizers; and

(2) Cannabis with levels of unauthorized pesticides or plant growth regulators.

(e) A “Cannabis cultivation systems and practice” plan must meet the requirements set forth in the production of cannabis or handling. A cannabis production or handling system plan must include:

(1) A description of practices and procedures to be performed and maintained, including the frequency with which they will be performed;

(2) A list of each substance to be used as a production or handling input, indicating its composition, source, location(s) where it will be used, and documentation of commercial availability, as applicable.

(3) A description of the monitoring practices and procedures to be performed and maintained, including the frequency with which they will be performed, to verify that the plan is effectively implemented.

(4) A description of the recordkeeping system implemented to comply with the requirements established by the CCB to allow for compatibility with the CCB’s seed-to-sale software system.

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(5) Additional information deemed necessary by the Department to evaluate compliance with the regulations.

(6) A producer may substitute a plan prepared to meet the requirements of the Department of the Cannabis cultivation systems and practices of cannabis provided that the submitted plan meets all the requirements of subparts.

§ 9407. Cannabis Seed Selection.

Cannabis seeds may be locally sourced. Federal law regulates the importation of cannabis vegetative material, which includes seeds. Cannabis tissue cultures may be locally sourced.

§ 9408. Crop Pest, Weed and Disease Management Practice Standards.

(a) The producer may use management practices to prevent crop pests, weeds, and disease including but not limited to:

(1) Crop rotation and soil and crop nutrient management practices;

(2) Sanitation measures to remove disease vectors, weed seeds, and habitat for pest organisms; and

(3) Practices that enhance crop health, including selection of plant species and varieties with regard to suitability to site-specific conditions and resistance to prevalent pests, weeds, and diseases.

(b) Pest problems may be controlled through Integrated Pest Management (IPM) but not limited to:

(1) Augmentation or introduction of predators of the pest species;

(2) Development of habitat for natural enemies of pests;

(3) Non-synthetic controls such as lures, traps, and repellents;

(c) Weed problems may be controlled through:

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(1) Mulching with fully biodegradable materials (newspaper or other recycled paper, without glossy or colored inks);

(2) Mowing;

(3) Livestock grazing;

(4) Hand weeding and mechanical cultivation;

(5) Flame, heat, or electrical means.

(d) Disease problems may be controlled through:

(1) Management practices which suppress the spread of disease organisms; or

(2) Application of non-synthetic, biological, or mineral inputs.

(e) A biological or botanical substance or a substance included on the National List of synthetic substances allowed for use in organic crop production, pursuant to the National List of Allowed and Prohibited Substances 7 C.F.R. section 205.601, may be applied to prevent, suppress, or control pests, weeds, or diseases when the practices provided for in paragraphs (a) through (d) of this section are insufficient to prevent or control crop pests, weeds, and diseases. Conditions for using the substance must be on record as part of the Bona Fide Farmers Certification program.

§ 9409. Cannabis Waste Management.

(a) Cannabis waste management shall be consistent with the formulation and usage defined:

(1) Compost bin;

(2) Incineration;

(3) In-vessel digestion;

(4) On-site soil incorporation.

(b) Containers that may or may not have contaminant residue must be decontaminated and made suitable for reuse or be sent back to the manufacturer for proper disposal and/or recycling.

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(c) A record of the final disposition of cannabis waste rendered unusable must be kept for 120 days or in the absence of crop residue.

(d) The use, and/or disposal of materials originating from the producer shall be properly recorded, packaged, disposed of in a manner consistent with the regulatory agency requirements.

§ 9410. Penalties and Revocation.

Violations of this Article may result in the revocation of your Bona Fide Farmer Certificate and may result in the revocation of the Cannabis Establishment license and all cannabis establishment licenses. These provisions are not exclusive. These violations may be subject to other fines or offenses as otherwise permitted by law.

**ARTICLE 5
CANNABIS PRODUCT MANUFACTURING**

- § 9501. Policy
- § 9502. General Sanitation
- § 9503. Manufacturer Requirements
- § 9504. Extraction Requirements for Cannabis Product Manufacturing Facilities
- § 9505. Cannabis Concentrate
- § 9506. License requirements for all Cannabis Product Manufacturing Facilities

§ 9501. Policy.

The Guam Department of Public Health and Social Services shall duly exercise the powers vested in it as a “Regulatory Agency” in the manufacturing of cannabis products in the Territory of Guam for which the use and/or end product results in either recreational and/or medicinal applications. The manufacturer is responsible for obtaining the necessary permits and/or certifications required by the regulatory agency and must comply with any specific instructions while engaged in the manufacturing of cannabis products on the island of Guam.

§ 9502. General Sanitation.

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(a) Cannabis product manufacturing facilities shall ensure all processing facilities that create or handle cannabis products are constructed, kept, and maintained in a clean and sanitary condition in accordance with all DPHSS Rules and Regulations.

(b) Cannabis product manufacturing facilities that do not create or handle cannabis-infused products shall adopt and enforce policies and procedures to ensure that operations involving the receiving, inspecting, transporting, segregating, preparing, production, packaging, and storing of cannabis or cannabis products are conducted in accordance with adequate sanitation principles including:

(c) Any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including boils, sores or infected wounds, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with cannabis or cannabis products shall be excluded from any operations that may be expected to result in microbial contamination until the condition is corrected.

(1) A person who has an open, draining skin lesion or wound is prohibited from working unless the individual wears an absorbent dressing and protective gloves;

(2) A person is prohibited from working if he has an illness accompanied by diarrhea or vomiting.

(d) All persons working in direct contact with cannabis or cannabis products must conform to hygienic practices while on duty including, but not limited to:

(1) Maintaining personal cleanliness;

(2) Washing hands thoroughly in hand-washing areas before starting work and at any other time when the hands may have become soiled or contaminated especially after using toilet facilities;

(3) Hand-washing facilities must be available and furnished with running hot water. Hand-washing facilities shall be located in the permitted premises and where good sanitary practices require employees to wash or sanitize their

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hands, and provide effective hand-cleaning and sanitizing preparations and sanitary towel dispensers or suitable drying devices.

(e) Provide employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.

(f) Litter and waste are properly removed and the operating systems for waste disposal are maintained in a manner so that they do not constitute a source of contamination in areas where cannabis or cannabis products may be exposed.

(g) Floors, walls, and ceilings are constructed in such a manner that they may be adequately cleaned and kept clean and in good repair.

(h) There is adequate lighting in all areas where cannabis or cannabis products are stored and where equipment or utensils are cleaned.

(i) There is adequate screening or other protection against the entry of pests. Rubbish must be disposed of so as to minimize the development of odor and minimize the potential for the waste becoming an attractant, harborage, or breeding place for pests (e.g. rodents, cockroaches, flies, ants, etc.).

(j) Any building, fixtures, and other facilities are maintained in a sanitary condition.

(k) Toxic cleaning compounds, sanitizing agents, and solvents used in the production of cannabis concentrates must be identified, held and stored in accordance to manufacturers' specifications and safety data sheets to protect.

(l) All contact surfaces, including utensils and equipment used for the preparation of cannabis, cannabis plants, or cannabis products must be cleaned and sanitized regularly to protect against contamination. Equipment and utensils must be designed and be of such material and workmanship as to be adequately cleanable and must be properly maintained. Sanitizing agents must be used in accordance with labeled instructions.

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(m) The water supply must be sufficient for the operations and capable of providing a safe, potable, and adequate supply of water to meet the facility's needs. Each facility must provide its employees with adequate and readily accessible toilet facilities that are maintained in a sanitary condition and good repair.

(n) Store cannabis items that can support pathogenic microorganism growth or toxic formation in a manner that prevents the growth of these pathogenic microorganism or formation toxins.

§ 9503. Manufacturer Requirements.

(a) A cannabis product manufacturing facility licensed by the CCB must ensure cannabis-infused processing facilities are constructed, kept, and maintained in a clean and sanitary condition in accordance with rules and as prescribed by the DPHSS.

(b) A licensed cannabis product manufacturing facility may blend tested useable cannabis from multiple lots into a single package for sale to a retail cannabis store so long as the label requirements for each lot used in the blend are met and the percentage by weight of each lot is also included on the label.

