CHAPTER 11

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

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[PREFACE]

TITLE 10 GUAM CODE ANNOTATED, DIVISION 1, CHAPTER 12 PART 2, ARTICLE 25

ECONOMIC IMPACT STATEMENT MEDICAL MARIJUANA PROGRAM RULES AND REGULATIONS

The Director of the Department of Public Health and Social Services is mandated, pursuant to 10 Guam Code Annotated (GCA), Division 1, Chapter 12 Part 2, Article 25, to promulgate rules and regulations as necessary to implement the Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013, also known as the Medical Marijuana Program. The rules and regulations include the process for obtaining registry identification cards by qualified patients, primary caregivers, responsible officials and designated couriers; the process for obtaining medical cannabis licenses and Permits to Operate by commercial cultivation facilities, commercial manufacturing facilities, medical cannabis dispensaries and medical cannabis testing laboratories; standard operating procedures for inspecting licensed medical cannabis business facilities; procedures for the reporting, destruction, and disposal of marijuana and marijuana products; and the required standards to operate a medical cannabis testing laboratory.

The implementation of the proposed rules and regulations will not have an economic impact to the public of more than Five Hundred Thousand Dollars ($500,000) annually. As provided in § 9301(i) of Title 5 GCA, Chapter 9, Article 3, an economic impact statement is not required for these proposed rules and regulations. The economic impact to individuals and entities directly affected by the implementation of these regulations, excluding the costs directly associated with establishing the business, is estimated to be at least $312,000. The figure is based on the following:

(a) The costs for the registry identification cards for qualified patients, primary caregivers, responsible officials, and designated couriers is estimated to be $241,000 based on 3,300 eligible patients, 1,650 primary caregivers, 19 responsible officials and 38 designated couriers. The estimated number of qualified patients is based on a review of health insurance files for the diagnosed debilitating conditions as defined by statute. The estimated number of responsible officials and designated couriers is based on the number individuals who picked up applications at the Department.

(b) The costs for commercial cultivation licenses, commercial manufacturing facility licenses, dispensary licenses and medical cannabis testing laboratory licenses are estimated to be $71,000. Based on the interest expressed by the public who picked up applications at the Department, eight were interested in applying to be cultivators, four to be manufacturers and seven to be dispensaries. There was no individual or entity interested in setting up a testing laboratory.

(c) The operational costs for the Department to administer the program cannot be determined because the cost of the tracking system is unknown. Operational costs include the salaries of three full-time staff, consisting of a Program Coordinator III, an administrative assistant and an inspector, to oversee the

day to day operations, computers, printers and printing supplies, shredder, equipment and supplies for the registry identification cards, printing of forms and the purchase of an electronic tracking system.

Costs associated with establishing a commercial cultivation facility, commercial manufacturing facility, dispensary or a testing laboratory include installing a security system, purchasing software for an electronic tracking system compatible with the Department's as well as equipment and supplies. A testing laboratory is estimated to cost one million dollars due to the required accreditation, certifications, equipment, reagents and supplies needed to operate a laboratory. The estimates are based on current market prices. It is expected that these costs would be factored into the price of the medical cannabis, prepared medical cannabis and medical cannabis products, which will eventually be assumed by the qualified patient.

There will be an increase in the number of jobs as a result of the Medical Marijuana Program. Medical cannabis businesses will need to hire staff to cultivate, process, manufacture and transport the marijuana and marijuana products, security companies will need additional personnel to provide security, information technology companies will need more workers to install computer software and hardware equipment at the medical cannabis businesses, and primary caregivers will be needed for qualified patients. The Department, as well as, law enforcement agencies will need additional staff to help with inspections and compliance.

The revenue collected by the Department through registry identification cards, medical cannabis licenses and permits will go towards maintaining the tracking system, paying for the salaries of additional personnel to ensure individuals and entities comply with the law and paying for equipment, supplies, and printing. The program should be able to sustain itself with the revenue it receives.

The cost of living is expected to rise for qualified patients who plan to purchase medical cannabis from a

licensed dispensary. Medical insurance companies will not cover the cost of medical cannabis. Qualified patients must pay for the medical cannabis out of pocket. It is not expected to affect the cost of living of the general public.

There is an anticipated increase in the cost of power and water. Commercial cultivation and manufacturing facilities and dispensaries will be needing power to run lights, ventilation systems and security equipment on a 24-hour basis to protect the marijuana from theft. Commercial cultivation facilities will be needing water to grow marijuana plants thus putting additional burden on the water system. It is not known how much power and water will be used.

There will an increased demand in the real estate market. Medical cannabis businesses will be looking to rent or purchase property around the island especially those away from schools and residential areas.

The Department of Revenue and Taxation will generate income due to the increase in business licenses and Gross Receipt Taxes from the various medical cannabis businesses.

The implementation of these regulations is anticipated to have an overall beneficial economic impact with increased revenue for the government of Guam in the form of fees and taxes and increased job opportunities for the people of Guam. There will also be negative effects due to the implementation of the program in terms of an increase in crime due to theft and robberies and driving under the influence of drugs.

The most important result of the implementation of the program is that qualified patients will now have an alternative to alleviate symptoms caused by medical conditions and their medical treatment besides the use of traditional medicine which may or may not be effective and costly.

§ 11001. Purpose.

These rules and regulations are to establish specific standards and procedures to allow the beneficial use of medical cannabis to alleviate symptoms caused by debilitating medical conditions and their medical treatments in a safe and legal manner for qualified patients.

§ 11002. Authority.

The Director of the Department of Public Health and Social Services is authorized to adopt rules and regulations to carry out the provisions of the Act pursuant to 10 GCA, Chapter 3, §3106.

§ 11003. Definitions.

As used in these rules and regulations, "Act" means the Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013.

(a) (1) *"Allowable amount"* means an amount of cannabis, in any form approved by the Department, possessed by a qualified patient or collectively possessed by a qualified patient and the qualified patient's primary caregiver to be *no more than* reasonably necessary to ensure the uninterrupted availability of cannabis that is derived solely from an intrastate source.

(2) The allowable amount *shall* consist of an amount *not to exceed* two and a half (2.5) ounces of dried cannabis or its THC equivalency as determined by the Department no later than ten (10) calendar days following the effective date of these rules and regulations and appended thereto, purchased from a dispensary every fourteen (14) calendar days. The qualified patient may request for an increased allowable amount of medical cannabis, prepared

medical cannabis and medical cannabis products from the Department on a Department provided form; provided that the qualified patient provides a valid reason for legitimate need supported by a practitioner recommendation.

(3) The allowable amount *shall* be reviewed by the Regulation Commission from time to time.

(b) *"Applicant"* means any person applying for enrollment or re-enrollment in the medical cannabis program as a qualified patient, primary caregiver, responsible official, designated courier or any person who submits an application to the Department pursuant to these rules and regulations.

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

(d) *"Bona fide patient-practitioner relationship"* means the practitioner *shall*:

(1) Review the medical history of the qualified patient;

(2) Provide information and explain to the qualified patient about the benefits and risks of medical cannabis, prepared medical cannabis and medical cannabis products;

(3) Perform or have performed an appropriate examination of the qualified patient, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records and diagnostic equipment through which images and medical records may be transmitted electronically; except for medical emergencies, the examination of the patient *shall* have been performed by the practitioner himself or by a consulting practitioner prior to issuing a recommendation for medical cannabis, prepared

medical cannabis and medical cannabis products ; and

(4) Initiate additional interventions and follow-up care.

(e) *"Business day"* means Monday, Tuesday, Wednesday, Thursday, and Friday that is not a government of Guam holiday.

(f) (1) *"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 concentrate.

(2) "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 cannabis to prepare topical or oral administrations, food drink, or other products.

(g) *"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

(h) *"Cardholder"* means a qualified patient, a primary caregiver, responsible official, or designated courier who has been issued and possesses a valid registry identification card.

(i) *"Chain of custody"* form means a form, approved by the Department, to track the movement of medical cannabis, prepared medical cannabis and medical cannabis products as it is transferred from licensed medical cannabis business to licensed medical cannabis business.

(j) *"Change"* or *"Amend"* means adding or deleting information on an individual's registry identification card that does not affect the individual's ability to perform or

delegate a specific act or function.

(k) *"Commercial cultivation facility"* means a licensed medical cannabis business that plants, grows, harvests, dries, cures, grades, and trims medical cannabis, prepared medical cannabis and medical cannabis products for qualified patients.

(l) *"Commercial manufacturing facility"* means a licensed medical cannabis business that conducts the production, preparation, or compounding of manufactured medical cannabis, as described in the Act governing these Rules, or prepared medical cannabis.

(m) *"Commission"* means the Medical Cannabis Regulation Commission consisting of eleven (11) members, as follows:

(1) Director of the Department of Public Health and Social Services or designee;

(2) Chairperson of the Guam Board of Medical Examiners or his designee;

(3) Director of the Department of Agriculture or his designee;

(4) Administrator of the Guam Environmental Protection Agency or his designee;

(5) Chairperson of the Legislative Committee on Health and Human Services or his designee;

(6) Member of the Public at Large appointed by, *I Maga'låhi* (the Governor)

(7) Member of the Public at Large appointed by *I Liheslatura* (the Legislature)

(8) Qualified patient, caregiver, or patient advocate who *shall* be appointed by the Commission

(9) Licensed possessor who *shall* be appointed by the Commission; and

(10) Two (2) physicians appointed by the

Commission representing the field of oncology, neurology, psychiatry, or pain management and who shall be:

(A) Board certified in their area of specialty; and

(B) Knowledgeable about the medical use of cannabis, and whose duties are pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25 § 122506.

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

(o) *"Crop"* means a specific complete harvest of medical 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.

(p) *"Cultivation agent"* means a responsible official, or employee of a commercial cultivation business who is twenty-one (21) years of age or older and who has not entered a plea of guilty to, a plea of nolo contendere to, been found guilty of, or been convicted of a felony offense as defined in these rules and regulations.

(q) *"Current photograph"* means a picture of an individual, taken no more than sixty (60) calendar days before the submission of the individual's application in a Department.

(r) *"Custodian"* means a person, other than a parent or legal guardian who stands in loco parentis to the child or a person to whom legal custody of the child has been given by order of the juvenile court.

(s) *"Debilitating medical condition"* means:

(1) Cancer;

(2) Glaucoma;

(3) Multiple sclerosis;

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

(5) Epilepsy;

(6) Positive status for human immunodeficiency virus or acquired;

(7) Admitted into hospice care in accordance with rules promulgated under this Act;

(8) Post-traumatic stress disorder;

(9) Rheumatoid arthritis or similar chronic autoimmune inflammatory disorders; or

(10) Any other medical condition, medical treatment or disease for which the qualified patient's practitioner has determined that the use of medical cannabis may provide relief.

(t) *"Denial"* means the Department's decision not to issue a registry identification card, medical cannabis 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.

(u) *"Department"* means the Department of Public Health and Social Services.

(v) *"Designated courier"* means a responsible official or employee of a licensed medical cannabis business who is twenty-one (21) years of age or older and who has not entered a plea of guilty to, a plea of nolo contendere to, been found guilty of, or been convicted of a felony offense. Designated couriers *shall* be designated by the licensed medical cannabis business to possess and transport cannabis for medical purposes. Designated couriers *shall* apply for a registry identification card.

(w) *"Director"* means the Director of the Department Public Health and Social Services.

(x) *"Dispensary"* means a facility of a licensed medical cannabis business where medical cannabis, prepared medical cannabis, medical cannabis products, or paraphernalia are offered, either individually or in any combination, for retail sale, including an establishment that delivers, pursuant to express authorization by local ordinance, medical cannabis and prepared medical cannabis as part of a retail sale.

(y) *"Dispensary agent"* means a responsible official, or employee of a dispensary, who is 21 years of age or older and has not entered a plea of guilty to, a plea of nolo contendere to, been found guilty of, or been convicted of a felony offense as defined in these rules and regulations.

(z) *"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. A drug free school zone shall not include private real property which is not a school or the accompanying grounds of a school.

(aa) *"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.

(bb) *"Emergency"* means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator or a dispensary, including *force majeure*, which situation requires immediate corrective action to restore normal operation, and that causes a dispensary 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.

(cc) *"Employee"* means any person, including the owner, operator, manager or other person performing any function or services in a licensed medical cannabis business, whether for compensation or otherwise.

(dd) *"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.

(ee) *"Enclosed, locked location"* 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.

(ff) *"Felony offense"* means:

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

(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.

(gg) *"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.

(hh) *"Gross weight"* means the weight of medical cannabis, prepared medical cannabis, or medical cannabis product that includes the weight of the packaging.

(ii) *"GCA"* means Guam Code Annotated.

(jj) *"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.

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

(ll) *"Legal guardian"* means an adult who is responsible for a minor through acceptance of guardianship of the minor through a testamentary appointment or an appointment by a court.

(mm) *"Licensed medical cannabis business"* means any person or association of persons within Guam that the Department determines to be qualified to laboratory test, cultivate, manufacture, or dispense medical cannabis pursuant to this Act, and that is licensed by the Department to do so.

(1) No practitioner providing written certification for the medical use of cannabis shall own or be employed by a licensed medical cannabis business.

(2) At least fifty-one percent (51%) of the licensed medical cannabis business shall retain ownership by legal residents of Guam who have 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 medical cannabis license.

(nn) *"Licensed possessor"* means any person or association of persons within Guam that the Department determines to be qualified to produce, possess, distribute, dispense, acquire, cultivate, process, transfer, transport, sell, administer, or conduct laboratory testing or cannabis pursuant to this Act and that is licensed or approved by the Department.