(c) A cannabis product manufacturing facility may not treat or otherwise adulterate useable cannabis with any organic or nonorganic chemical or other compound whatsoever to alter the color, appearance, weight, or smell of the useable cannabis flower.

(d) If the DPHSS denies a cannabis-infused product for sale in retail cannabis stores, the cannabis product manufacturing facility may request an administrative hearing with the Cannabis Control Board.

(e) With the exception of the cannabis, all ingredients used in making cannabis-infused products for oral ingestion must be in compliance with the Guam Food Code and with the Rules and Regulations governing Retail Food Store Sanitation.

(f) Cannabis-infused edible products in solid or liquid form must:

(1) Be homogenized to ensure uniform disbursement of cannabinoids throughout the product; and

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(2) Prominently display on the label “This product contains cannabis.”

(g) A cannabis product manufacturing facility is limited in the types of food or drinks they may infuse with cannabis.

(1) Cannabis-infused products that require cooking or baking by the consumer are prohibited.

(2) Cannabis-infused products that are especially appealing to children, including, but not limited to, gummy candies, lollipops, cotton candy, or brightly colored products, are prohibited.

(h) To reduce the risk to public health, potentially hazardous foods may not be infused with cannabis.

(1) Potentially hazardous foods require time-temperature control to keep them safe for human consumption and prevent the growth of pathogenic microorganisms or the production of toxins.

(2) Any food that requires refrigeration, freezing, or a hot holding unit to keep it safe for human consumption may not be infused with cannabis.

(3) Other food items that may not be infused with cannabis to be sold in a retail store include:

(A) Any food that has to be acidified to make it shelf stable;

(B) Food items made shelf stable by canning or retorting;

(C) Fruit or vegetable juices (this does not include shelf stable concentrates);

(D) Fruit or vegetable butters;

(E) Pumpkin pies, custard pies, or any pies that contain egg;

(F) Dairy products of any kind such as butter, cheese, ice cream, or milk; and

(G) Dried or cured meats.

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(i) Vinegars and oils derived from natural sources may be infused with dried cannabis if all plant material is subsequently removed from the final product. Vinegars and oils may not be infused with any other substance, including herbs and garlic.

(j) Cannabis-infused jams and jellies made from scratch must utilize a standardized recipe in accordance with the 21 C.F.R. Part 150, revised as of April 1, 2013.

(k) A cannabis product manufacturing facility may infuse dairy butter or fats derived from natural sources and use that extraction to prepare allowable cannabis-infused solid or liquid products meant to be ingested orally, but the dairy butter or fats derived from natural sources may not be sold as stand-alone products.

(l) The CCB may designate other food items that may not be infused with cannabis.

(m) Cannabis product manufacturing facility are allowed to have a maximum of six months of their average useable cannabis and six months average of their total production on their licensed premises at any time.

(n) A processing service arrangement is when one manufacturer (Manufacturer B) processes useable cannabis or an altered form of useable cannabis (cannabis product) for another licensed manufacturer (Manufacturer A) for a fee.

(1) Manufacturer A is the product owner. However, Manufacturer B may handle the product under its license. Manufacturer B is not allowed to transfer the product to a retailer and may only possess cannabis or cannabis products received from Manufacturer A for the limited purposes of processing it for ultimate transfer back to Manufacturer A.

(2) Processing service arrangements must be made on a cash basis and payment for the service and return of the processed product must be made within thirty (30) calendar days of delivery to Manufacturer B. Failure to do so as provided by the preceding sentence is a violation of this section and any cannabis or cannabis product involved in the transaction will be subject to seizure and destruction.

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Payment with any cannabis products, barter, trade, or compensation in any form other than cash for processing service arrangements is prohibited under processing service arrangements.

(3) Each manufacturer that enters into a processing service arrangement must include records for each service arrangement in recordkeeping documents which must be maintained consistent with this chapter.

(o) Cannabis may not be returned by any retail cannabis store to any cannabis product manufacturing facility except as provided in this section.

(1) Every cannabis product manufacturing facility must maintain complete records of all refunds and exchanges made under this section including an inventory of cannabis and cannabis products returned to the manufacturer by any licensed dispensary, on the licensed premises for a period of five (5) years

(2) Cannabis may be returned by a retail licensee in the event a retailer goes out of the business of selling cannabis at retail and a cash refund may be made upon the return of the cannabis or cannabis products, so long as the DPHSS approval is acquired prior to returns and refunds under this subsection.

(3) Cannabis products different from that ordered by a retail cannabis store and delivered to the retail cannabis store may be returned to cannabis product manufacturing facility and either replaced with cannabis products which were ordered or a cash refund may be made.

(4) A cannabis product manufacturing facility may accept returns of products and sample jars from cannabis retailers for destruction, but is not required to provide refunds to the retailer. It is the responsibility of the retailer to ensure the product or sample jar is returned to the cannabis product manufacturing facility.

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§ 9504. Extraction Requirements for cannabis product manufacturing facilities.

(a) Cannabis product manufacturing facilities may perform cannabis extraction and all other manufacturing activities, or use the following methods, equipment, solvents, gases, and mediums, detailed in this section when creating cannabis extracts.

(b) Cannabis product manufacturing facilities may use other methods of extraction that is authorized by DPHSS.

(c) Cannabis product manufacturing's facilities may request authorization from DPHSS to use other extraction methods, other than those specified below. The applicant or licensee shall submit to DPHSS a detailed description of the extraction method, including any documentation that validates the method and safety procedures to be utilized to mitigate any risk to public or worker health and safety.

(d) Cannabis product manufacturing facilities may use a professional grade closed loop CO₂ gas extraction system where every vessel is rated to a minimum of six hundred pounds per square inch. The CO₂ must be of at least ninety-nine (99) percent purity.

(1) Closed loop systems for hydrocarbon or CO₂ extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.

(2) Certification from a Licensed Engineer must be provided to the CCB for professional grade closed loop systems used by cannabis product manufacturing facilities to certify that the system was commercially manufactured, safe for its intended use, and built to codes of recognized and generally accepted good engineering practices, such as:

(A) The American Society of Mechanical Engineers (ASME);

(B) American National Standards Institute (ANSI);

(C) Underwriters Laboratories (UL); or

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(D) The American Society for Testing and Materials (ASTM).

(3) The certification document must contain the signature and stamp of a licensed engineer and the serial number of the extraction unit being certified.

(4) Professional grade closed loop systems, and other equipment used must be approved for specific use or the technical report must be approved by Guam building code officials prior to use.

(5) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by Guam Fire Department officials and meet any required fire, safety, and building code requirements.

(e) Cannabis product manufacturing facilities may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create kief, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.

(f) Infused dairy butter and oils or fats derived from natural sources may be used to prepare infused edible products, but they may not be prepared as stand-alone edible products for sale.

(g) Cannabis product manufacturing facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create extracts. All ethanol must be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

(h) Cannabis product manufacturing facilities creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace. Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

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(i) Parts per million for one gram of finished extract cannot exceed residual solvent or gas levels provided in by DPHSS guidelines. Values are subject to changes and updates by DPHSS as requirements change and become available to the cannabis industry.

(j) Cannabis product manufacturing facilities that perform extractions are responsible for providing safety data sheets for the chemical extract that they produce.

§ 9505. Cannabis Concentrate.

(a) Permitted Categories of Cannabis Concentrate Production

(1) A cannabis-infused products manufacturer may produce Water-Based Cannabis Concentrate, Food-Based Cannabis Concentrate, and Heat/Pressure Based Cannabis Concentrate.

(2) A cannabis-infused products manufacturer may also produce Solvent-Based Cannabis Concentrate using only the following solvents: butane, propane, CO₂, ethanol, isopropanol, acetone, heptane, and pentane. The use of any other solvent is expressly prohibited unless and until it is approved by Guam Environmental Protection Agency.

(b) A cannabis-infused products manufacturer that engages in the production of cannabis concentrate, regardless of the method of extraction or category of concentrate being produced, must:

(1) Ensure that the space in which any cannabis concentrate is to be produced is a fully enclosed room and clearly designated on the current diagram of the licensed premises.

(2) Ensure that all applicable sanitary rules as directed by DPHSS are followed.

(3) Ensure that the standard operating procedure for each method used to produce a cannabis concentrate on its licensed premises includes, but need not be limited to, step-by-step instructions on how to safely and appropriately:

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(A) Conduct all necessary safety checks prior to commencing production;

(B) Prepare cannabis for processing;

(C) Extract cannabinoids and other essential components of cannabis;

(D) Purge any solvent or other unwanted components from a cannabis concentrate,

(E) Clean all equipment, counters and surfaces thoroughly; and

(F) Dispose of any waste produced during the processing of cannabis in accordance with all applicable local, state and federal laws, rules and regulations.

(4) Establish written and documentable quality control procedures designed to maximize safety for licensees and minimize potential product contamination.

(5) Establish written emergency procedures to be followed by licensees in case of a fire, chemical spill or other emergency.

(6) Have a comprehensive training manual that provides step-by-step instructions for each method used to produce a cannabis concentrate on its licensed premises. The training manual must include, but need not be limited to, the following topics:

(A) All standard operating procedures for each method of concentrate production used at that licensed premises;

(B) The cannabis-infused products manufacturer's quality control procedures;

(C) The emergency procedures for that licensed premises;

(D) The appropriate use of any necessary safety or sanitary equipment;

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(E) The hazards presented by all solvents used within the licensed premises as described in the safety data sheet for each solvent;

(F) Clear instructions on the safe use of all equipment involved in each process and in accordance with manufacturer's instructions, where applicable; and

(G) Any additional periodic cleaning required to comply with all applicable sanitary rules.

(7) Provide adequate training to licensee prior to that individual undertaking any step in the process of producing a cannabis concentrate.

(A) Adequate training must include, but need not be limited to, providing a copy of the training manual for that licensed premises and live, in-person instruction detailing at least all of the topics required to be included in the training manual.

(B) The individual training a licensee must sign and date a document attesting that all required aspects of training were conducted and that he or she is confident that the licensee can safely produce a cannabis concentrate.

(C) The licensee that received the training must sign and date a document attesting that he or she can safely implement all standard operating procedures, quality control procedures, and emergency procedures, operate all closed-loop extraction systems, use all safety, sanitary and other equipment and understands all hazards presented by the solvents to be used within the licensed premises and any additional period cleaning required to maintain compliance with all applicable sanitary rules.

(8) Maintain clear and comprehensive records of the name, signature and license number of every individual who engaged in any step related to the creation of a production batch of cannabis concentrate and the step that individual performed.

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(c) Water-Based Cannabis Concentrate, Food-Based Cannabis Concentrate, and Heat/Pressure-Based Cannabis Concentrate. Cannabis-infused products manufacturer that engages in the production of a Water-Based Cannabis Concentrate or a Food-Based Cannabis Concentrate or Heat/Pressure-Based Cannabis Concentrate must:

(1) Ensure that all equipment, counters and surfaces used in the production of a Water-Based Cannabis Concentrate, a Food-Based Cannabis Concentrate, or a Heat/Pressure-Based Cannabis Concentrate is food-grade including ensuring that all counters and surface areas were constructed in such a manner that it reduces the potential for the development of microbials, molds and fungi and can be easily cleaned.

(2) Ensure that all equipment, counters, and surfaces used in the production of a Water-Based Cannabis Concentrate or a Food-Based Cannabis Concentrate are thoroughly cleaned after the completion of each production batch.

(3) Ensure that any room in which dry ice is stored or used in processing cannabis into a cannabis concentrate is well ventilated to prevent against the accumulation of dangerous levels of CO₂.

(4) Ensure that the appropriate safety or sanitary equipment, including personal protective equipment, is provided to, and appropriately used by, each licensee engaged in the production of a Water-Based Cannabis Concentrate, Food-Based Cannabis Concentrate, or a Heat/Pressure-Based Cannabis Concentrate.

(5) Ensure that only finished drinking water and ice made from finished drinking water is used in the production of a Water-Based Cannabis Concentrate.

(6) Ensure that if propylene glycol or glycerin is used in the production of a Food-Based Cannabis Concentrate, then the propylene glycol or glycerin to be used is food-grade.

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(7) Follow all of the rules related to the production of a Solvent-Based Cannabis Concentrate if a pressurized system is used in the production of a Water-Based Cannabis Concentrate, a Food-Based Cannabis Concentrate, or a Heat/Pressure-Based Cannabis Concentrate.

(d) Solvent-Based Cannabis Concentrate. A cannabis-infused products manufacturer that engages in the production of Solvent-Based Cannabis Concentrate must:

(1) Obtain a report from an Industrial Hygienist or a Licensed Engineer that certifies that the equipment, licensed premises and standard operating procedures comply with these rules and all applicable local and state building codes, fire codes, electrical codes and other laws. If a local jurisdiction has not adopted a local building code or fire code or if local regulations do not address a specific issue, then the Industrial Hygienist or Professional Engineer shall certify compliance with the International Building Code of 2012 (<http://www.iccsafe.org>), the International Fire Code of 2012 (<http://www.iccsafe.org>) or the National Electric Code of 2014 (<http://www.nfpa.org>), as appropriate. If there are any later amendments or editions to each Code, they will supersede those mentioned previously.

(A) If a flammable solvent is to be used in the processing of cannabis into a cannabis concentrate, then the Industrial Hygienist or Licensed Engineer must:

(i) Establish a maximum amount of flammable solvents and other flammable materials that may be stored within that licensed premises in accordance with applicable laws, rules and regulations.

(ii) Determine what type of electrical equipment, which may include but need not be limited to outlets, lights, junction boxes, must be installed within the room in which cannabis concentrate are to be produced or flammable solvents are to be stored in accordance with applicable laws, rules and regulations.

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(iii) Determine whether a gas monitoring system must be installed within the room in which cannabis concentrate are to be produced or flammable solvents are to be stored, and if required the system's specifications, in accordance with applicable laws, rules and regulations.

(iv) Determine whether fire suppression system must be installed within the room in which Cannabis Concentrate are to be produced or Flammable Solvents are to be stored, and if required the system's specifications, in accordance with applicable laws, rules and regulations.

(B) If CO₂ is used as solvent at the licensed premises, then the Industrial Hygienist or Licensed Engineer must determine whether a CO₂ gas monitoring system must be installed within the room in which cannabis concentrate are to be produced or CO₂ is stored, and if required the system's specifications, in accordance with applicable laws, rules and regulations.

(C) The Industrial Hygienist or Professional Engineer must determine whether a fume vent hood or exhaust system must be installed within the room in which cannabis concentrate are to be produced, and if required the system's specifications, in accordance with applicable laws, rules and regulations.

(D) If a cannabis-infused products manufacturer makes a material change to its licensed premises, equipment or a concentrate production procedure, in addition to all other requirements, it must obtain a report from an Industrial Hygienist or Professional Engineer re-certifying its standard operating procedures and, if changed, its licensed premises and equipment as well.

(E) The Industrial Hygienist or Licensed Engineer may review and consider any information provided to the cannabis-infused products manufacturer by the designer or manufacturer of any equipment used in the processing of cannabis into a cannabis concentrate.

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(F) A cannabis-infused products manufacturer must maintain copy of all reports received from an Industrial Hygienist and Professional Engineer on its licensed premises. Notwithstanding any other law, rule or regulation, compliance with this rule is not satisfied by storing these reports outside of the licensed premises. Instead, the reports must be maintained on the licensed premises until the licensee ceases production of cannabis concentrate on the licensed premises.

(2) Ensure that all equipment, counters and surfaces used in the production of a Solvent-Based Cannabis Concentrate must be food-grade and must not react adversely with any of the solvents to be used in the licensed premises. Additionally, all counters and surface areas must be constructed in a manner that reduces the potential development of microbials, molds and fungi and can be easily cleaned;

(3) Ensure that the room in which Solvent-Based Cannabis Concentrate shall be produced must contain an emergency eye-wash station;

(4) Ensure that a professional grade, closed-loop extraction system capable of recovering the solvent is used to produce Solvent-Based Cannabis Concentrate;

(A) Underwriters Laboratories (UL) or Electrical Testing Laboratories (ETL) Listing

(i) If the system is UL or ETL listed, then a cannabis-infused products manufacturer may use the system in accordance with the manufacturer's instructions.