(oo) *"Lot"* means the flowers from one (1) or more medical 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 medical cannabis plants, other than full female flowers, in a quantity that weighs fifteen (15) pounds or less.

(pp) *"Manufacturing agent"* means a responsible official, or employee of a commercial manufacturing business, who is 21 years of age or older and has not entered a plea of guilty to, a plea of *nolo contendere* to, been found guilty of, or been convicted of a felony offense as defined in these rules and regulations.

(qq) *"Marijuana"* means another name for cannabis.

(rr) *"Medical cannabis business"* means a commercial cultivation facility, commercial manufacturing facility, dispensary, or medical cannabis testing laboratory.

(ss) *"Medical cannabis product"* means a product infused with medical cannabis or prepared medical cannabis intended for use or consumption such as, but not limited to, edibles and topical products.

(tt) *"Medical use"* means the acquisition, cultivation, possession, processing, (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transportation, sale, distribution, dispensing, or administration or laboratory testing of cannabis, as well as the possession of cannabis paraphernalia, for the benefit of qualified patients in the

treatment of debilitating medical conditions, or the symptoms thereof.

(uu) *"Medical marijuana concentrate"* means a specific subset of medical marijuana that was produced by extracting cannabinoids from medical marijuana. Categories of medical marijuana concentrate include water-based medical marijuana concentrate, food-based medical marijuana concentrate and solvent-based medical marijuana concentrate.

(vv) *"Medical marijuana-infused product"* means a produce infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to, edible products, ointments, and tinctures.

(ww) *"Owner"* means a person who owns, operates, or controls a dispensary or cultivation site.

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

(yy) *"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.

(zz) *"Practitioner"* means a person licensed in Guam to prescribe and administer drugs that are subject to the Guam Uniform Controlled Substances Act. A practitioner shall not be a doctor of veterinary medicine or practice veterinary medicine.

(aaa) *"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.

(bbb) *"Prepared medical cannabis"* means cannabis

manufactured or processed and intended for use or consumption through means such as, but not limited to, extracts, oils, tinctures, and suppositories.

(ccc) *"Primary caregiver"* means a person who

(1) Has been designated as such on the qualified patient's application for registry identification card, or in other written notification by the qualified patient, and has been approved by the Department;

(2) Has agreed to assist with a patient's medical use of marijuana;

(3) Has not entered a plea of guilty to, a plea of *nolo contendere* to, been found guilty of, or been convicted of a felony offense as defined in these rules and regulations;

(4) Is prohibited from consuming cannabis obtained for the personal, medical use of the qualified patient;

(5) Assists no more than five qualified patients with the medical use of marijuana.

(ddd) *"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

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

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

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

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

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

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

(G) Private residences except when used as a child care facility or health care facility; or

(H) Hotel and motel rooms rented to guests;

(I) Retail medical cannabis stores, where

the primary purpose of such business is the dispensing of medical cannabis or the sale of medical cannabis paraphernalia, provided however that if employers shall elect to allow the smoking of medical cannabis, such business establishment shall follow the requirements set forth in § 90106 of the Natasha Protection Act contained in Chapter 90 of Title 10, Guam Code Annotated. For the purposes of this chapter, "smoking," as it is applied from the Natasha Protection Act into compliance with this chapter refers to the smoking of medical cannabis, medical cannabis product, or medical marijuana concentrate; or

(J) A private enclosed office work place occupied exclusively by one (1) or more medical cannabis smokers.

(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 medical cannabis use is prohibited.

(eee) *"Qualified patient"* means a person who has been diagnosed by a practitioner as having a debilitating medical condition and has received written certification from a licensed Guam practitioner for the medical use of cannabis.

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

(ggg) *"Registry identification card"* means the official card issued by the Department to legally permit a primary caregiver, responsible official or designated courier to possess, handle or transport medical marijuana. Optional for qualified patients.

(hhh) *"Responsible official"* means:

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

(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; and

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

(iii) *"Revocation"* means the Department's decision that an individual's registry identification card or a licensed medical cannabis business' medical cannabis license or Permit to Operate is revoked because the individual or licensed medical cannabis business does not comply with the applicable requirements or violates any condition in the Act or these rules and regulations.

(jjj) *"Solvent-based medical marijuana concentrate"* means a medical marijuana concentrate that was produced by extracting cannabinoids from medical marijuana through the use of a solvent approved by the Department.

(kkk) *"Unrecognizable cannabis"* means marijuana or cannabis plant material rendered indistinguishable from any other plant material.

(lll) *"Usable marijuana"* means the tried flowers of the marijuana 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 non-marijuana ingredients combined with marijuana and prepared consumption as food or drink or prepared as other finished products.

(mmm) *"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 as approved by the Director of the Department; or

(4) Photograph page in the qualified patient's U.S. passport; or

(5) Photograph page in the qualified patient's foreign passport, as approved by the Director.

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

(ooo) *"Weight"* means the net weight of medical cannabis, prepared medical cannabis, and medical cannabis product in ounces without any packaging.

(ppp) *"Written certification"* means a statement in a qualified patient's medical records or a statement signed, either by prepared physical form or via the site names by a qualified patient's practitioner that, in the practitioner's professional opinion, the qualified patient has a debilitating medical condition and the practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh the health risks for the qualified patient. The qualified patient's practitioner shall keep a copy of the written certification on file and provide it upon request by the Department or authorized law enforcement

personnel. A written certification shall:

(1) Be valid for no more than one (1) year from the date of issuance, provided however that if the qualified patient shall apply for a registry identification card, he shall submit his application for such card within thirty (30) days of certification;

(2) Include a signed declaration by the qualified patient's practitioner affirming a bona fide practitioner-patient relationship

(3) Not include the qualified patient's medical condition or any other information relating to the condition; and

(4) Contain all of the following information:

(A) The qualified patient's

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

(ii) Date of birth;

(iii) Home, mailing and email addresses; and

(B) The practitioner's:

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

(ii) Guam Board of Medical Examiner's license number, including an identification of the physician license type or the practitioner's license number from their appropriate licensing or regulatory board and the identification of the practitioner's license type.

(iii) Office address on file with the practitioner's licensing board;

(iv) Telephone number on file with the practitioner's licensing board;

(v) Email address; and

(vi) Authenticated signature.

2019 NOTE: Pursuant to the authority granted by 1 GCA § 1606, subsection and subitem designations were altered and corrected.

§ 11004. Fees.

(a) The following fees, as prescribed in 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122509, shall be applicable for the purposes of these rules and regulations. All fees are non-refundable.

(1) New Registry Identification Card

(A) Qualified Patient: Fifteen Dollars ($15)

(B) Primary Caregiver: One Hundred Dollars ($100)

(C) Responsible Official: One Thousand Dollars ($1,000)

(D) Designated Courier: Two Hundred Dollars ($200)

(2) Renewal Registry Identification Card

(A) Qualified Patient: Ten Dollars ($10)

(B) Primary Caregiver: Seventy-Five Dollars ($75)

(C) Responsible Official: Seven Hundred Fifty Dollars ($750)

(D) Designated Courier: One Hundred Seventy-Five Dollars ($175)

(3) Medical Cannabis License Application Fee

(A) Type 1 Commercial Cultivation License: Two Thousand Dollars ($2,000)

(B) Type 2 Commercial Cultivation License:

Five Thousand Dollars ($5,000)

(C) Type 3 Commercial Cultivation License: Ten Thousand Dollars ($10,000)

(D) Commercial Manufacturing Facility License: Five Thousand Dollars ($5,000)

(E) Dispensary License: Five Thousand Dollars ($5,000)

(F) Medical Cannabis Testing Laboratory License: Two Thousand Dollars ($2,000)

(4) Initial Medical Cannabis License Fee

(A) Type 1 Commercial Cultivation License: Three Thousand Dollars ($3,000)

(B) Type 2 Commercial Cultivation License: Five Thousand Dollars ($5,000)

(C) Type 3 Commercial Cultivation License: Ten Thousand Dollars ($10,000)

(D) Commercial Manufacturing Facility License: Five Thousand Dollars ($5,000)

(E) Dispensary License: Five Thousand Dollars ($5,000)

(F) Medical Cannabis Testing Laboratory License: Two Thousand Dollars ($2,000)

(5) Annual Medical Cannabis License Renewal Fee

(A) Type 1 Commercial Cultivation License: Three Thousand Dollars ($3,000)

(B) Type 2 Commercial Cultivation License: Seven Thousand Five Hundred Dollars ($7,500)

(C) Type 3 Commercial Cultivation License: Fifteen Thousand Dollars ($15,000)

(D) Commercial Manufacturing Facility License: Five Thousand Dollars ($5,000)

(E) Dispensary License: Five Thousand Dollars ($5,000)

(F) Medical Cannabis Testing Laboratory License: Two Thousand Dollars ($2,000)

(6) Permit to Operate Application Fee

(A) Type 1 Commercial Cultivation Facility: Two Thousand Dollars ($2,000)

(B) Type 2 Commercial Cultivation Facility: Five Thousand Dollars ($5,000)

(C) Type 3 Commercial Cultivation Facility: Fifteen Thousand Dollars ($15,000)

(D) Commercial Manufacturing Facility License: Five Thousand Dollars ($5,000)

(E) Dispensary License: Five Thousand Dollars ($5,000)

(F) Medical Cannabis Testing Laboratory License: Two Thousand Dollars ($2,000)

(7) Permit to Operate Annual Fee

(A) Type 1 Commercial Cultivation Facility: Two Thousand Dollars ($2,000)

(B) Type 2 Commercial Cultivation Facility: Five Thousand Dollars ($5,000)

(C) Type 3 Commercial Cultivation Facility: Fifteen Thousand Dollars ($15,000)

(D) Commercial Manufacturing Facility License: Five Thousand Dollars ($5,000)

(E) Dispensary License: Five Thousand Dollars ($5,000)

(F) Medical Cannabis Testing Laboratory License: Two Thousand Dollars ($2,000)

(8) Department Authentication of Written Certification Fee: One Dollar ($1.00)

(b) Additional Fees

(1) Late Fee Registry Identification Card: Five Dollars ($5)

(2) Late Fee of Medical Cannabis License One Hundred Dollars ($100)

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

(4) Amendment of Registry Identification Card: Ten Dollars ($10)

(5) Amendment of Medical Cannabis License: One Hundred Dollars ($100)

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

(7) Replacement Registry Identification Card: Ten Dollars ($10)

(8) Copy of Medical Cannabis License: One Hundred Dollars ($100)

(9) Copy of Permit to Operate: One Hundred Dollars ($100).

ARTICLE 1
QUALIFIED PATIENTS AND PRIMARY CAREGIVERS

§ 11101. Application Process for a Registry Identification Card.

(a) A qualified patient or primary caregiver submitting an application for a new or renewal registry identification card shall submit in person a complete and accurate application in a form prescribed by the Department.

(b) The Department shall process an application prior to issuing a registry identification card to assure that the application is complete and the information provided has been verified.

(c) The Department shall approve or deny an application within thirty (30) calendar days of receipt.

(d) The Department shall verify information on each application and accompanying documentation, including:

(1) Contacting each applicant by telephone, e-mail, facsimile, or by mail. If proof of identity is uncertain, the Department may require a face-to-face meeting and proof of verification of identity;

(2) Contacting a minor qualified patient's parent, legal guardian or custodian;

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

(4) Contacting the Department's Division of Environmental Health to verify that an attending practitioner has a valid Guam Controlled Substance Registration.

(e) Contacting the attending practitioner of the qualified patient to request further documentation to support a finding that the practitioner is the qualified patient's attending practitioner.

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

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

(2) Verify any information submitted by the applicant;

(g) Prior to making a decision whether to approve or deny an application, the Department must ensure that the criminal background check on the primary caregiver has been completed and review the results.

(h) If an applicant wishes to challenge the accuracy or completeness of information provided in the background check by those agencies reporting the information, those challenges must be made through the reporting agency and not through the Department.

(i) Possession of or application for a registry identification card shall not constitute probable cause or give rise to reasonable suspicion for a governmental agency to search the person or property of the person possessing or applying for the card.

§ 11102. Denial of an Application for a Registry Identification Card.

(a) The Department may deny an application if:

(1) The applicant does not provide all the information required and the application is considered incomplete; or

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

(b) If the application is denied, the Department shall provide a written notification to the applicant of the reason for denial of the application within forty-eight (48) hours.

(c) A person whose application has been denied and given notice of the reason for denial shall have ten (10) business days to appeal or comply.

(d) The person whose application was denied, can file an appeal with the Director. If the denial is upheld, the applicant has ten (10) business days to comply.

(e) If the person does not come into compliance, the person shall not reapply for six (6) months from the date of the denial unless otherwise authorized by the Department, pursuant to Title 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122507 (e).

§ 11103. Approval of an Application for a Registry Identification Card.

(a) If the application is approved, the Department shall issue in person a registry identification card within five (5) business days of approving an application and the card shall expire one (1) year after the date of issuance.

(b) The registry identification card for a qualified patient and primary caregiver shall contain:

(1) The identification number;

(2) Full name, Guam home and mailing addresses, and date of birth of the qualified patient;

(3) Full name, Guam home and mailing addresses and date of birth of the primary caregiver, if any;

(4) Date of issuance and expiration date of the registry identification card; and

(5) Registry identification type.

§ 11104. Written Certification.