(ii) If the system is UL or ETL listed but the cannabis-infused products manufacturer intends to use a solvent in the system that is not listed in the manufacturer's instructions for use in the system, then, prior to using the unlisted solvent within the system, the cannabis-infused products manufacturer must obtain written approval for use of the non-listed solvent in the system from either

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the system’s manufacturer or a Professional Engineer after the Licensed Engineer has conducted a peer review of the system. In reviewing the system, the Professional Engineer shall review and consider any information provided by the system’s designer or manufacturer.

(iii) If the system is not UL or ETL listed, then there must a designer of record. If the designer of record is not a Licensed Engineer, then the system must be peer reviewed by a Licensed Engineer. In reviewing the system, the Professional Engineer shall review and consider any information provided by the system’s designer or manufacturer.

(B) A cannabis-infused products manufacturer facility need not use a professional grade, closed-loop system extraction system capable of recovering the solvent for the production of a Solvent-Based Cannabis Concentrate if ethanol or isopropanol are the only solvents being used in the production process.

(5) Ensure that all solvents used in the extraction process are food-grade or at least 99% pure;

(A) A cannabis-infused products manufacturer must obtain a safety data sheet for each solvent used or stored on the licensed premises. A cannabis-infused products manufacturer must maintain a current copy of the safety data sheet and a receipt of purchase for all solvents used or to be used in an extraction process.

(B) A cannabis-infused products manufacturer is prohibited from using denatured alcohol to produce a cannabis concentrate.

(6) Ensure that all flammable solvents or other flammable materials, chemicals and waste are stored in accordance with all applicable laws, rules and regulations. At no time may a cannabis-infused products manufacturer store more flammable solvent on its licensed premises than the

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maximum amount established for that licensed premises by the Industrial Hygienist or Licensed Engineer;

(7) Ensure that the appropriate safety and sanitary equipment, including personal protective equipment, is provided to, and appropriately used by, each licensee engaged in the production of a Solvent-Based Cannabis Concentrate; and

(8) Ensure that a trained licensee is present at all times during the production of a Solvent-Based Cannabis Concentrate whenever an extraction process requires the use of pressurized equipment.

(e) If a cannabis-infused products manufacturer only produces Solvent-Based Cannabis Concentrate using ethanol or isopropanol at its licensed premises and no other solvent, then it shall be considered exempt from the requirements in paragraph (d) of this Rule and instead must follow the requirements in paragraph (c) of this Rule. Regardless of which rule is followed, the ethanol or isopropanol must be food grade or at least 99% pure and denatured alcohol cannot be used.

(f) Failure to comply with this Rule may constitute a license violation affecting public safety.

§ 9506. License requirements for all Cannabis Product Manufacturing Facilities.

(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.

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(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.

(3) If subject to flood-type cleaning, floors are sloped to drain with drains compliant with the Guam Building Code.

(4) Joints at wall/floor junctions covered and sealed.

(f) Walls and ceilings. Surface of walls and ceilings in all display, storage, and processing/preparation rooms in good repair, of a light color, and smooth and easily cleanable.

(g) Food storage

(1) Separated from chemicals.

(2) Packages and ingredients six (6) inches off of the floor.

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(h) Doors/windows

(1) Outside openings protected from entry of pests and insects by tight fitting, self-closing doors, closed windows, screening, controlled air currents, or other means.

(2) Screens for windows and other openings to the outside are tight fitting and free of breaks. Screen material not less than 16 mesh to the inch.

(i) Lighting

(1) Permanently fixed artificial light sources installed to provide at least fifty (50) foot candles (five hundred forty (540) lux) of light on all food preparation surfaces and at ware-washing work levels.

(2) Light bulbs, fixtures, skylights, or other glass fixtures suspended over exposed foods, and over equipment cleaning and storage facilities, are either shielded, coated, or otherwise shatter resistant.

(j) Ventilation

(1) Sufficient ventilation in all rooms so they are free of excessive heat, steam, condensation, vapors, obnoxious odors, smoke, and fumes.

(2) Ventilation systems installed and operated according to law and when vented to the outside do not create a harmful or unlawful discharge.

(3) All systems comply with Guam Fire Codes.

(k) Equipment installation

(1) Installed as movable or designed to be cleaned in place (CIP)

(2) Storage shelves are smooth, impervious, easily cleanable, and 6 inches off the floor.

(3) No unfinished wood.

(l) Exterior. Free of shrubs, vegetation, debris, and equipment around the exterior of the building to prevent harboring of pests (e.g. rodents, cockroaches, flies, ants, etc.).

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(m) Miscellaneous

(1) Separate storage area for mops, brooms, and cleaning supplies.

(2) Mop/utility sink installed.

(3) Adequate clothing, lockers and/or dressing rooms for storage of soiled linens, clothes, and employees’ personal items (shoes, coats, bags, etc.).

2022 NOTE: Subsection designations added pursuant to 1 GCA § 1606.

**ARTICLE 6
RETAIL CANNABIS STORES**

§ 9601. Policy

§ 9602. Operation Standards for Retail Cannabis Stores.

§ 9601. Policy.

The Guam Department of Revenue and Taxation shall duly exercise the powers vested in it as a “Regulatory Agency” in the sale of cannabis and cannabis products in the Territory of Guam. The cannabis retail establishment is responsible for obtaining the necessary permits and/or certifications required by the regulatory agency and must comply with any specific instructions while engaged in the sale of cannabis products on the island of Guam.

§ 9602. Operation Standards for Retail Cannabis Stores.

(a) A retail cannabis store shall comply with all local, health, fire, and zoning requirements and other applicable requirements and shall not be in violation of Guam’s building and zoning laws or any other applicable law, rule or regulation.

(b) A retail cannabis store that stores, sells, distributes or dispenses cannabis-infused edible food products shall comply with Title 10 GCA, Chapters 21, 22, 23, 24, and 40 and applicable rules and regulations, to ensure proper food safety.

(c) Only the responsible official and authorized employees, of the retail cannabis store shall be permitted to touch or handle

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any cannabis, cannabis concentrate, cannabis-infused product or cannabis product.

(d) A retail cannabis store:

(1) Shall not possess cannabis, cannabis concentrate, cannabis-infused product or cannabis products until the retail cannabis store has a Cannabis Establishment License;

(2) Shall not sell cannabis, cannabis concentrate, cannabis-infused product or cannabis products until the retail cannabis store has a Permit to Operate from the Department;

(3) Shall not transfer any cannabis, cannabis concentrate, cannabis-infused product or cannabis products to any other retail cannabis store until the retail cannabis store has a Permit to Operate from the Department;

(4) Shall not accept any cannabis, cannabis concentrate, cannabis-infused product or cannabis products to any other retail cannabis store until the retail cannabis store has a Permit to Operate from the Department;

(5) Shall ensure that all cannabis, cannabis concentrate, cannabis-infused product or cannabis products it sells are tested for potency and safety by a cannabis testing facility licensed by the Department and is safe for use or consumption.

(6) Shall remain secured at all times;

(7) Shall be located in an enclosed indoor facility;

(8) Shall be accessible to authorized individuals only;

(9) Shall maintain a twenty-four (24) hour security system pursuant to § 9502;

(e) When selling cannabis, cannabis concentrate, cannabis-infused product or cannabis products to a consumer, the retail cannabis store:

(1) Shall request verification of identity as defined in § 9101 (iii) from the consumer. If the identity of the consumer attempting to purchase cannabis, cannabis concentrate, cannabis-infused product or cannabis products does not

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match the identity of the person presenting the verification, the authorized employee or responsible official shall report the violation to the Department and the Guam Police Department within twenty-four (24) hours and will confiscate such identification.