(a) A written certification, as defined in § 11003 (ppp), from a Guam licensed practitioner, on a form prescribed by the Department, is required in order for a qualified patient or a primary caregiver to obtain medical cannabis, prepared medical cannabis and medical cannabis products from a licensed medical cannabis dispensary. The Legislature intended for medical cannabis options to displace opiate-based prescription drugs that have created heroin epidemics throughout the country. In an effort to prevent such an epidemic from taking hold in Guam, the Department also intends to help foster a responsible dialogue between medical cannabis patients and their doctors, in order to:

(1) Become educated on medical cannabis as a therapy, what risks are associated with such use, whether that risk outweighs the patient's need for that therapy, and what admittedly is unknown at this time;

(2) Ensure patients are informed of the treatments available to them and for which their doctors may prescribe and recommend; and

(3) Encourage practitioners to pay attention to the total body of prescribed and recommended drugs and therapies, thereby catching abuse of opiate prescriptions and placing their patients on a path of recovery before the addiction takes control.

(b) The practitioner:

(1) Will transmit the written certification to the Department via fax, secure email courier, or if he has access, to the tracking system provided by the Department, within twenty-four (24) hours after certifying the qualified patient;

(2) Shall keep a copy of the written certification on file and provide it upon request by the Department or authorized law enforcement

(3) Shall explain the potential risks and benefits of the medical use of cannabis to the qualified patient, and to a parent, guardian or custodian of a minor qualified patient;

(c) The qualified patient:

(1) If the qualified patient is an adult, shall validate the practitioner's written certification in person and submit a copy of the written certification in person to the Department along with a verification of identification, as defined in § 11003(mmm);

(2) If the qualified patient is a minor, then the minor qualified patient's parent, legal guardian or custodian shall validate the practitioner's written certification in person and submit a copy of the written certification in person to the Department;

(3) Shall have the Department authenticate the written certification by having the Department affix the Department's seal on it and pay the applicable fee in § 11004; and

(4) Shall carry the valid written certification at all times in order to use or possess medical cannabis, prepared medical cannabis or medical cannabis products.

(d) The parent, legal guardian or custodian of the minor qualified patient shall carry the minor qualified patient's valid written certification at all times in order to possess medical cannabis, prepared medical cannabis or medical cannabis products.

(e) The written certification issued by the Department is not valid outside Guam.

§ 11105. Primary Caregiver Registration.

(a) The qualified patient's primary caregiver shall need to register in person with the Department prior to submitting an application for a registry identification card. The primary

caregiver shall register on a form prescribed by the Department which includes:

(1) The primary caregiver's:

(A) First name; middle name, if applicable; last name; and suffix, if applicable;

(B) Guam home address;

(C) Guam mailing address;

(D) Email address; and

(E) Date of birth.

(2) The qualified patient's:

(A) First name; middle name, if applicable; last name; and suffix, if applicable;

(B) Guam home address;

(C) Guam mailing address;

(D) Email address;

(E) Date of birth; and

(F) Valid written certification.

(3) Except in cases where the primary caregiver also is a qualified patient either a statement that the primary caregiver does not currently hold a valid registry identification card or submits the assigned registry identification number for each valid registration identification card currently held by the primary caregiver;

(4) Agrees to assist the qualified patient with the medical use of cannabis; and pledges not to divert marijuana to any individual or entity that is not allowed to possess marijuana pursuant to the Act or these rules and regulations;

(b) A primary caregiver may register with up to five (5) qualified patients. Violation of this is punishable by a civil fine of five thousand dollars ($5,000), pursuant to Title 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122526 (c) (1).

(c) The primary caregiver's registration will be valid for one (1) year from date of issuance.

§ 11106. Applying for a Registry Identification Card by an Adult Qualified Patient.

(a) To apply for a registry identification card, a qualified patient who is eighteen (18) years of age or older, shall submit in person to the Department the following:

(1) An application in a form prescribed by the Department that includes:

(A) The qualified patient's:

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

(ii) Guam home address;

(iii) Guam mailing address;

(iv) Email address; and

(v) Date of birth;

(B) Qualified patient's practitioner's:

(i) Full name;

(ii) Guam business address;

(iii) Email address; and

(iv) Telephone number;

(C) If the qualified patient has a primary caregiver, then the primary caregiver's:

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

(ii) Guam home address;

(iii) Guam mailing address;

(iv) Email address;

(v) Date of birth; and

(vi) Police and court clearances.

(D) A declaration signed by the qualified patient pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to the Act and these rules and regulations;

(E) A declaration by the qualified patient that the information provided in the application is true and correct; and

(F) The signature of the qualified patient and date the qualified patient signed.

(2) A written certification, as defined in § 11003 (ppp), from a licensed Guam practitioner on a form prescribed by the Department.

(3) Verification of identity, as defined in § 11003(mmm), of the qualified patient;

(4) A current photograph, as defined in § 11003(q), of the qualified patient, and

(5) The applicable fees in § 11004.

(b) A qualified patient shall have only one (1) primary caregiver at any given time. Violation of this provision is subject to a fine of two hundred fifty dollars ($250) for each individual violation, pursuant to Title 10 GCA, Division 1, Chapter 12 Part 2, Article 25, §122526 (c) (3).

(c) The Department shall not issue a primary caregiver's registry identification card before the Department issues the primary caregiver's qualified patient's registry identification card.

§ 11107. Applying for a Registry Identification Card for a Minor Qualified Patient.

(a) Every qualified patient who is under eighteen (18) years of age must have a primary caregiver. Any qualified patient who is eighteen (18) years of age or older is not required to have a primary caregiver.

(b) To apply for a registry identification card for a qualified patient who is under eighteen (18) years of age, the qualified

patient's parent, guardian or custodian responsible for health care decisions of the minor qualified patient shall consent in writing to:

(1) Allow the minor qualified patient's medical use of cannabis;

(2) Serve as the minor qualified patient's primary caregiver; and

(A) The qualified patient's parent, guardian or custodian must meet the eligibility requirements for a primary caregiver as described in § 11108.

(3) Control the dosage and the frequency of the medical use of cannabis by the minor qualified patient.

(c) To apply for a registry identification card for a minor qualified patient, the qualified patient's parent, legal guardian or custodian shall submit in person to the Department the following:

(1) An application in a form prescribed by the Department that includes:

(A) The qualified patient's:

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

(ii) Guam home address;

(iii) Guam mailing address; and

(iv) Date of birth.

(B) The qualified patient's practitioner's:

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

(ii) Guam business address;

(iii) Email address; and

(iv) Telephone number.

(C) Qualified patient's parent, legal guardian or custodian's:

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

(ii) Guam home address

(iii) Guam mailing address;

(iv) Email address;

(v) Date of birth;

(vi) Police and court clearances

(D) The signature of the qualified patient's parent, legal guardian or custodian and the date qualified patient's parent, legal guardian or custodian signed.

(i) The qualified patient's parent, legal guardian or custodian serving as the qualified patient's primary caregiver shall need to register in person with the Department as the minor qualified patient's primary caregiver.

(2) A written certification, as defined in § 11003 (ppp), for the qualified patient, from a Guam licensed practitioner on a form prescribed by the Department;

(3) Verification of identity, as defined in § 11003(mmm), of the qualified patient and qualified patient's parent, legal guardian or custodian;

(4) A current photograph, as defined in § 11003(q), of the minor qualified patient and the qualified patient's parent, legal guardian or custodian;

(5) If the individual submitting the application on behalf of a minor qualified patient is the qualified patient's legal guardian or custodian, a copy of documentation establishing the individual as the qualified patient's legal guardian or custodian.

(A) Birth certificate;

(B) Adoption decree; or

(C) Court order or letter of guardianship signed by a judge.

(6) The applicable fees in § 11004.

§ 11108. Applying for a Registry Identification Card by a Primary Caregiver.

(a) If the qualified patient, who is eighteen (18) years of age or older, is designating a primary caregiver, the primary caregiver shall submit in person the following to the Department:

(1) An application in a form prescribed by the Department that includes:

(A) The primary caregiver's:

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

(ii) Guam home address;

(iii) Guam mailing address;

(iv) Email address;

(v) Date of birth.

(vi) Signature of the primary caregiver and the date primary caregiver signed;

(B) The qualified patient's:

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

(ii) Guam home address;

(iii) Guam mailing address;

(iv) Email address; and

(v) Date of birth;

(2) Copy of qualified patient's valid written certification;

(3) Police and court clearances for the primary caregiver;

(4) Verification of identity, as defined in § 11003(mmm), of the primary caregiver;

(5) A current photograph, as defined in § 11003(q), of the primary caregiver; and

(6) The applicable fees in § 11004 for a registry identification card for a primary caregiver.

(b) The primary caregiver shall apply for a separate registration identification card for each qualified patient under their care.

(c) The primary caregiver shall be limited to five (5) registry identification cards at any given time.

§ 11109. Amending a Registry Identification Card.

(a) A person who possesses a registry identification card shall notify the Department of any change within ten (10) business days of the change. Failure to comply or timely submit in person all required information will result in the imposition of additional administrative late fees as set forth in § 11004. This includes changes in the following:

(1) Person's name;

(2) Person's home address;

(3) Person's mailing address;

(4) Qualified patient's primary caregiver;

(5) Qualified patient's practitioner; and /or

(6) Change in status of the qualified patient's debilitating medical condition.

(b) The Department shall approve or deny the change within ten (10) business days of receipt and shall follow the time frames described in § 11102 and § 11103.

(c) The cardholder shall surrender the original registry identification card upon issuance of the amended registry identification card.

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

§ 11110. Changing the Name on a Registry Identification Card.

To change their name on the registry identification card, the qualified patient or primary caregiver shall submit in person to the Department within ten (10) business days of the change of name, the following:

(a) An application in a form prescribed by the Department that includes:

(1) The cardholder's former name;

(2) The cardholder's registry identification number on the cardholder's current registry identification card;

(3) The cardholder's new name; and

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

(b) 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;

(c) Verification of identity, as defined in § 11003 (mmm), of the cardholder;

(d) Current photograph, as defined in § 11003 (q), of the cardholder;

(e) The applicable fee in § 11004 for applying to amend a registry identification card; and

(f) Any applicable late fee in § 11004.

§ 11111. Changing the Address on a Registry Identification Card.

To change the home and/or mailing address on the registry identification card, a qualified patient or a primary caregiver

shall submit in person to the Department within ten (10) business days after the change in address, the following:

(a) An application in a form prescribed by the Department that includes:

(1) The cardholder's name

(2) The cardholder's registry identification number on the cardholder's current registry identification card;

(3) The cardholder's new home and/or mailing address, by submitting a copy of a rental agreement, lease or mortgage with applicant's name and new address; or

(4) The effective date of the new home and/or mailing address;

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

(b) Verification of identity, as defined in § 11003(mmm), of the cardholder;

(c) Current photograph, as defined in § 11003(q), of the cardholder;

(d) The applicable fee in § 11004; and

(e) Any applicable late fee in § 11004.

§ 11112. Adding or Changing a Primary Caregiver on a Registry Identification Card.

(a) To add a primary caregiver, a qualified patient shall submit in person to the Department within ten (10) business days, after the addition, an application in a form prescribed by the Department that includes:

(1) The qualified patient's name;

(2) The registry identification number on the qualified patient's current registry identification card;

(3) If applicable, the name of the previous qualified patient's current primary caregiver and the date the primary caregiver last provided or will last provide assistance to the qualified patient;

(4) The name of the individual the qualified patient is designating as the primary caregiver;

(A) The individual must meet the requirements for a primary caregiver as described in § 11108; and

(B) The individual must not have reached the maximum number of five (5) qualified patients allowed per primary caregiver.

(C) For the primary caregiver the qualified patient is designating, the proposed primary caregiver shall submit all information, documents, and declarations required for a primary caregiver under § 11108 to obtain a registry identification card;

(5) The signature of the qualified patient and date the qualified patient signed;

(b) Verification of identity, as defined in § 11003(mmm), of the primary caregiver;

(c) Current photograph, as defined in § 11003(q), of the qualified patient;

(d) The applicable fee in § 11004; and

(e) Any applicable late fee in § 11004.

§ 11113. Changing the Qualified Patient's Practitioner.

(a) To change a practitioner, a qualified patient shall submit in person to the Department within ten (10) business days of the change, an application in a form prescribed by the Department that includes:

(1) The qualified patient's name;

(2) The registry identification number on the qualified patient's current registry identification card;

(3) The name of the qualified patient's current practitioner and the date the practitioner last provided or will last provide health care to the qualified patient;

(4) The name of the qualified patient's new practitioner;

(5) A written certification from the new practitioner as described in § 11104.

(6) The signature of the qualified patient and date the qualified patient signed;

(b) Verification of identity, as defined in § 11003(mmm), of the qualified patient;

(c) A current photograph, as defined in § 11003(q), of the qualified patient;

(d) The applicable fee in § 11004; and

(e) Any applicable late fee in § 11004.

§ 11114. Adding a Debilitating Medical Condition.

(a) Any person or entity may request the addition of a medical condition to the list of debilitating medical conditions in § 11003(s) by submitting in person a form prescribed by the Department, that includes:

(1) The person or entity's name;

(2) If an entity, name of point of contact;

(3) The person or entity's mailing and email addresses;

(4) Telephone number;

(5) The name of the medical condition requested to be added;

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

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

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

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

(b) The Department shall:

(1) Acknowledge in writing the Department's receipt of a request for the addition of a medical condition to the list of debilitating medical conditions listed in § 11003(s) within thirty (30) calendar days after receiving the request;

(2) Transmit the request and the required supporting documents to the Medical Cannabis Regulation Commission for their review to determine if the requester has provided evidence that:

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

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

(3) Within ninety (90) calendar days after receiving the official decision of the Commission, notify the requester that the Department has determined that the information provided by the requester:

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

(B) Does not meet the requirements in subsection (b) (2), and the specific reason for the determination.

(4) If applicable:

(A) Schedule a public hearing to discuss the request;

(B) Provide public notice of the public hearing by submitting a Notice of Public Hearing for publication in a newspaper of general circulation in Guam at least ten (10) days prior to the date of the public hearing;

(C) Post a copy of the request on the Department's website for public comment at least ten (10) business days prior to the date of the public hearing;

(D) Hold the public hearing after receiving the request; and

(5) Within one hundred eighty (180) calendar days after receiving the request:

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

(B) Provide written notice to the requester of the Department's decision to deny the request that includes the specific reasons for the Department's decision.

§ 11115. Renewal of a Registry Identification Card by a Qualified Patient or a Primary Caregiver.

Registry identification cards shall be renewed on an annual basis. Failure to timely renew a registry identification card will result in the imposition of additional administrative late fees as set forth in § 11004.

(a) To renew a registry identification card for a qualified patient who is eighteen (18) years of age or older, the qualified patient shall submit in person to the Department at least forty-five (45) calendar days before the expiration date of the qualified patient's registry identification card the following:

(1) An application in a form prescribed by the Department that includes:

(A) All information, documents, and declarations required in § 11106;

(B) The registry identification number on the qualified patient's current registry identification card;

(C) Verification of identity, as defined in § 11003(mmm), of the primary caregiver;

(D) A current photograph, as defined in § 11003(q), of the qualified patient;

(E) The applicable fee in § 11004 for applying to renew a qualified patient's registry identification card; and

(F) Any applicable late fee in § 11004.

(b) To renew a registry identification card for a qualified patient who is under eighteen (18) years of age, the qualified patient's parent, legal guardian or custodian responsible for health care decisions for the qualified patient shall submit in person to the Department at least forty-five (45) calendar days before the expiration date of the minor qualified patient's registry identification card the following:

(1) An application in a form prescribed by the Department that includes:

(A) All information, documents, and declarations required for a minor qualified patient under § 11107;

(B) The registry identification number on the minor qualified patient's current registry identification card;

(C) The registry identification number on the qualified patient's parent, legal guardian, or custodian's current registry identification card;

(D) If the qualified patient's parent's, legal guardian's or custodian's name is not the same name as on the minor qualified patient's parent's, legal guardian's or custodian's current registry identification card, the parent, legal guardian, or custodian shall

(i) Submit a verification of identity, as defined in § 11003(mmm); and

(ii) A valid court order changing the name of the minor qualified patient's parent, legal guardian or custodian.

(E) A current photograph, as defined in § 11003(q), of the qualified patient and of the minor qualified patient's parent, legal guardian or custodian;

(F) The applicable fees in § 11004; and

(G) Any applicable late fee under § 11004.

(c) To renew a primary caregiver's registry identification card for a qualified patient who is eighteen (18) years of age or older, the primary caregiver shall submit to the Department, at least forty-five (45) calendar days before the expiration date of the primary caregiver's registry identification card, the following:

(1) An application in a form prescribed by the Department that includes:

(A) All information, documents, and declarations required for a primary caregiver in § 11108;

(B) The registry identification number on the primary caregiver's current registry identification card;

(C) Verification of identity, as defined in § 11003(mmm), of the primary caregiver;

(D) A current photograph, as defined in § 11003(q), of the primary caregiver;

(E) The primary caregiver's current police and court clearances;

(F) The applicable fee in § 11004; and

(G) Any applicable late fee as prescribed in § 11004.

(d) The Department shall approve or deny the renewal within thirty (30) calendar days of receipt and shall follow the time frames described in § 11102 and § 11103.

(e) Qualified patients and primary caregivers shall surrender all expiring or expired registry identification cards prior to being issued new ones.

§ 11116. Requesting for a Replacement Registry Identification Card.

(a) Only one replacement card shall be allowed for each registry identification card issued.

(1) If the replacement registry identification card is lost, stolen or destroyed, the cardholder shall submit a new application for a registry identification card.

(2) If a registry identification card is lost, stolen, or destroyed, the cardholder must notify the Department within twenty-four (24) hours of the card being lost, stolen or destroyed.

(b) To request a replacement card for a cardholder's registry identification card that has been lost, stolen, or destroyed, the cardholder shall submit in person to the Department, within ten (10) business days after the cardholder's registry identification card was lost, stolen, or destroyed, a request for a replacement card, on a form prescribed by the Department, that includes:

(1) The cardholder's name, Guam home and mailing addresses, email addresses and date of birth;

(2) If known, the registry identification number on the cardholder's lost, stolen, or destroyed registry identification card;

(3) If the registry identification card was stolen, need to submit a copy of a police report or police case number;

(4) Verification of identity, as defined in § 11003(mmm), from the cardholder;

(5) Current photograph, as defined in § 11003(q), of the cardholder;

(6) The applicable fee in § 11004; and

(7) Any applicable late fee as prescribed in § 11004.

(c) The Department shall approve or deny the renewal within ten (10) business days of receipt and shall follow the time frames described in § 11102 and § 11103.

(d) The expiration date of the replacement registry identification card shall be the same expiration date as the original registry identification card.

2019 NOTE: Subitem designations added to subsection (a), pursuant to the authority granted by 1 GCA § 1606.

§ 11117. Expiration of a Registry Identification Card.

(a) A registry identification card issued to a qualified patient or primary caregiver is valid for one year from the date of issuance.

(b) The registry identification card of the qualified patient and the qualified patient's primary caregiver shall have the same expiration date. The expiration date will be based on the qualified patient's registry identification card.

(c) If the Department issues a registry identification card to a qualified patient or primary caregiver based on a request for a replacement registry identification card or an application to change or amend a registry identification card; the replacement, changed, or amended registry identification card shall have the same expiration date as the original registry identification card being replaced, changed, or amended.

§ 11118. Voiding or Invalidating a Registry Identification Card.

(a) The Department may void the registry identification card within twenty-four (24) hours of a:

(1) Qualified patient when the Department receives written notice from:

(A) The qualified patient that the qualified patient no longer has a debilitating medical condition;

(B) The qualified patient reported the card being lost, stolen or destroyed;

(C) The practitioner who provided the qualified patient's written certification that the:

(i) Qualified patient no longer has a debilitating medical condition;

(ii) Practitioner no longer believes that the qualified patient would receive therapeutic or palliative benefit from the medical use of marijuana;

(iii) Practitioner believes that the qualified patient is not using the medical marijuana as recommended; or

(2) Primary caregiver when:

(A) The Department receives written notice from the primary caregiver's qualified patient that the primary caregiver no longer assists the qualified patient with the medical use of marijuana;

(B) The registry identification card for the qualified patient that is listed on the primary caregiver's registry identification card is no longer valid; or

(C) The primary caregiver reported the card being lost, stolen or destroyed;

(D) The Department receives notification that the primary caregiver's qualified patient is deceased.

(3) Responsible official or designated courier when:

(A) The cardholder reported the card being lost, stolen or destroyed;

(B) The Department receives written notice from a medical cannabis business that their responsible official or designated courier:

(i) No longer serves as a responsible official; or

(ii) Is no longer employed by the medical cannabis business.

(C) The medical cannabis license that is listed on the responsible official or designated courier' registry identification card no longer valid.

(b) The Department shall void a qualified patient's registry identification card:

(1) When the Department receives written notice from the practitioner, primary caregiver, family member or the Office of Vital Statistics that the qualified patient is deceased; or

(2) For a qualified patient under eighteen (18) years of age, when the qualified patient's primary caregiver's registry identification card is revoked.

(c) If the Department voids or invalidates a cardholder's registry identification card, the Department shall provide written notice to the cardholder within two (2) business days of invalidation that includes:

(1) The specific reason or reasons for the invalidation; and

(2) The right to appeal to the Director within ten (10) business days.

(d) The Department shall provide written notice to all dispensaries within twenty-four (24) hours of invalidation the names of qualified patients and primary caregivers whose registry identification cards or qualified patient's written certification are no longer valid.

(e) The holder of the invalid registry identification card shall return, via mail or in person, the said registry identification card to the Department upon receipt of notice within five (5) business days. Violation of this provision is subject to a fine of two hundred fifty dollars ($250).

(f) The written notice required in subsection (a) that a registry identification card is void is not a revocation and is not considered a final decision of the Department subject to a hearing before the Director.

§ 11119. Fraudulent Use of a Registry Identification Card.

(a) A licensed medical cannabis business employee that knows or suspects that a person has attempted to use the registry identification card of another to obtain medical cannabis, prepared medical cannabis or medical cannabis products shall submit a report to the Department and the Guam Police Department by the next business day after the attempted use of the registry identification card.

(b) The report shall be submitted either by telephone; in a document sent by fax, delivery service, or mail; or through an electronic reporting system authorized by the Department and shall include as much of the following information about the individual whose registry identification card was used or presented:

(1) Name of cardholder;

(2) Address;

(3) Date of birth;

(4) Identification number;

(5) Issuance and expiration date;

(6) Registry identification type.

(c) The following information about the individual who attempted to use the registry identification card of another:

(1) Name;

(2) Address;

(3) Telephone number; and

(4) Date of birth.

(d) The failure to report a violation or suspected violation under this section may result in the revocation of the registry identification card of the employee who witnessed the violation or suspected violation and/or the revocation of the facility's medical cannabis license.

§ 11120. Revocation of a Registry Identification Card.

(a) The Department may revoke a cardholder's registry identification card electronically within twenty-four (24) hours:

(1) Upon notification from the dispensary that the cardholder provided medical marijuana to an individual who is not authorized to possess medical marijuana under the Act.

(2) Upon notification from the qualified patient or court that the primary caregiver had entered a plea of guilty to, a plea of *nolo contendere* to, been found guilty of, or been convicted of any felony offense after obtaining a registry identification card.

(3) If the cardholder knowingly violated the Act or these rules and regulations as determined by the Department.

(b) If the Department revokes a qualified patient's registry identification card, the Department shall provide written notice within two (2) business days to the qualified patient that includes:

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

(2) The right to appeal the revocation to the Director within ten (10) business days.

(c) The holder of the revoked registry identification card shall return, by mail or in person, the said registry identification card to the Department upon receipt of notice within five (5) business days. Violation of this provision is subject to a fine of two hundred fifty dollars ($250).

(d) The holder of the revoked registry identification card shall not be able to apply for a new registry identification card for one (1) year from time of revocation of previous registry identification card.

§ 11121. Required Reporting for Primary Caregivers.

(a) A primary caregiver shall report to the Department the death of a qualified patient for whom they provide care within two (2) business days after the death of the qualified patient.

(b) The primary caregiver shall return by mail or in person to the Department their registry identification card associated with the deceased qualified patient within five **(**5) business days after the death of the qualified patient.

(c) Failure to report the death of the qualified patient or return their registry identification card associated with the deceased qualified patient by the prescribed time frame may result in the revocation of the primary caregiver's other registry identification cards or shall be unable to apply for another registry identification card for one (1) year.

ARTICLE 2
RESPONSIBLE OFFICIAL, MEDICAL CANNABIS LICENSE, AND PERMIT TO OPERATE

§ 11201. Responsible Official.

(a) The individual identified in the medical cannabis business' by-laws as the responsible official for the medical cannabis business, who owns, operates, or otherwise have legal responsibility for a commercial cultivation facility, commercial manufacturing facility, dispensary, or medical cannabis testing laboratory and who meet the qualifications established in these rules and regulations and have been approved by the Department, is responsible for submitting all required applications, documents, and reports for the medical cannabis business. This includes applications for a medical cannabis 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, with or without the knowledge of the responsible official, who violate the Act or these rules and regulations.

(c) When a medical cannabis business 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 medical cannabis business.

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

§ 11202. Applying for a Registry Identification Card by a Responsible Official or Designated Courier.

(a) Registry identification cards are required for all responsible officials and designated couriers of a medical cannabis business who will be handling or transporting medical cannabis, prepared medical cannabis and medical cannabis products. It is optional for all other medical cannabis employees.

(b) To apply for a registry identification card, a responsible official or designated courier of a medical cannabis business shall submit in person to the Department the following:

(1) An application in a form prescribed by the Department that includes:

(A) The responsible official's or designated courier's:

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

(ii) Date of birth;

(iii) Guam home and mailing addresses;

(iv) Email address;

(v) Job title, duties and responsibilities;

(vi) Proof of Guam residency, as defined in § 11003(jj) that the responsible official or designated courier has been living in Guam continuously for at least six months prior to submitting the application;

(vii) Clearances from the police, court and Attorney General;

(B) The mailing and physical address of the licensed medical cannabis business of the designated courier's place of employment or responsible official owns;

(C) The phone number of the licensed medical cannabis business;

(D) Signature of responsible official or designated courier and the date responsible official or designated courier signed;

(2) A verification of identity, as defined in § 11003 (mmm), from the responsible official or designated courier of the medical cannabis business;

(3) A current photograph, as defined in § 11003 (q), of the responsible official or designated courier of the medical cannabis business;

(4) The applicable fees in § 11004 for a registry identification card for a responsible official or designated courier.

§ 11203. Denial or Approval of an Application for a Registry Identification Card for a Responsible Official or Designated Courier.