(2) Shall verify that the consumer is not receiving more than the allowable amount as defined in § 9101(c) and shall not sell any amount of cannabis, cannabis concentrate, cannabis-infused product or cannabis products to the consumer that exceeds the allowable amount;

(3) May sell to a consumer any combination of cannabis, cannabis concentrate, cannabis-infused product or cannabis products that shall not exceed the allowable amount per transaction as defined in the Rules;

(f) The retail cannabis store shall ensure that:

(1) There are safeguards to prevent unauthorized access to cannabis, cannabis concentrate, cannabis-infused product or cannabis products;

(2) There are safeguards to prevent unauthorized access by consumers; and

(3) Sales data/information, e.g., receipts inclusive of all transaction details, etc. is backed up and recoverable.

**ARTICLE 7
LABELING AND PACKAGING**

- § 9701. Purpose
- § 9702. Authority
- § 9704. Labeling
- § 9705. Packaging
- § 9706. Labeling and Packaging Colors for all Cannabis Infused Edible Products
- § 9707. [Not codified.]
- § 9708. Upon Request Materials
- § 9709. Cannabis Warning Symbol Requirement

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§ 9710. Advertising Requirements and Promotional Items —
Coupons, Giveaways, etc.

§ 9701. Policy.

The Guam Department of Public Health and Social Services shall duly exercise the powers vested in it as a “Regulatory Agency” in the labeling and packaging of cannabis and cannabis products in the Territory of Guam for which the use and/or end product results in either recreational and/or medicinal applications. The cannabis establishment is responsible for obtaining the necessary permits and/or certifications required by the regulatory agency and must comply with any specific instructions while engaged in the labeling and packaging of cannabis products on the island of Guam.

§ 9702. Purpose.

The purpose of these rules and regulations is to provide labeling and packaging requirements for cannabis and cannabis products sold or distributed by a cannabis establishment.

§ 9703. Authority.

Title 11 Guam Code Annotated (GCA), Chapter 8, Section 8110 authorizes the Cannabis Control Board to establish rules and regulations to govern the labeling and packaging requirements for cannabis and cannabis products.

§ 9704. Labeling.

(a) Cannabis and cannabis product labels generally. The following label requirements shall apply to all cannabis and cannabis products:

(1) Usable cannabis, cannabis concentrates, and cannabis-infused products must not be labeled as organic unless permitted by the Guam Department of Agriculture and the United States Department of Agriculture in accordance with the Organic Foods Production Act (Title 21 of Food, Agriculture, Conservation, and Trade Act of 1990).

(2) All information, warning statements, and language required in this Section to appear on the label or labeling

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must not be covered or obscured in any way so to prevent it from being likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

(3) Labels affixed to the container or package containing cannabis or cannabis products sold at retail must include:

(A) The manufacture date; identification, batch, and lot numbers as applicable;

(B) The unique identifier number generated by the Department's seed to sale tracking system. This must be the same number that appears on the transport manifest;

(C) An accurate statement of the quantity of contents in terms of weight, measure, or numerical count, which statement shall be separately and accurately stated in a uniform location upon the principal display panel of the label; variations as approved by the Director may be used solely for those small packages wherein such statements of net quantity of contents would not be easily labeled to be prominently displayed, shown, presented, or examined under conditions of retail sale;

(D) If more than one serving is in a package, the label must prominently display the number of servings in the package and the amount of product per serving;

(E) A list of pharmacologically active ingredients, including, but not limited to, THC (delta-9 tetrahydrocannabinol) concentration listed as total THC and activated THC-A and CBD concentration (cannabidiol) listed as total CBD and activated CBD-A milligrams per serving, servings per package, and the THC and CBD, and other cannabinoid amount in milligrams for the package total for prepared cannabis, as applicable;

(F) The name and place of business of the manufacturer, packer, or distributor;

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(G) The common or usual name of the cannabis or cannabis product; and

(H) In case the cannabis or cannabis product consists of two or more ingredients, the common or usual name of each such ingredient listed in order of decreasing predominance.

(4) Labels of usable cannabis or cannabis products sold at retail must not contain any statement, depiction, or illustration that:

(A) Is false or misleading;

(B) Promotes over-consumption (i.e., using more than the allowable amount);

(C) Represents the use of cannabis has curative or therapeutic effects;

(D) Depicts a child or other person under legal age consuming cannabis or cannabis product, or includes:

(i) Objects such as toys, characters suggesting the presence of a child, or any other depiction or illustration designed in any manner to be especially appealing to children or other persons under twenty-one years of age; or

(ii) Is designed in any manner that is especially appealing to children or other persons under twenty-one (21) years of age.

(5) Labels of usable cannabis or cannabis products that contain the phrase, “This product is not approved by the FDA to treat, cure, or prevent any disease” does not supersede any of the provisions of these rules and regulations.

(b) Standard warnings required on all labels. Warning statements must be included on labels of all cannabis and cannabis products. The following warning statements required below must be of a size to be legible and readily visible to a consumer inspecting a package and must not be covered or obscured in any way:

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- (1) “KEEP OUT OF REACH OF CHILDREN AND ANIMALS” in bold print;
- (2) The cannabis universal symbol as provided below;
and



- (3) A warning if peanuts, tree nuts (i.e., walnuts and almonds), or other known allergies as defined in the Food Allergen Labeling and Consumer Protection Act of 2004 (<https://www.fda.gov/media/77570/download>) or gluten-containing products are used.

(c) Additional product-specific labeling requirements. In addition to the labeling requirements in Subsection (a) and (b) of this Section, the following product-specific labeling requirements apply to each of the following product types and must be present on labels when offered for sale at retail:

- (1) Usable cannabis, including cannabis mix. The statement “Smoking is hazardous to your health.”
- (2) Cannabis concentrates, cannabis infused extract for inhalation, and infused cannabis mix.
 - (A) If solvents were used to create the concentrate or extract, a statement that discloses the type of extraction method, including any solvents or gases used to create the concentrate or extract; and
 - (B) Any other chemicals or compounds used to produce or were

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(C) added to the concentrate or extract.

(3) Cannabis-infused products except for cannabis-infused products for topical application as provided in (c)(4) of this Subsection.

(A) Serving size and the number of servings contained within the unit;

(B) A list of the common or usual name of all ingredients in descending order of predominance by weight or volume as applicable and a list of major food allergens as defined in the Food Allergen Labeling and Consumer Protection Act of 2004 (<https://www.fda.gov/media/77570/download>);

(C) If solvents were used, a statement that discloses the type of extraction method, including any solvents, gases, or other chemicals or compounds used to produce or that are added to the extract; and

(D) The following sentence: “CAUTION: When eaten or swallowed, the intoxicating effects of this product may be delayed by up to two hours.”

(4) Cannabis-infused products for topical application.

(A) The statement “DO NOT EAT” in bold, capital letters in the principal display panel; and

(B) A list of the common or usual name of all ingredients in descending order of predominance by weight or volume as applicable.

(d) Permitted optional information that may be included on labels.

(1) Harvest date and manufactured dates are optional information that may be placed on labels.

(2) Other cannabinoids and terpenes not required to be placed on the label by this Section may be included on the label if:

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(A) The producer or processor has test results from a certified third-party laboratory to support the claim; and

(B) The laboratory results are made available to the consumer upon request to the Department of Public Health and Social Services.

2022 NOTE: This language in (b)(2), “The cannabis universal symbol as provided below; and” which preceding the images, was not included in the final version of the rules that were adopted by operation of law. However, this language is found in prior version of the rules, and its omission is considered manifest error. Therefore, this language is published herein pursuant to 1 GCA § 1606.

§ 9705. Packaging.

(a) General packaging requirements applying to all cannabis and cannabis products.

(1) Any container or packaging containing usable cannabis, cannabis concentrates, or cannabis-infused products must protect the product from contamination and must not impart any toxic or deleterious substance to the usable cannabis, cannabis concentrates, or cannabis-infused product.

(2) All packaging information required by this Section shall be in no less than eight (8) point font, regardless of individual package size.

(b) Additional product-specific packaging requirements. The following product-specific packaging requirements shall apply to each of the following product types in addition to the packaging requirements provided in (a) of this Subsection:

(1) Cannabis-infused products general requirements.

(A) All cannabis-infused products for oral ingestion must be packaged pursuant to the following requirements:

(i) Child resistant packaging in accordance with Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act; or

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(ii) Plastic four mil or greater in thickness and be heat sealed with no easy-open tab, dimple, corner, or flap as to make it difficult for a child to open and as a tamperproof measure, except as provided in (b)(1)(A)(iii) and (B) of this Subsection.

(iii) Cannabis-infused products for oral ingestion in liquid form where a single serving is contained with the package may be sealed using a metal crown cork style bottle cap. Cannabis-infused products for oral ingestion in liquid form that includes more than one serving must be packaged with a resealable closure or cap.

(B) Cannabis-infused solid edible products.

(i) If there is more than one (1) serving of cannabis-infused solid edible products in the package, each serving must be packaged individually in child resistant packaging as provided in (b)(1) of this Subsection and placed in the outer package except as provided in (ii) below.

(ii) Products such as capsules, lozenges, and similar products approved by the Department on a case-by-case basis may be packaged loosely within a resealing outer package that is child resistant in accordance with Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act.

(C) Cannabis-infused liquid edible products concentrates. Packages containing more than one (1) serving of cannabis-infused liquid edible product must:

(i) Have a resealing cap or closure; and

(ii) Include a measuring device such as a measuring cap or dropper with the package containing the cannabis-infused liquid edible product. Hash marks on the bottle or package do not qualify as a measuring device.

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(2) Cannabis concentrates. Cannabis concentrates must be packaged:

(A) In child resistant packaging in accordance with Title 16 C.F.R. 1700 of the Poison Prevention Packaging Act; or

(B) Plastic four (4) mil or greater in thickness, heat sealed with no easy-open tab, dimple, corner, or flap as to make it difficult for a child to open and as a tamperproof measure.

§ 9706. Labeling and Packaging Colors for all Cannabis Infused Edible Products.

(a) Only colors and shapes from an approved list on the Department of Public Health and Social Services' website are permitted.

(b) Labeling and packaging background colors must be white, cream, grey, black, tan, or brown. Up to three (3) accent colors from the approved color list provided on the Department of Public Health and Social Services' website are permitted. A percentage or gradient of an approved color counts as one (1) color.

(c) Labeling and packaging font color must be one of the approved colors provided on the Department of Public Health and Social Services' website. Font color counts as one of the three accent colors.

(d) A full color photograph or photograph in a chosen accent color of the product is allowed.

(e) Packaging with a clear window is permitted.

(f) Company logos are permitted. Examples of allowable logo displays are available on the Department of Public Health and Social Services' website.

§ 9707. [Not codified.]

2022 NOTE: The entirety of Section 9707 was omitted in the final version of the rules adopted by operation of law; however, it was included in draft versions of the rules.

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§ 9707. Accompanying materials.

A statement that discloses all pesticides applied to the cannabis plants and growing medium during production of the usable cannabis or the base cannabis used to create the concentrate or the extract added to infused products must be provided with cannabis and cannabis products or made available to the consumer purchasing cannabis and cannabis products at retail. A producer or processor may provide this information through an internet link, web address, or QR code on the product label so long as the information particular to that product as required below is maintained and accessible to a consumer for as long as the product is available for sale at retail.

§ 9708. Upon request materials.

Upon the request of a retail customer, a retailer must disclose the name of the certified laboratory that conducted testing and the results of the required quality assurance tests for any cannabis or cannabis product the customer is purchasing or considering purchasing.

§ 9709. Cannabis warning symbol requirement.

(a) Cannabis-infused products for oral ingestion sold at retail must be labeled on the principal display panel or front of the product package with the "Not for individuals below 21."

(1) The warning statement must be of a size and color so as to be legible, readily visible by the consumer, and effective to alert consumers and children that the product is "Not for individuals below 21.";

(2) The warning statement must not be altered or cropped in any way other than to adjust the sizing for placement on the principal display panel or front of the product package, except that a licensee must use a black border around the edges of the white background of the warning symbol image when the label or packaging is also white to ensure visibility of the warning symbol.

(b) All cannabis and cannabis products sold at retail must be labeled both on the product and on the principal display panel or front of the product package with the cannabis universal symbol ("universal symbol") created and made available in digital form to licensees without cost by the Department of Public Health and Social Services. The digital file for the universal symbol shall be

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made available on the Department of Public Health and Social Services' website.

(1) The universal symbol must be of a size so as to be legible, readily visible by the consumer, and effective to alert consumers that the product is or contains cannabis, but must not be smaller than three-quarters of an inch in height by three-quarters of an inch in width;

(2) The universal symbol must not be altered or cropped in any way other than to adjust the sizing for placement on the principal display panel or front of the product package; and

(3) Licensees may download the digital universal symbol from the Department's website and print stickers in lieu of incorporating the universal symbol on the label or packaging as required under (1) and (2) of this Subsection. If a licensee elects to use a universal symbol sticker, the sticker:

(A) Must meet all requirements of this Section; and

(B) Must not cover or obscure in any way labeling or information required on cannabis products pursuant to the provisions of Article 7.

§ 9710. Advertising Requirements and Promotional Items — Coupons, Giveaways, etc.

(a) Advertising generally. The following requirements apply to all advertising by licensed cannabis establishments.

(1) All cannabis advertising and labels of useable cannabis, cannabis concentrates, and cannabis-infused products sold must not contain any statement, or illustration that:

(A) Is false or misleading;

(B) Promotes over consumption (i.e., using more than the recommended dose or serving);

(C) Represents the use of cannabis has curative or therapeutic effects;

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(D) Depicts a child or other person under legal age to consume cannabis, or includes:

(i) The use of objects, such as toys, inflatables, movie characters, cartoon characters suggesting the presence of a child, or any other depiction or image designed in any manner to be likely to be appealing to youth or especially appealing to children or other persons under legal age to consume cannabis; or

(ii) Is designed in any manner that would be especially appealing to children or other persons under twenty-one (21) years of age.

(2) No cannabis licensee shall place or maintain, or cause to be placed or maintained, an advertisement of a cannabis business or cannabis product, including cannabis concentrates, useable cannabis, or cannabis-infused product:

(A) In any form or through any medium whatsoever within one thousand (1,000) feet of the perimeter of school grounds, playground, recreation center or facility, child care center, public park, library, or a game arcade admission to which it is not restricted to persons aged twenty-one (21) years or older unless the one thousand (1,000) minimum distance requirement has been reduced by Guam law;

(B) On or in a private vehicle, public transit vehicle, public transit shelter, bus stop, taxi stand, transportation waiting area, train bus station, airport, or any similar transit-related location;

(3) All advertising for cannabis businesses or cannabis products, regardless of what medium is used, must contain text stating that cannabis products may be purchased or possessed only by persons twenty-one (21) years of age or older. Examples of language that conforms to this requirement include, but are not limited to: "21+," "for use by persons 21 and over only," etc.

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(4) A cannabis licensee may not engage in advertising or marketing that specifically targets persons residing out of Guam.

(b) Outdoor advertising. In addition to the requirements for advertising in Subsection (a) of this Section, the following restrictions and requirements apply to outdoor advertising by cannabis licensees:

(1) Except for the use of billboards as authorized under the Department of Public Works and the Department of Land Management, and as provided in this Section, licensed cannabis retailers may not display any outdoor signage other than two separate signs identifying the retail outlet by the licensee's business name or trade name, stating the location of the business, and identifying the nature of the business. Both signs must be affixed to a building or permanent structure and each sign is limited in accordance with Guam's zoning law.

(A) All text on outdoor signs, including billboards, is limited to text that identifies the retail outlet by the licensee's business or trade name, states the location of the business, and identifies the type or nature of the business.

(B) No outdoor advertising signs, including billboards, may contain depictions of marijuana plants or cannabis products. Logos or artwork that do not contain depictions of marijuana plants or cannabis products as defined in this Section are permissible.