(a) The Department shall verify the information contained in the application and shall approve or deny the application within thirty (30) calendar days of receipt.

(b) Denial of Application

(1) The Department may deny an application if:

(A) The applicant does not provide all the information required and the application is considered incomplete; or

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

(2) If the application is denied, the Department shall provide a written notification to the applicant of the reason for denial of the application within forty-eight (48) hours 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 comply.

(4) The person whose application was denied, can file an appeal with the Director. If the denial is upheld, the applicant has ten (10) business days to comply.

(5) If the person does not come into compliance, the person shall not reapply for six (6) months from the date of the denial unless otherwise authorized by the Department.

(c) Approval of application

(1) If the application is approved, the Department shall issue a registry identification card, within five (5) business days of approving an application.

(A) The cardholder shall pick up the registry identification card in person at the Department.

(B) The registry identification card shall expire one (1) year from the date of issuance.

(2) The registry identification card for a responsible official or designated courier of a medical cannabis business 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 registry identification card;

(E) The physical address of the licensed medical cannabis business;

(F) The name of the responsible official of the licensed medical cannabis business; and

(G) The registry identification card type.

§ 11204. Revoking the Registry Identification Card of a Responsible Official or Designated Courier.

(a) The Department may revoke a responsible official's or designated courier's registry identification card within twenty-

four (24) hours upon notification that the responsible official or designated courier:

(1) Used medical marijuana and did not have a valid written certification from a licensed Guam practitioner or a qualified patient's registry identification card;

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

(3) Had entered a plea of guilty to, a plea of nolo contender to, been found guilty of, or been convicted of a felony offense as defined in these rules and regulations; or

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

(b) The Department shall provide to a responsible official or designated courier of a medical cannabis business a written notice stating the specific reason(s) for the revocation of their registry identification card within two (2) business days of voiding the card when:

(1) The Department receives the written notification from the medical cannabis business that the responsible official or designated courier:

(A) No longer serves as a responsible official; or

(B) Is no longer employed by the medical cannabis business.

(2) The medical cannabis license that is listed on the responsible official's or designated courier's registry identification card is no longer valid.

(c) The responsible official or designated courier whose registry identification card has been revoked can file an appeal with the Director within ten (10) business days of revocation.

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

identification card shall not be able to apply for a new registry identification card for one (1) year from time of revocation of previous registry identification card.

§ 11205. Changing the Information on a Registry Identification Card of a Responsible Official or Designated Courier.

(a) To make an amendment to the responsible official's or designated courier's name or home or mailing address on the cardholder's registry 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 registry identification number on the cardholder's current registry 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;

(D) The effective date of the new Guam home address;

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

(4) A verification of identity, as defined in § 11003 (mmm);

(5) A current photograph, as defined in § 11003 (q), of the cardholder;

(6) The applicable fee in § 11004; and

(7) Any applicable late fee in § 11004.

(b) The Department shall approve or deny the change within ten (10) business days of receipt and shall follow the time frames described in § 11102 and § 11103.

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

§ 11206. Types of Medical Cannabis Businesses.

(a) Commercial Cultivation Facility

(b) Commercial Manufacturing Facility

(c) Dispensary

(d) Medical Cannabis Testing Laboratory.

§ 11207. Types of Medical Cannabis Licenses.

(a) Type 1 Commercial Cultivation License - for cultivation of less than or equal to two thousand five hundred (2,500) square feet of canopy on single premises.

(b) Type 2 Commercial Cultivation License - for cultivation of two thousand five hundred one (2,501) to five thousand (5,000) square feet of canopy on single premises.

(c) Type 3 Commercial Cultivation License - for cultivation of five thousand one (5,001) to ten thousand (10,000) square feet of canopy on single premises.

(d) Commercial Manufacturing Facility License.

(e) Dispensary License.

(f) Medical Cannabis Testing Laboratory License.

§ 11208. Requirements for a Medical Cannabis 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 medical cannabis license shall retain at least fifty-one percent (51%) ownership of the medical cannabis business, pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122508.

(b) Responsible officials, board members, businesses, stakeholders, principals, or entities of a commercial cultivation facility, a commercial manufacturing facility or a dispensary can only own or have financial interest in one (1) commercial cultivation facility, one (1) commercial manufacturing facility and/or one (1) dispensary at any given time so long as the provision for the application of the separate cultivation, manufacturing, or dispensary licenses set forth in this Act are completed in full by the applicant, pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122510 (f).

(c) Responsible officials, board members, business stakeholders, principals, or entities of a medical cannabis testing laboratory are prohibited from owning or having any financial stake in any commercial cultivation facility, commercial manufacturing facility, dispensary, medical establishment that recommend the use of medical cannabis, or another medical cannabis testing laboratory, pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122510 (g).

(d) Commercial cultivation facilities shall only be located in the following zones: Agriculture Zone (A), Commercial Zone (C), Light Industrial Zone (M1), or Heavy Industrial Zone (M2).

(e) Commercial manufacturing facilities and dispensaries shall only be located in the following zones: Commercial Zone (C), Light Industrial Zone (M1) and Heavy Industrial Zone (M2).

(f) The medical cannabis business must meet all applicable local and federal laws and requirements for their respective zones.

(g) The Department highly recommends that medical cannabis businesses obtain certification from the Americans for

Safe Access or similar organization to ensure legal compliance and product safety:

(1) Cultivation Certification for commercial cultivation businesses;

(2) Manufacturing, Packaging, Labeling and Holding Certification for commercial manufacturing businesses;

(3) Distribution Certification for dispensaries; and

(4) Laboratory Testing Certification for medical cannabis testing laboratories.

§ 11209. Application Process for a Medical Cannabis License.

(a) The responsible official of a commercial cultivation facility, commercial manufacturing facility, dispensary, or a medical cannabis testing laboratory shall submit in person an application for the appropriate medical cannabis license in § 11207, in a form approved by the Department, with the required declarations and documents in § 11210 and the appropriate application fees in § 11004.

(b) The Department shall verify the information contained in the application and shall approve or deny an application within thirty (30) calendar days of receipt.

(c) The Department shall deny an application if:

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

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

(d) The Department shall provide written notification to the responsible official of an incomplete application within seven (7) business days of the Department's determination and specify where the application is incomplete.

(e) The responsible official shall be given fourteen (14) business days to complete and resubmit the application.

(f) The Department shall reject any application that does not comply with this Act.

(g) The Department shall provide the responsible official with a written notification within seven (7) business days of rejection and specify the reason for rejection.

(h) The responsible official whose application was rejected, can file an appeal with the Director within ten (10) business days.

(i) The medical cannabis business, whom the responsible official was representing and whose application was rejected, shall not reapply for six (6) months from the date of the rejection unless otherwise authorized by the Department.

(j) The Department 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 the Act.

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

(l) A responsible official who wishes to register more than one medical cannabis business, as allowed in § 11208, must submit a separate application for each medical cannabis business, all applicable registration fees, and all required documentation described in these rules and regulations for each medical cannabis business.

(m) Although an individual or an entity is allowed to own a commercial cultivation facility, a commercial manufacturing facility and a dispensary at the same time, the facilities shall be maintained in distinctly separate premises, including but not limited to, separate sales and storage areas, separate entrances and exits, separate inventories, separate point-of-sale operations and separate record keeping.

(n) An application fee that is submitted with a medical cannabis license application that is later withdrawn is not refunded.

(o) Medical cannabis licenses are non-transferable.

§ 11210. Applying for a Medical Cannabis License.

To apply for a commercial cultivation license, commercial manufacturing facility license, dispensary license, or a medical cannabis testing laboratory license, the responsible official from the medical cannabis 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) First name; middle name, if applicable; last name; and suffix, if applicable;

(2) Guam mailing address;

(3) Email address;

(4) Phone number;

(5) Police, court and Attorney General clearances;

(6) Proof of Guam residency, as defined in § 11003 (jj), and meets the requirement in § 11208(a);

(7) Signature of the responsible official and the date the responsible official signed;

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

(1) Legal name of the business organization;

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

(3) Type of business organization; 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, as defined in §11003 (jj), and meets the requirement in § 11208(a);

(2) A verification of identity as defined in § 11003 (mmm); and

(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 medical cannabis business are under twenty-one (21) years of age;

(d) Documents from the Department of Land Management that includes:

(1) Map of the proposed location of the medical cannabis business;

(2) Affirmation that the medical cannabis business is not located within a Drug Free School Zone as defined in § 11003 (z);

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

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

(e) Proof that the medical cannabis business is registered and has a business license and a Business Privilege Tax Number with the Department of Revenue and Taxation;

(f) Copy of the medical cannabis business' standard operating procedures, protocols and training for the safe handling and dispensing of medical cannabis, prepared medical cannabis and medical cannabis products to include:

(1) Sanitation, sanitary permits, and health certificates;

(2) Equipment handling;

(3) Inventory control;

(4) Security;

(5) Distribution system;

(6) Storage protocols;

(7) For a testing laboratory, the ability to identify and measure the following in cannabis test samples:

(A) Delta-9-tetrahydrocannabinol (THC);

(B) Tetrahydrocannabinol Acid (THCA);

(C) Cannabidiol (CBD);

(D) Cannabidiolic Acid (CBDA);

(E) Cannabigerol (CBG);

(F) Arsenic;

(G) Lead;

(H) Cadmium;

(I) Mercury;

(J) Pesticides, including:

(i) Abamectin

(ii) Acephate

(iii) Acequinocyl

(iv) Aldicarb

(v) Azoxystrobin

(vi) Bifenazate

(vii) Bifenthrin

(viii) Boscalid

(ix) Carbaryl

(x) Carbofuran

(xi) Chlorantranilliprote

(xii) Chlorfenapyr

(xiii) Chlorpyrifos

(xiv) Clofentezine

(xv) Cyfluthrin

(xvi) Cypermethrin

(xvii) DDVP (Dichlorvos)

(xviii) Diazinon

(xix) Dimethoate

(xx) Ethoprophos

(xxi) Etofenprox

xxii) Etoxazole

xxiii) Fepyroximate

(xxiv) Fipronil

(xxv) Flonicardnid

(xxvi) Fludioxonil

(xxvii) Hexythiazox

(xxviii) Imazalil

(xxix) Imidacloprid

(xxx) Kresoxim-methyl

(xxxi) Malathion

(xxxii) Metalaxyl

(xxxiii) Methiocarb

(xxxiv) Methomyl

(xxxv) Methyl parathion

(xxxvi) MGK-264

(xxxvii) Myclobutanil

(xxxviii) Maled

(xxxix) Oxamil

(xxxx) Paclobutrazol

(xxxxi) Permethrins

(xxxxii) Phosmet

(xxxxiii) Piperonyl_butoxide

(xxxxiv) Prallethrin

(xxxxv) Propiconazole

(xxxxvi) Propoxur

(xxxxvii) Pyretherins

(xxxxviii) Pyridaben

(xxxxix) Spinosad

(xxxxx) Spiromesifen

(xxxxxi) Spirotetramat

(xxxxxii) Tebuconazole

(xxxxxiii) Thiacloprid

(xxxxiv) Thiamethoxam

(xxxxv) Trifloxystrobin

(K) Heptanes;

(L) Benzene;

(M) Toluene;

(N) Hexane;

(O) Xylenes (m, o, p-xylene);

(P) 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;

(Q) Moisture content of plant materials;

(R) Microbiological impurities, including but not limited to:

(i) Viable aerobic bacteria;

(ii) Yeast and mold;

(iii) Coliforms;

(iv) Bile-tolerant Gram-Negative Bacteria;

(v) E. Coli (pathogenic strains) and Salmonella spp;

(vi) Aspergillus fumigatus, Aspergillus flavus, Aspergillus niger; and

(vii) Mycotoxins.

(g) Plan for and cooperate with local health, water, building and fire authorities to ensure:

(1) Sufficient equipment to monitor temperature;

(2) Adequate ventilation and air filtration;

(3) Humidity control;

(4) Plumbing and drainage requirements are met;

(5) Electrical safety;

(6) Proper wastewater disposal; and

(7) Use of carbon monoxide detectors, if applicable.

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

(i) Declaration that the proposed licensed medial cannabis business will not knowingly employ a person who was convicted of a felony offense, is under the age of

twenty-one (21), or who may have a conflict of interest as a practitioner providing written certification to a qualified patient for the use of medical cannabis, prepared medical cannabis and medical cannabis products; and

(j) The appropriate application fees in § 11004.

§ 11211. Issuance of a Medical Cannabis License.

(a) The Department will determine the application for a medical cannabis license is complete if it includes all the requested information in the form prescribed by the Department; all the required documentation described in these rules and regulations; and the application fee is paid.

(b) If the Department determines that the application is in compliance with these rules and regulations, 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 medical cannabis license can be picked up by the cardholder in person at the Department after the applicable license fee in § 11004 is paid;

(2) That the responsible official must apply for a Permit to Operate a medical cannabis business; and

(3) That the commercial cultivation facility, commercial manufacturing facility, dispensary, or medical cannabis testing laboratory shall not conduct transactions involving the transfer of medical cannabis from one licensed medical cannabis business to another, or at final point of sale to a qualified patient, caregiver, or guardian until the facility has been issued a Permit to Operate from the Department pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25 § 122511.

(4) The Department shall inspect the facilities of a licensed medical cannabis business prior to issuing a Permit to Operate.

(c) The medical cannabis license shall include the following:

(1) The medical cannabis business'

(A) Legal name;

(B) Physical address; and

(C) Telephone number.