(i) A depiction of a marijuana plant means an image or visual representation of a marijuana leaf, plant, or the likeness thereof that explicitly suggests or represents a marijuana leaf or plant.

(ii) A depiction of a cannabis product means an image or visual representation of useable cannabis, cannabis-infused products, or cannabis concentrates, or an image that indicates the presence of a product, such as smoke, etc.

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(C) Double-sided signs or signs with text visible on opposite sides are permissible and count as a single sign so long as the sign is contained in or affixed to a single structure.

(2) No cannabis licensee may use or employ a commercial mascot outside of, and in proximity to, a licensed cannabis business.

(3) Outdoor advertising is prohibited on signs and placards in arenas, stadiums, shopping malls, fairs that receive government of Guam allocations, farmers markets, village events, and video game arcades, whether any of the foregoing are open air or enclosed, but not including any such sign or placard located at an adult only facility.

(4) The restrictions in this Section and the statutory and regulatory requirements of the Department of Public Works and the Department of Land Management as applicable to this Section do not apply to outdoor advertisements at the site of an event to be held at an adult only facility that is placed at such site during the period the facility or enclosed area constitutes an adult only facility, but must not be placed there more than fourteen (14) days before the event, and that does not advertise any cannabis or cannabis product other than by using a brand name, such as the business or trade name or the product brand, to identify the event. Advertising at adult only facilities must not be visible from outside the adult only facility.

(5) A sign affixed to the licensed premises or in the window of a licensed premises indicating the location is open for business, closed for business, the hours of operation, that the licensed location has an ATM inside, or other similar informational signs not related to the products or services of the cannabis business are not considered advertising for the purposes of this Section.

(6) Cannabis establishments are prohibited from sponsoring any “Adopt-a-Highway” signs erected by the Department of Public Works.

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(c) Advertising placed on windows within the premises of a licensed cannabis retail store facing outward must meet the requirements for outdoor advertising as provided by the Department of Public Works and this Section.

(d) Promotional items such as giveaways, coupons, and distribution of branded or unbranded merchandise must not be targeted to minors and are banned.

(e) Except for outdoor advertising under Subsection (b) of this Section, all advertising must contain the following warnings that must be in type size at least ten (10) percent of the largest type used in the advertisement:

(1) “Cannabis can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery. Please use extreme caution.” and

(2) “For use only by adults twenty-one and older. Keep out of the reach of children.”

**ARTICLE 8
CANNABIS TESTING FACILITY**

§ 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

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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. Violation of this regulation may result in the revocation of the cannabis testing facility's license.

(f) Responsible officials, board members, cannabis establishment stakeholders, principals, or owners of a cannabis testing facility are prohibited from owning or having any financial stake in any cultivation facility, cannabis product manufacturing testing facility, retail cannabis store, and cannabis establishment that recommend the use of cannabis, or any other cannabis testing facility.

§ 9802. Cannabis Testing Facility Standards and Testing Protocols.

(a) The cannabis testing facility shall select a random sample, not to exceed 10 grams per lot, from each lot of cannabis at the cultivation site and from each batch of prepared cannabis and cannabis product at the cannabis product manufacturing testing facility or retail cannabis store in order to test them for potency and safety.

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(b) The method by which samples are selected and collected shall be prescribed by standards of methodology adopted by the Department of Public Health, prescribed to every cannabis testing facility, and applied by every such facility uniformly. The Department of Public Health shall inform the public via news release and shall further inform all interested parties through any publications it may disseminate about the facilities, the name of the sampling protocol selected, such selection to be made prior to the acceptance of any application for Permit to Operate a cannabis testing facility.

(c) The Department of Public Health will give the cannabis establishment twenty-four (24) hour written notice of when authorized agents from the cannabis testing facility plan to go to the cannabis facility to obtain samples of cannabis, prepared cannabis and cannabis products for testing.

(d) The cannabis establishment where the lot or batch came from shall maintain in a secure tamper-proof manner a similar sample from the same lot or batch, for verification testing as directed by the Department of Public Health.

(e) The cannabis testing facility shall test and analyze the samples according to standard operating procedures prepared by the cannabis testing facility based on validated methods published in peer reviewed scientific or regulatory literature.

(f) The cannabis testing facility shall issue to the cannabis establishment and the Department of Public Health a certificate of analysis for each lot of cannabis or batch of prepared cannabis or cannabis product tested for potency and safety for that cannabis establishment. The certificate of analysis shall include the following:

(1) The chemical profile of the batch for the following compounds:

- (A) Delta-9-tetrahydrocannabinol (THC);
- (B) Tetrahydrocannabinol Acid (THCA);
- (C) Cannabidiol (CBD);
- (D) Cannabidiolic Acid (CBDA);

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- (E) Cannabigerol (CBG);
- (F) Cannabinol (CBN)

(2) The presence of the following contaminants, which shall not exceed the following levels:

- (A) Heavy metals:
 - (i) Arsenic: 10.0 ppm
 - (ii) Lead: 6.0 ppm
 - (iii) Cadmium: 4.0 ppm
 - (iv) Mercury: 2.0 ppm

(B) Pesticides: Thresholds for pesticides authorized by Article 4 of this Chapter to be determined by the Department of Public Health from time to time;

(C) Solvents: Thresholds for each of the solvents named in authorized by Article 4 of this Chapter to be determined by the Department of Public Health from time to time;

(D) Any visible foreign or extraneous material, that is not intended to be part of the product being produced, including but not limited to mold, hair, insects, metal, or plastic;

(E) Moisture content of plant material: < 15%

(F) Microbiological impurities, including but not limited to:

- (i) Total Viable Aerobic Bacteria:
 - (aa) Unprocessed and Processed Materials: 105 Colony Forming Units (CFU)/g
 - (bb) CO2 and Solvent Based Extracts: 104 CFU/g
- (ii) Total Yeast and Mold:

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(aa) Unprocessed and Processed
Materials: 104 CFU/g

(bb) CO₂ and Solvent Based Extracts:
103 CFU/g

(iii) Total Coliforms:

(aa) Unprocessed and Processed
Materials: 103 CFU/g

(bb) CO₂ and Solvent Based Extracts:
102 CFU/g

(iv) Bile-tolerant Gram-Negative Bacteria:

(aa) Unprocessed and Processed
Materials: 103 CFU/g

(bb) CO₂ and Solvent Based Extracts:
102 CFU/g

(v) E. Coli (pathogenic strains) and
Salmonella spp: Not detected in one (1) gram

(vi) Aspergillus fumigatus, Aspergillus
flavus, Aspergillus niger: < 1 CFU/g

(vii) Mycotoxins: < 20 µg (micrograms) of
any mycotoxin per kilogram of material.

(3) Additional testing requested at the discretion of the
Department of Public Health.

(g) If the facility testing results indicate unacceptable
amounts of contaminants in a cannabis, prepared cannabis and
cannabis product, the cannabis testing facility shall provide a
written notification to the Department of Public Health and the
responsible official of the cannabis establishment from which the
sample originated within twenty-four (24) hours.

(h) The cannabis testing facility may retest or reanalyze the
sample or a different sample from the same batch by following its
standard operating procedure to confirm or refute the original
result, upon request by the cannabis establishment from which the
sample originated or upon request by the Department of Public

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Health at the expense of the cannabis establishment from which the sample originated. A lot of cannabis or batch of prepared cannabis or cannabis product shall only be tested for potency and safety at the most three (3) times.

(i) The cannabis testing facility shall return, to the cannabis establishment from which the sample originated, or destroy in a manner approved by the Department of Public Health any samples or portions of samples of the cannabis, prepared cannabis and cannabis product that remain after testing and analysis are completed.

(j) The cannabis testing facility shall create, and maintain for a period of at least five (5) years, records of testing it conducts on cannabis, prepared cannabis and cannabis products, including but not limited to:

- (1) The time and date the sample was obtained.
- (2) A description of the sample, including the amount;
- (3) What tests were conducted on each sample;
- (4) The results of the tests including the certificate of analysis; and
- (5) Evidence of the time, date, and method of disposal or destruction of a sample after testing is completed, and the amount of the sample disposed of or destroyed, or the time and date a sample was returned to a retail cannabis store with a description including the amount;

(k) The cannabis testing facility shall issue written reports of the full analysis and results for potency and safety of all cannabis-infused products from the tested batch of cannabis to the licensed cannabis establishment that requested the test and to the Department of Public Health.