(2) The responsible official's:

(A) First name; middle name, if applicable; last name; and suffix, if applicable;

(B) Guam mailing address;

(C) Email address;

(D) Telephone number; and

(3) Identification number;

(4) Type of business;

(5) The date of issuance;

(6) The date of expiration.

§ 11212. Permit to Operate a Medical Cannabis Business.

(a) To apply for a Permit to Operate a medical cannabis business, 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 medical cannabis business':

(i) Legal name;

(ii) Physical address;

(iii) Guam mailing address;

(iv) Responsible official's full name;

(v) License identification number;

(vi) Type of medical cannabis license;

(vii) Date of issue of the medical cannabis license;

(viii) Date of expiration of the medical cannabis license;

(ix) Date the licensed medical cannabis business must reapply;

(x) The Business Privilege Tax Number issued by the Guam Department of Revenue and Taxation;

(B) A declaration that the information provided to the Department to apply for a Permit to Operate a medical cannabis business 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 medical cannabis facility'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 medical cannabis facility to the closest school, bus stop and bus transfer station;

(4) A floor plan drawn to scale of the building where the medical cannabis business is located showing the following:

(A) Layout and dimensions of each room;

(B) Name and function of each room;

(C) Location of each handwashing sink;

(D) Location of each toilet;

(E) Location of all means of entry;

(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's Division of Environmental Health, if the medical cannabis business 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 Department.

(B) (i) 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.

(ii) 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 himself, then the governor shall choose an acting director for the purposes of this section.

(C) Agencies include:

(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) The Department's 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) Department of Revenue and Taxation 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 shall determine whether mitigation will be required in the interest of endangered species.

(6) A declaration signed and dated by the responsible official certifying that the medical cannabis facility is in compliance with local zoning restrictions as described in § 11208 (d) and (e); and

(7) The applicable fee in § 11004.

(b) The Department shall conduct an inspection within thirty (30) calendar days of receipt of the application for Permit

to Operate. The Department will inspect, but not limited to the medical cannabis business':

(1) Security system, including the video surveillance system and alarm system as required in § 11223;

(2) Labeling and packaging procedures that comply with § 11229.

(3) Required policies and procedures as described in these rules and regulations; and

(4) 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 medical cannabis business within two (2) business days of the Department's determination of failure to pass and specify the areas of concern.

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

(e) Once approved, the Department shall issue the Permit to Operate to the medical cannabis business 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 § 11004.

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

§ 11213. Operation Standards for Cultivators.

(a) A commercial cultivation facility will 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 commercial cultivation business may only cultivate marijuana on the property listed on its commercial cultivation license.

(c) A commercial cultivation facility shall be enclosed and not be in public view. The premises of the commercial cultivation facility shall be fully surrounded by a solid fence or wall at least ten (10) feet in height with a locking gate or door.

(d) No cannabis plant shall be taller than the height of the wall, fence or gate. The height of the wall, fence or gate is measured from the base of the wall, fence or gate to its highest point that *completely obstructs* the view of the cannabis plant.

(e) The commercial cultivator must prevent marijuana seeds from spreading outside the licensed cultivation site.

(f) If a commercial cultivation business is planning to use *supplemental gases* to cultivate marijuana, the facility must be equipped with working carbon monoxide detectors.

(g) A sample of each lot of every medical cannabis crop produced by a commercial cultivation facility shall be laboratory-tested for potency and safety by a medical cannabis testing laboratory, licensed by the Department, before distribution to a licensed commercial manufacturing facility or licensed dispensary that are licensed by the Department.

§ 11214. Operation Standards for Manufacturers.

A commercial manufacturing business:

(a) Will 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) That prepares, package, store, sell, or distribute 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) A sample of each batch of each prepared medical cannabis or medical cannabis product produced by a commercial manufacturing facility, licensed by the Department, shall be laboratory-tested for potency and safety by a medical cannabis testing laboratory, licensed by

the Department, before distribution to a dispensary, licensed by the Department.

(d) Is prohibited from using butane for any extraction method for medical marijuana concentrates on Guam, pursuant to Title 10 GCA Division 1, Chapter 12 Part 2, Article 25, §122512 (m);

(e) Shall not possess medical cannabis, prepared medical cannabis or medical cannabis products until it has a Medical Cannabis License;

(f) Shall remain secured at all times pursuant to § 11223;

(g) Shall be in an enclosed indoor facility;

(h) Shall be accessible to authorized employees, and authorized agents of the Department and law enforcement agency;

(i) Shall maintain a twenty-four (24) hour security system pursuant to § 11223;

(j) Shall establish and maintain a written policy and procedure that includes but is not limited to:

(1) Safe and appropriate uses of manufacturing equipment;

(2) Safe and appropriate storage of materials used to produce prepared medical cannabis and medical cannabis products;

(3) Effective training and monitoring of employees who participate in the production of prepared medical cannabis and medical cannabis products.

(4) Safe and appropriate storage and disposal or destruction of prepared medical cannabis and medical cannabis products at stages of production and sale.

§ 11215. Operation Standards for Dispensaries.

(a) A dispensary 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 dispensary 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 dispensary shall be permitted to touch or handle any medical cannabis, prepared medical cannabis or medical cannabis product.

(d) No licensed dispensary, including the dispensary's officers, employees, agents or anyone with any financial interest in a licensed dispensary or any other medical cannabis business shall provide written certification for the medical use of marijuana for any person.

(e) A dispensary:

(1) Shall not possess medical cannabis, prepared medical cannabis or medical cannabis products until the dispensary has a Medical Cannabis License;

(2) Shall not dispense medical cannabis, prepared medical cannabis or medical cannabis products until the dispensary has a Permit to Operate from the Department;

(3) Shall not transfer any medical cannabis, prepared medical cannabis or medical cannabis product to any other dispensary;

(4) Shall not accept any medical cannabis, prepared medical cannabis or medical cannabis product from any other dispensary;

(5) Shall ensure that all medical cannabis, prepared medical cannabis and medical cannabis products it dispenses are tested for potency and safety by a medical cannabis testing laboratory licensed by the Department and is safe for use or consumption by qualified patients.

(6) Shall remain locked 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 § 11223;

(10) Shall store all medical cannabis, prepared medical cannabis and medical cannabis products behind a counter or other barrier to ensure that a qualified patient or primary caregiver does not have direct access to the product prior to sale.

(f) When dispensing medical cannabis, prepared medical cannabis and medical cannabis products to a qualified patient or primary caregiver, the dispensary:

(1) Shall request verification of identity as defined in § 11003 (mmm) from the qualified patient or primary caregiver;

(2) (A) Shall electronically verify via a confidential database that

(i) the qualified patient has a valid Guam written certification and/or valid Guam registry identification card and

(ii) the qualified patient's primary caregiver has a valid Guam registration and valid Guam registry identification card at the time of the purchase.

(B) At no time will a dispensary be given access to the confidential database in its entirety.

(3) (A) Shall not dispense any medical cannabis, prepared medical cannabis or medical cannabis product to a qualified patient who does not have a valid written certification or a primary caregiver who does not hold a valid registry identification card or whose identity does not match the identity of the person named on the registry identification card presented.

(B) If the identity of the person attempting to obtain medical cannabis, prepared medical cannabis or medical cannabis products does not match the identity of the person named on the registry identification card presented, the dispensary agent or responsible official shall report the violation to the Department and the Guam Police Department.

(4) Shall not accept registry identification cards from other states in the United States or other countries;

(5) Shall not provide services if the qualified patient's Guam written certification or a primary caregiver's Guam registration has expired until proof of renewal of the written certification or registration is obtained from the Department;

(6) Shall have a record of the expiration date of the qualified patient's written certification or primary caregiver's registration on file.

(7) Shall verify that the qualified patient is not receiving more than the allowable amount as defined in §11003 (a)(1)(A) and shall not sell any amount of medical cannabis, prepared medical cannabis or medical cannabis product to the qualified patient or primary caregiver that exceeds the allowable amount;

(8) Shall verify that the qualified patient or the primary caregiver has signed a written documentation stating that the qualified patient and primary caregiver will not possess more than the allowable amount as defined in § 11003 (a)(1)(A) and will not divert the medical cannabis, prepared medical cannabis or medical cannabis products;

(9) May dispense to a qualified patient or primary caregiver any combination of medical cannabis, prepared medical cannabis or medical cannabis product that shall not exceed the allowable amount as defined in §11003 (a)(1)(A);

(g) A dispensary shall establish and maintain a record for each qualified patient who obtains medical cannabis, prepared

medical cannabis or medical cannabis products from the dispensary with the following information:

(1) Qualified patient's:

(A) Name;

(B) Home and mailing addresses;

(C) Date of birth;

(D) Copy of written certification with expiration date;

(E) Name of practitioner who gave written certification;

(F) If applicable, registry identification card number.

(2) If applicable, primary caregiver's:

(A) Name;

(B) Home and mailing addresses;

(C) Date of birth;

(D) Registry identification card number with expiration date;

(3) The amount of medical cannabis, prepared medical cannabis or medical cannabis product dispensed including the date and time it was dispensed;

(4) Document whether the medical cannabis, prepared medical cannabis or medical cannabis product was dispensed to the qualified patient or to the qualified patient's primary caregiver;

(5) The name of the dispensary agent who sold the medical cannabis, prepared medical cannabis or medical cannabis product and recorded the entry;

(6) Documentation of any patient education and support materials provided to the qualified patient or the qualified patient's primary caregiver, including the

description of the materials and the date the materials were provided;

(7) Documentation for each time a qualified patient or qualified patient's primary caregiver requests and does not obtain medical cannabis, prepared medical cannabis or medical cannabis product from the dispensary:

(A) Date;

(B) The name and registry identification card number (if applicable) of the individual who requested for the medical cannabis, prepared medical cannabis or medical cannabis product;

(C) The dispensary's reason for refusing to provide the medical cannabis, prepared medical cannabis or medical cannabis product; and

(D) The name of the dispensary agent who refused to provide the medical cannabis, prepared medical cannabis or medical cannabis product.

(h) The dispensary shall ensure that:

(1) There are safeguards to prevent unauthorized access to medical cannabis, prepared medical cannabis or medical cannabis products.

(2) There are safeguards to prevent unauthorized access to qualified patient records.

(3) The date and time of an entry in a qualified patient's record is recorded electronically by an internal clock; and

(4) The qualified patient records are backed up and recoverable.

§ 11216. Medical Cannabis Testing Laboratory Certification.

(a) All medical cannabis, prepared medical cannabis and medical cannabis products on Guam shall be tested for potency and safety by a medical cannabis testing laboratory licensed by

the Department before they can be sold to a qualified patient or a qualified patient's primary caregiver.

(b) A commercial cultivation business, commercial manufacturing business and a dispensary shall not sell or dispense medical cannabis, prepared medical cannabis and medical cannabis products unless it has been tested for potency and safety by a medical cannabis testing laboratory licensed by the Department and meet the requirements set out in § 11217.

(c) A medical cannabis testing laboratory shall be completely independent from all other licensed medical cannabis businesses that cultivate, manufacture or dispense medical cannabis, prepared medical cannabis and medical cannabis products.

(d) A medical cannabis testing laboratory shall not handle, test or analyze medical cannabis, prepared medical cannabis and medical cannabis products unless it is ISO 17025 accredited or certified by the Americans for Safe Access (ASA) Patient Focused Certification Program for testing laboratories or similar program approved by the Department pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122528 (d).

(e) A medical cannabis testing laboratory must be ISO 17025 accredited or certified by the Americans for Safe Access (ASA) Patient Focused Certification Program for testing laboratories or similar program approved by the Department in order to obtain and maintain a Permit to Operate. Violation to this regulation may result in the revocation of the facility's medical cannabis testing laboratory license.

(f) Responsible officials, board members, business stakeholders, principals, or entities of a medical cannabis testing laboratory are prohibited from owning or having any financial stake in any commercial cultivation facility, commercial manufacturing facility, dispensary, and medical establishment that recommend the use of medical cannabis, or any other medical cannabis testing laboratory.

§ 11217. Medical Cannabis Testing Laboratory Standards and Testing Protocols.

(a) The medical cannabis testing laboratory shall select a random sample, not to exceed 10 grams per lot, from each lot of medical cannabis at the cultivation site and from each batch of prepared medical cannabis and medical cannabis product at the commercial manufacturing facility or dispensary in order to test them for potency and safety.

(b) The method by which samples are selected and collected shall be prescribed by standards of methodology adopted by the Department, prescribed to every medical cannabis testing laboratory, and applied by every such laboratory uniformly. The Department shall inform the public via news release and shall further inform all interested parties through any publications it may disseminate about the laboratories, the name of the sampling protocol selected, such selection to be made prior to the acceptance of any application for Permit to Operate a medical cannabis testing laboratory.

(c) The Department will give the medical cannabis business twenty-four (24) hour written notice of when authorized agents from the medical cannabis testing laboratory plan to go to the medical cannabis facility to obtain samples of medical cannabis, prepared medical cannabis and medical cannabis products for testing.

(d) The medical cannabis business 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.

(e) The medical cannabis testing laboratory shall test and analyze the samples according to standard operating procedures prepared by the medical cannabis testing laboratory based on validated methods published in peer reviewed scientific or regulatory literature.

(f) The medical cannabis testing laboratory shall issue to the medical cannabis business and the Department a certificate of analysis for each lot of medical cannabis or batch of prepared medical cannabis or medical cannabis product tested for potency and safety for that medical cannabis business. 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)

(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 each of the pesticides named in § 11210(f)(7)(J) to be determined by the Department from time to time

(C) Solvents:

(i) Heptanes: 500 ppm

(ii) *Benzene: 1 ppm

(iii) *Toluene: 1 ppm

(iv) *Hexane: 10 ppm

(v) Total Xylenes (m, o, p-xylene): 1 ppm

*Contaminants in solvents

(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:

(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.

(g) If the laboratory testing results indicate unacceptable amounts of contaminants in a medical cannabis, prepared medical cannabis and medical cannabis product, the medical cannabis testing laboratory shall provide a written notification to the Department and the responsible official of the medical cannabis business from which the sample originated within twenty-four (24) hours.

(h) 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 medical cannabis business from which the sample originated or upon request by the Department at the expense of the medical cannabis business from which the sample originated. A lot of medical cannabis or batch of prepared medical cannabis or medical cannabis product shall only be tested for potency and safety at the most three (3) times.

(i) Shall return, to the medical cannabis business from which the sample originated, or destroy in a manner approved by the Department any samples or portions of samples of the medical cannabis, prepared medical cannabis and medical cannabis product that remain after testing and analysis are completed.

(j) Shall create, and maintain for a period of at least five (5) years, records of testing it conducts on medical cannabis, prepared medical cannabis and medical 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 dispensary with a description including the amount;

(k) The testing laboratory shall issue written reports of the full analysis and results for potency and safety of all cannabis-infused products and medicines from the tested batch of cannabis to the licensed medical cannabis business that requested the test and to the Department.

(l) Written reports of the full analysis and results for potency and safety of all cannabis-infused products from the tested batch of medical cannabis, prepared medical cannabis and medical cannabis products shall be made available to the public by request to the Department.

§ 11218. Laboratory Testing Protocols for Cultivators, Manufacturers and Dispensaries.

(a) The commercial cultivation business must sort medical cannabis into identical lots according to the cannabis crop and the commercial manufacturing business must sort the prepared medical cannabis and medical cannabis products into identical batches prior to testing. The medical cannabis testing laboratory will take two 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.

(b) A medical cannabis business shall ensure that each sample of medical cannabis, prepared medical cannabis and medical cannabis products are tested for potency and safety and analyzed for each of the items set out in § 11217 (f).

(c) The level of contaminants in medical cannabis, prepared medical cannabis and medical cannabis products, shall not exceed the standards provided in § 11217 (f) and if any of the standards are exceeded, the medical cannabis business shall not sell or dispense any portion of the medical cannabis, prepared medical cannabis and medical cannabis products that does not conform to the standards and shall be subject to disposal or destruction as specified in § 11233.

(d) Once the responsible official of a medical cannabis business is given written notification by the medical cannabis testing lab that test results indicate unacceptable amounts of contaminants in their sample of medical cannabis, prepared medical cannabis or medical cannabis products, the responsible official of the medical cannabis business shall immediately quarantine the non-conforming medical cannabis, prepared medical cannabis or medical cannabis products.

(e) The medical cannabis business may request for a retest of the same lot or batch of non-conforming medical cannabis, prepared medical cannabis or medical cannabis product within three (3) business days of notification from a medical cannabis testing laboratory. The lot or batch can be tested up to three (3) times.

(f) The medical cannabis business shall destroy the lot of medical cannabis or batch of prepared medical cannabis and medical cannabis product that does not conform to the testing standards set out in § 11217 (f) as indicated by the certificate of analysis.

(g) The responsible official of the medical cannabis business from which the sample originated shall document the destruction or disposal of the quarantined medical cannabis, prepared medical cannabis and medical cannabis product that has been tested to be unacceptable in accordance with this Section.

(h) A medical cannabis business shall maintain records of all laboratory testing results including the certificate of analysis for all their medical cannabis, prepared medical cannabis and medical cannabis products.

(i) All records that must be maintained by the medical cannabis business shall be available to the Department within seven (7) business days upon receipt of written request.

(j) A commercial cultivation business, commercial manufacturing business and a dispensary are allowed to operate a laboratory within their business but all medical cannabis must be laboratory tested for potency and safety at an independent medical cannabis testing laboratory that has been licensed by the Department.

§ 11219. Health and Safety.

(a) A medical cannabis business shall comply with all local health, safety and sanitation regulations and may be subject to inspection by the Department to confirm that no health or safety concerns are present which may contaminate the medical cannabis, prepared medical cannabis, or medical cannabis products.

(b) Any individual who has or appears to have a contagious illness, or have open lesions including boils, sores, or infected wounds, or any other medical condition that may adversely affect the safety and quality of the cannabis, shall be excluded from any contact with any medical cannabis, prepared medical cannabis or medical cannabis product, equipment, or materials for processing medical cannabis until the condition is treated and the individual obtains a medical clearance to return to work from a physician.

(c) Policies must be implemented to protect personnel in all operations and provide personnel with adequate safety training to comply with these policies. Training shall include, but not limited to:

(1) Personnel accident reporting and investigation policies;

(2) Fire prevention and response plans;

(3) Material handling and hazard communications policies, including maintenance of Safety Data Sheets (SDS); and

(4) Personnel protective equipment policies.

(d) Adequate and convenient handwashing facilities must be provided to employees at medical cannabis businesses that are:

(1) Furnished with hot and cold running water, liquid hand soap, and disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer;

(2) Located at points in the facility where good sanitary practices require employees to wash their hands;

(3) Prohibited from being used for activities that support production operations, such as cleaning of production equipment or utensils;

(4) Adequate and convenient handwashing facilities must be provided to employees at medical cannabis businesses that are working in direct contact with medical cannabis, prepared medical cannabis or medical cannabis products. Employees shall thoroughly wash their hands, including but not limited to:

(A) Before preparing medical marijuana including working with food, equipment, and utensils;

(B) During preparation, as often as necessary to remove soil and contamination and to prevent cross-contamination when changing tasks;

(C) After handling soiled equipment or utensils;

(D) After touching another person's body part;

(E) After using the toilet;

(e) Personnel must be provided with adequate, readily available toilet facilities that are:

(1) Maintained in a clean and sanitary condition;

(2) Adequately stocked with toilet paper, liquid hand soap, and single use paper towels or other drying devices;

(3) Kept in good repair at all times;

(4) Equipped with signage advising personnel of the necessity of washing hands prior to returning to work;

(5) Prohibited from being used for activities that support production operations, such as cleaning of production equipment and utensils.

(f) Personnel who work directly with the preparation of medical marijuana or the infusion of marijuana into non-edible products must be provided with adequate, readily available toilet facilities.

(g) A medical cannabis business employee who works directly with the preparation of medical marijuana or the infusion of marijuana into non-edible products must do the following:

(1) Fingernails must be trimmed;

(2) No fingernail polish or artificial nails unless wearing gloves;

(3) No jewelry except rings, if wearing gloves;

(4) Need to wear protective apparel such as coats, aprons, gowns, hairnets, hair covers, and impermeable gloves to prevent contamination;

(5) No eating food, chewing gum, drinking beverages or using tobacco products in areas where components, packaging components, in-process materials, medical cannabis, prepared medical cannabis, medical cannabis products or any contact surfaces are exposed or where contact surfaces are washed.

§ 11220. Cleaning and Sanitation.

(a) The grounds of the medical cannabis facility must be kept in good condition that protects against the contamination of components, packaging components, in-process materials, medical cannabis, prepared medical cannabis and medical cannabis products or contact surfaces. The methods for adequate ground maintenance include:

(1) Properly storing equipment, removing litter and waste, and cutting weeds or grass within the immediate vicinity of the facility so that it does not attract pests, harbor pests, or provide pests a place for breeding;

(2) Maintaining roads, yards, and parking lots so that they do not constitute a source of contamination in areas where components, packaging components, in-process materials, medical cannabis, prepared medical cannabis, medical cannabis products or contact surfaces are exposed;

(3) Adequately draining areas that may contribute to the contamination of components, packaging components,

in-process materials, medical cannabis, prepared medical cannabis, medical cannabis products or contact surfaces by seepage, filth or any other extraneous materials, or by providing a breeding place for pests.

(b) A medical cannabis business shall ensure that any building or equipment used for cultivating, harvesting, preparing, packaging, storing, infusing, selling or dispensing medical cannabis, prepared medical cannabis and medical cannabis products is maintained in a clean and sanitary condition.

(1) All trucks, trays, buckets, other receptacles, platforms, racks, tables, shelves, knives, saws, cleavers, other utensils, or the machinery used in moving, handling, cutting, chopping, mixing, canning, packaging or other processes are cleaned and sanitized daily.

(2) The floors, walls, and ceilings of a medical cannabis facility must be adequately cleaned and kept clean and in good repair.

(3) All litter and waste incident to the manufacture, preparation, packing, selling, distributing or transportation of medical cannabis, prepared cannabis and medical cannabis products are properly removed from the facility at least once every twenty-four (24) hours or more often as necessary to minimize the development of odor and the potential for waste to become an attractant, harborage, or breeding place for pests.

(c) Equipment and utensils, and any other contact surfaces, used in production operations must be maintained, cleaned, and sanitized, as necessary.

(1) Equipment and utensils must be taken apart as necessary for thorough maintenance, cleaning and sanitizing.

(2) All contact surfaces used for manufacturing, packaging, or holding low-moisture components, in-process materials, medical cannabis, prepared medical cannabis, or medical cannabis products must be in a dry and sanitary condition when in use. When the surfaces are wet-cleaned,

they must be sanitized, when necessary, and thoroughly dried before subsequent use.

(3) If wet processing is used during production, all contact surfaces must be cleaned and sanitized, as necessary, to protect against the introduction of microorganisms into components, packaging components, in-process materials, medical cannabis, prepared medical cannabis, and medical cannabis products.

(4) When cleaning and sanitizing is necessary, all contact surfaces must be cleaned before use and after any interruption during which the contact surface may have become contaminated.

(5) If contact surfaces are used in a continuous production operation or in consecutive operations involving different batches of the same product, the contact surfaces must be adequately cleaned and sanitized, as necessary.

(6) Surfaces that come into direct contact with components, packaging components, in-process materials, medical cannabis, prepared medical cannabis, medical cannabis products must be cleaned as frequently as necessary to protect against contaminating components or products.

(7) Single-service articles (e.g. utensils intended for one-time use, paper cups, and paper towels) must be stored in appropriate containers and handled, dispensed, used, and disposed of in a manner that protects against contamination of components, packaging components, in-process materials, medical cannabis, prepared medical cannabis, medical cannabis products or any contact surface.

(8) Cleaning compounds and sanitizing agents must be adequate for their intended use and safe under their condition of use.

(9) Cleaned and sanitized portable equipment and utensils that have contact surfaces must be stored in a location and manner that protects them from contamination.

(c) Water must be provided that is:

(1) Safe and sanitary, at suitable temperatures, and under pressure as needed, for all uses where water does not become a component of the medical cannabis, prepared medical cannabis, or medical cannabis product; and

(2) Compliant with applicable local potable water requirements and with other requirements as necessary to ensure the water does not contaminate the product, for all uses where such water may become a component of the medical cannabis, prepared medical cannabis, or medical cannabis products product, e.g. when such water contacts components, packaging components, in-process materials, medical cannabis, prepared medical cannabis, or medical cannabis products, or any contact surface.

(d) A medical cannabis business shall ensure that medical marijuana in the process of production, preparation, manufacture, packing, storage, sale, distribution, or transportation are protected from pests, dust, dirt, mold, mildew, and all other biological, chemical and physical contamination. There should be adequate screening or other protection against the entry of pests.

(e) Adequate lighting must be provided in the following areas:

(1) All areas where components, packaging components, in-process materials, medical cannabis, prepared medical cannabis and medical cannabis products are examined, manufactured, packaged, labeled or held;

(2) All areas where contact surfaces are cleaned; and

(3) Handwashing areas, dressing and locker rooms, and toilet facilities.

(f) Toxic materials must not be used or held in a medical cannabis facility in which components, packaging components, in-process materials, medical cannabis, prepared medical cannabis, medical cannabis products or contact surfaces are manufactured or exposed, unless those materials are necessary as follows:

(1) To maintain clean and sanitary conditions;

(2) For use in laboratory testing procedures, where applicable;

(3) For maintaining or operating the building or equipment; or

(4) For use in the facility's operations.

(g) Adequate pest control must be provided.

(1) Animals shall not be allowed in medical cannabis facilities except for qualified patients' service animals at dispensaries.

(2) Insecticides, fungicides, or rodenticides must not be used in or around the medical cannabis facility unless they are registered with EPA and used in accordance with the label instructions, and effective precautions are taken to protect against the contamination of components, packaging components, in-process materials, medical cannabis, prepared medical cannabis, medical cannabis products or contact surfaces.

(h) A medical cannabis business shall have written policies for calibration, maintenance, cleaning and sanitation or equipment, instruments, and utensils, and records of these activities must be kept on file.

§ 11221. Heating, Cooling, Ventilation, and Air Filtration.

Heating, ventilating, cooling, and air filtration must be installed and maintained in a medical cannabis facility as needed to ensure the quality of the medical cannabis, prepared medical cannabis, and medical cannabis products:

(a) Ventilation equipment such as filters, fans, exhausts, dust collection, and other air-blowing equipment must be provided in areas where odors, dust, and vapors (including steam and noxious fumes) may contaminate components, packaging components, in-process materials, medical cannabis, prepared medical cannabis, medical cannabis products or contact surfaces.