(l) Written reports of the full analysis and results for potency and safety of all cannabis-infused products from the tested batch of cannabis, prepared cannabis and cannabis products shall be made available to the public by request to the Department of Public Health.

§ 9803. Facility Testing Protocols for Cultivators, Manufacturers and Retail Cannabis Stores.

(a) The cultivation facility must sort cannabis into identical lots according to the cannabis crop and the cannabis product manufacturing testing facility must sort the prepared cannabis and cannabis products into identical batches prior to testing. The cannabis testing facility will take two (2) samples in an amount equivalent to perform three (3) tests from each lot or batch. One (1) sample is for testing and one (1) sample shall be set aside in a secure tamper-proof manner for verification testing as directed by the Department of Public Health.

(b) A cannabis establishment shall ensure that each sample of cannabis, prepared cannabis and cannabis products are tested for potency and safety and analyzed for each of the items set out in § 9802 (f).

(c) The level of contaminants in cannabis, prepared cannabis and cannabis products, shall not exceed the standards provided in § 9802(f) and if any of the standards are exceeded, the cannabis establishment shall not sell any portion of the cannabis, prepared cannabis and cannabis products that does not conform to the standards and shall be subject to disposal or destruction as specified in Article 3.

(d) Once the responsible official of a cannabis establishment is given written notification by the cannabis testing facility that test results indicate unacceptable amounts of contaminants in their sample of cannabis, prepared cannabis or cannabis products, the responsible official of the cannabis establishment shall immediately quarantine the non-conforming cannabis, prepared cannabis or cannabis products.

(e) The cannabis establishment may request for a retest of the same lot or batch of non-conforming cannabis, prepared cannabis or cannabis product within three (3) business days of notification from a cannabis testing facility. The lot or batch can be tested up to three (3) times.

(f) The cannabis establishment shall destroy the lot of cannabis or batch of prepared cannabis and cannabis product that

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does not conform to the testing standards set out in § 9802(f) as indicated by the certificate of analysis.

(g) The responsible official of the cannabis establishment from which the sample originated shall document the destruction or disposal of the quarantined cannabis, prepared cannabis and cannabis product that has been tested to be unacceptable in accordance with this Section.

(h) A cannabis establishment shall maintain records of all facility testing results including the certificate of analysis for all their cannabis, prepared cannabis and cannabis products.

(i) All records that must be maintained by the cannabis establishment shall be available to the Department of Public Health within seven (7) business days upon receipt of written request.

(j) A cultivation facility, cannabis product manufacturing facility and a retail cannabis store are allowed to operate a facility within their establishment but all cannabis must be facility tested for potency and safety at an independent cannabis testing facility that has been licensed by the Department of Revenue and Taxation and approved by the Department of Public Health.

**ARTICLE 9
ENFORCEMENT AND PENALTIES**

- § 9901. Enforcement Powers.
- § 9902. Inspections.
- § 9903. Revocation or Suspension of License: Grounds.
- § 9904. Administrative Penalties.
- § 9905. Same: Hearing.
- § 9906. Criminal Prosecution.
- § 9907. Severability.

§ 9901. Enforcement Powers.

Every member of the Board, the Department of Revenue and Taxation, the Department of Public Health and Social Services, the Guam Police Department and other law enforcement agencies,

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the Guam Fire Department, Department of Public Works, Guam Environmental Protection Agency and the Guam Department of Agriculture may conduct inspections as needed during business hours to ensure that the cannabis establishment is complying with local laws and regulations. Such Inspectors shall have all of the powers of peace officers in the enforcement of the provisions of this Chapter, the regulations of the Board adopted under the provisions of this Chapter and any other penal provision of law prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulterating, diluting, misbranding, and mislabeling of cannabis products.

§ 9902. Inspections.

The Inspectors shall have the right at all times, with reasonable notice and without legal process, to visit and have immediate access to every part of the premises of every licensee for the purpose of making an examination or inspection of cannabis products, books and records, the manner of conducting the business and the premises of the licensee.

(a) A licensed cannabis establishment shall give the Inspectors unrestricted access to all premises of the cannabis establishment, equipment, records, documents, and any other substance, material or information relevant to ensure the licensed cannabis establishments compliance with these rules and regulations.

(b) A licensed cannabis establishment shall not refuse to allow inspection at any of its facilities, and its employees and personnel shall not delay or interfere with any inspection.

(c) Upon completion of the inspection, the Department of the Inspector shall provide written notice within five (5) business days to the licensed cannabis establishments of its findings.

(d) If violations of these Rules are discovered, the Board shall suspend the licensed cannabis establishments Permit to Operate.

(e) The cannabis establishment shall be given ten (10) business days to correct the violations of these Rules.

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(f) The cannabis establishment may submit a written request for reasonable extension to correct violations of these Rules if the cannabis establishment can show that the corrections cannot be made within ten (10) business days. The Board shall review and grant or deny the written request for extension within three (3) business days.

(g) Failure to correct the violations of these Rules in the allotted time will result in a written notice of closure, and the revocation of the Permit to Operate.

§ 9903. Revocation or Suspension of License: Grounds.

A license of any class may be suspended or revoked on any of the following grounds:

(a) The continuation of a license would be contrary to the public interest.

(b) The violation, causing or permitting of a violation of, or failure or refusal by a licensee to comply with:

(1) Any provision of this Chapter.

(2) Any regulation of the Board adopted under the provisions of this Chapter.

(3) Any other penal provisions of the laws of Guam or of the United States applicable to Guam prohibiting or regulating the sale, exposing for sale, use, possession, giving away, adulterating, diluting, misbranding or mislabeling of cannabis products.

(4) The misrepresentation of a material fact by any applicant in obtaining or renewing any license.

(5) The plea, verdict or judgment of guilty to any public offense involving moral turpitude.

§ 9904. Administrative Penalties.

(a) The Board may impose as a penalty a fine for any cannabis establishment that violates any provisions of these rules and regulations, in an amount equal to the licensee's New License Fee for the first offense; double the licensee's New License Fee for the second offense; and triple the licensee's New License Fee

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for the third offense. Any violations after the third offense will result in the automatic termination of the violator’s license.

(b) In addition to the fines in Subsection (a) of this Section, the Board shall suspend, for a period of not less than thirty (30) days and no more than ninety (90) days, the license of any licensee found in violation of any provision of this Chapter as a second offense. The Board shall revoke the license of any licensee found in violation of any provision of this Chapter as a third offense.

(c) Contingent on the severity of any violation, the Board may use its discretion and suspend or revoke the license of any licensee found in violation of any of the provisions of this Chapter.

(d) The Board shall suspend a Cannabis Identification Card for seven (7) days for a first (1st) offense in violation of any provision of this Chapter; a suspension of a Cannabis Identification Card for fourteen (14) days for a second (2nd) offense; a suspension of a Cannabis Identification Card for one (1) month for a third (3rd) offense; and revocation of a Cannabis Identification Card for any violation after the third (3rd) offense.

(e) For subsections (a)-(c), the Board shall issue a notice of violation and administrative penalty against the cannabis establishment and provide an opportunity to request a hearing on the proposed penalty. The request must be made within 10 days of the date that the notice is served upon the cannabis establishment.

§ 9905. Same: Hearing.

The Board, upon receipt of a request for hearing pursuant to Section 9913(e), shall, as soon as practicable, hold an administrative hearing consistent with the provisions of the Administrative Adjudication Law.

2022 NOTE: Subsection designation omitted pursuant to 1 GCA § 1606.

§ 9906. Criminal Prosecution.

The criminal prosecution of any person under the provisions of this Chapter shall be in addition to, and independent of the power of the Board and Department, to suspend or revoke any license.

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§ 9907. Severability.

If any provision or the application of any provision of these rules and regulations is held invalid, that invalidity shall not affect other provisions or applications of these rules and regulations.