(b) When fans, compressed air, or other air-blowing equipment are used, such equipment must be designed,

located, and operated in a manner that minimizes the potential for microorganisms and particulate matter to contaminate components, packaging components, in-process materials, medical cannabis, prepared medical cannabis, medical cannabis products or contact surfaces.

(c) Equipment that control temperature, humidity, and/or organisms must be in good, working order, when such equipment is necessary to ensure the quality of the product.

§ 11222. Waste and Wastewater Disposal.

(a) Medical marijuana and medical marijuana-infused product waste must be stored, secured, and managed in accordance with all applicable federal and local laws, regulations, and ordinances.

(b) Liquid waste from medical cannabis businesses shall be disposed of in compliance with all federal and local laws, regulations, and rules.

(c) Disposal of chemical, dangerous or hazardous waste must be conducted in a manner consistent with federal and local laws, regulations and rules. This may include, but not limited to, the disposal of all pesticides, or other chemicals used in the cultivation process, certain solvents or other chemicals used in the production of medical marijuana concentrate or any medical marijuana soaked in a flammable solvent for purposes or producing a medical marijuana concentrate.

(d) Medical marijuana and medical marijuana-infused product waste must be made unusable and unrecognizable through grinding and incorporating the marijuana waste with non-consumable, solid wastes listed below such that the resulting mixture is at least fifty percent (50%) non-marijuana waste:

(1) Paper waste;

(2) Plastic waste;

(3) Cardboard waste;

(4) Food waste;

(5) Grease or other compostable oil waste;

(6) Bokashi, or other compost activators; or

(7) Soil.

(e) After the medical marijuana and medical marijuana-infused product waste is made unusable and unrecognizable, then the rendered waste shall be disposed of at a solid waste site.

(f) A medical cannabis business shall not dispose of medical marijuana and medical marijuana-infused product waste in an unsecured waste receptacle not in possession and control of the medical cannabis business.

(g) The plumbing in a medical cannabis facility must be of an adequate size and design and be adequately installed and maintained to:

(1) Carry sufficient amounts of water to required locations throughout the medical cannabis facility;

(2) Properly convey sewage and liquid disposal waste from the medical cannabis facility;

(3) Avoid being a source of contamination to components, packaging components, in-process materials, medical cannabis, prepared medical cannabis, medical cannabis products, water supplies, or any contact surface, or creating an unsanitary condition;

(4) Provide adequate floor drainage in all areas where floors are subject to flooding-type cleaning or where normal operations release or discharge water or other liquid waste on the floor; and

(5) Not allow backflow from, or cross connection between, piping systems that discharge wastewater or sewage and piping systems that carry water used for manufacturing cannabis-derived products, for cleaning contact surfaces, or for use in bathrooms or handwashing facilities.

§ 11223. Security.

(a) A medical cannabis business shall implement appropriate security measures to prevent the unauthorized access into areas containing cannabis and the theft and diversion of cannabis.

(b) A medical cannabis business is responsible for the security of all cannabis on licensed premises or in transit from one medical cannabis facility to another medical cannabis facility.

(c) A medical cannabis business 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 identity of all individuals and activities in the monitored areas.

(d) A medical cannabis business 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 medical cannabis facility shall be equipped with commercial grade, non-residential door locks or other functioning mechanical or electrical security devices;

(f) All exit doors from the facility must be made of steel with steel reinforcements;

(g) The medical cannabis facility shall have an alarm system that:

(1) Shall transmit a signal directly to a private security company when unauthorized entry is attempted;

(2) 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;

(3) Shall provide coverage of any room with an exterior wall, any room containing a safe, and any room used to grow or store medical cannabis;

(4) Shall be equipped with a "panic device" that upon activation will not only sound any audible alarm components, but will also notify law enforcement;

(5) Shall have "duress" and "holdup" features to enable an employee to activate a silent alarm notifying law enforcement of an emergency;

(6) Must be equipped with failure notification systems to notify cultivation facilities and law enforcement of any failure in the alarm system;

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

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

(h) All medical cannabis facilities 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 medical cannabis facility, capable of identifying any activity occurring in or adjacent to the medical cannabis facility;

(2) Video cameras having a minimum resolution to allow for the clear and certain identification of any person and activities in any area;

(3) The ability to remain operational during a power outage;

(4) Have the capability to produce a still image from the video recording, and each facility shall maintain, on site, a video printer capable of immediately producing a clear still image from any video camera image.

(5) Allows for twenty-four (24) hour, seven (7) days per week continuous video monitoring and recording of all the premises of a medical cannabis business.

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

(7) Able to archive recorded video for a minimum of thirty (30) calendar days.

(8) 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;

(9) All facilities 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.

(i) All medical cannabis facilities 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 with an exterior wall, except restrooms, any room containing a safe, and any room or area used to grow, process, manufacture, prepare, weigh, package, tag, store, distribute, transport or dispense medical cannabis, prepared medical cannabis or medical cannabis products;

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

(4) All parking areas and any alley areas immediately adjacent to the building.

(j) The video surveillance system video recording storage device shall be secured in a lockbox, cabinet or closet, or secured in another manner that limits access to protect the system from tampering or theft.

(k) Access to on-site surveillance system controls and monitoring shall be limited to authorized personnel.

(l) Medical cannabis businesses 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.

(m) Medical cannabis facilities shall identify individuals with access to surveillance system controls and monitoring upon request by the Department.

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

(o) A commercial cultivation facility shall have a surveillance or security camera in each grow room capable of identifying any activity occurring within the grow room in low light conditions.

(p) No photography or video recording is allowed inside a medical cannabis business by anyone other than an authorized medical cannabis business employee, the Department, law enforcement personnel or persons approved in writing by the Department.

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

(r) A medical cannabis business shall have policies and procedures that address the following:

(1) Restrict access to the areas that contain medical cannabis, prepared medical cannabis, or medical cannabis products;

(2) Provide for the identification of authorized individuals, i.e. employee badges;

(3) Prevent loitering;

(4) Conduct electronic monitoring; and

(5) The use of a panic button.

§ 11224. Tracking System.

(a) A licensed medical cannabis business shall acquire, operate, and maintain a secure computer software tracking system that can interface with the Department's computer software tracking system to allow the Department real time, twenty-four (24) hour access to the medical cannabis business' tracking system and inventory records. The medical cannabis business' tracking system shall capture and report all the data required by the Department's tracking system.

(b) (1) A commercial cultivation facility, commercial manufacturing facility, and a dispensary shall track electronically the inventory of medical cannabis, prepared medical cannabis and medical cannabis products through each stage of processing, from seed to point of sale, disposal, or destruction, and maintain a record of clear and unbroken chain of custody at all stages, including during transport, delivery and receipt of the inventory from one medical cannabis facility to another medical facility.

(2) The commercial cultivation business shall tag either the seed or immature plant with an individualized number which will follow the medical marijuana from seed to point of sale, disposal, or destruction to ensure that all marijuana grown, processed, sold, tested, rejected and disposed of are accounted for.

(c) A dispensary shall electronically verify all sales of medical cannabis, prepared medical cannabis and medical cannabis products to qualified patients and primary caregivers to ensure that no sales are authorized in excess of the allowable amount as defined in §11003 (a).

(d) A dispensary shall have a sales system that automatically prohibits sales in excess of the allowable limit and that cannot be overridden manually.

(e) The Department may grant practitioners access in order for such practitioner, as it will be for his patient, to enter his written certification as described herein this Chapter for his patient, (if following the accessibility of the Guam Controlled Substances surveillance database and the access to his patient's prescription drug history.

(f) In the event of a breach or failure of its tracking system, a dispensary shall suspend operations dependent on the tracking system until the tracking system is fully operable. The dispensary shall notify the Department immediately upon the breach or failure and again when it resumes operations.

(g) The medical cannabis business shall maintain an accurate and complete list of all authorized users of the inventory tracking system.

(1) The medical cannabis business shall remove users once they are no longer employed with the medical cannabis business.

(2) The medical cannabis business shall provide the Department the names of the individuals who are no longer employed at the medical cannabis business.

§ 11225. Inventory Control System for Cultivators.

(a) For each crop of marijuana cultivated:

(1) The crop number;

(2) Whether the crop originated from marijuana seeds or marijuana cuttings;

(3) The strain of the marijuana seeds or cuttings planted;

(4) The number of marijuana seeds or cuttings planted;

(5) The date the marijuana seeds or cuttings were planted;

(6) The number of plants grown to maturity;

(7) Date of harvest;

(8) Total weight of harvest, including the following:

(A) Final processed usable marijuana yield weight; and

(B) Final non-usable marijuana yield weight;

(9) Name and registry identification card number of the cultivation agent responsible for the harvest; and

(10) The disposal of medical cannabis that is not usable including the:

(A) Description of (i.e. total amount and weight of disposed marijuana) and the reason for the marijuana being disposed of including, if applicable, the number of failed or other unusable plants;

(B) Date of disposal;

(C) Method of disposal pursuant to federal and local laws; and

(D) Name and registry identification card number of the cultivation agent responsible for the disposal.

(b) When a cannabis plant reaches twelve (12) inches in height or is transplanted from a cloning medium or apparatus into a growth medium or apparatus intended for the vegetative or flowering stages of growth cycle, whichever occurs sooner, the cultivation agent shall securely attach a tag to the plant or the plant's container that includes, at a minimum, the following information:

(1) Name and commercial cultivation license number of the commercial cultivation business;

(2) General information regarding the plant that is used for traceability.

(c) Prior to commencing business, the cultivation agent shall do the following:

(1) Conduct an initial comprehensive inventory of all medical cannabis in the commercial cultivation facility; and

(2) Establish ongoing inventory controls and procedures for the conduct of inventory reviews and comprehensive inventories of medical cannabis for traceability in the Department's inventory tracking system, which shall enable the cultivation agent to detect any diversion, theft, or loss in a timely manner.

(d) Upon permitting, the cultivation agent shall prepare a weekly inventory of medical cannabis at the commercial

cultivation facility, which shall include, at a minimum, the following:

(1) The date of the inventory;

(2) The amount of medical cannabis on hand, which shall include the following:

(A) The total count of plants, whether in the flowering, vegetative, or clone phase of growth and organized by room in which the plants are being grown;

(B) The weight, strain name, and batch number associated with each batch at the commercial cultivation facility that has been quarantined for testing or ready for sale to a manufacturer or dispensary; and

(C) The total number of plants and every unique plant identifier that have been harvested, but are not yet associated with a batch.

(3) The amount of medical cannabis sold since previous weekly inventory, which shall include the following:

(A) The date of sale;

(B) The medical cannabis license number and name of the commercial manufacturing business or dispensary to which the medical cannabis was sold;

(C) The name and registry identification card number of the cultivation agent who sold the medical cannabis;

(D) The name and registry identification card number of the manufacturing agent or dispensary agent that bought and/or received the medical cannabis;

(E) The batch number, ~~registered~~ product name and quantity of medical cannabis sold.

(4) The date, quantity, and method of disposal of medical cannabis, if applicable;

(5) A summary of the inventory findings; and

(6) The name, signature, and title of the cultivation agents who conducted the inventory and oversaw the inventory.

(e) At least once every thirty (30) days, a responsible official of the commercial cultivation business shall conduct a physical, manual inventory audit of the medical cannabis on hand at the commercial cultivation facility and compare the findings to a monthly inventory report generated using the inventory tracking system. If any discrepancies are discovered outside of the loss standard to the industry due to moisture loss and handling, the responsible official shall determine where the loss has occurred, take and document corrective action and report the discrepancies to the Department and the Guam Police Department.

(f) If the discrepancies are due to suspected criminal activity by a cultivation agent or employee, the commercial cultivation business shall report the dispensary agent or employee to the Department and to local law enforcement officials.

(g) If the discrepancies are due to suspected theft, loss by disaster, or other emergency situation beyond the control of the commercial cultivation business, the commercial cultivation business shall report the discrepancies to the Department and Guam Police Department.

(h) All inventories, procedures and other documents required by this rule shall be maintained on the premises of the commercial cultivation business and made available to the Department at all times.

(i) The commercial cultivation business is authorized to store medical cannabis inventory on its premises in a designated, enclosed, locked facility identified in the commercial cultivation business' plans and specifications submitted to the Department and accessible only by authorized individuals. Nothing shall prohibit members of the Department, law enforcement or other government officials from entering any area of a commercial cultivation facility to perform their governmental duties.

(j) The commercial cultivation business shall maintain all documentation at the commercial cultivation facility for five (5) years from the date on the document.

(k) The commercial cultivation business shall provide the required documentation to the Department for review upon request.

§ 11226. Inventory Control System for Manufacturers.

(a) A commercial manufacturing business shall only acquire medical cannabis from a licensed medical cannabis business licensed by the Department on Guam.

(b) Prior to commencing business, the manufacturing agent shall do the following:

(1) Conduct an initial comprehensive inventory of all medical cannabis, prepared medical cannabis and medical cannabis products in the commercial manufacturing facility. If the commercial manufacturing business commences business with no medical cannabis, prepared medical cannabis or medical cannabis products on hand, the manufacturing agent shall record this fact as the initial inventory; and

(2) Establish ongoing inventory controls and procedures for the conduct of inventory reviews and comprehensive inventories of medical cannabis, prepared medical cannabis and medical cannabis products for traceability in the Department's inventory tracking system, which shall enable the manufacturing agent to detect any diversion, theft, or loss in a timely manner.

(c) Upon commencing business, the manufacturing agent shall prepare a weekly inventory of medical cannabis, prepared medical cannabis, and medical cannabis products at the commercial manufacturing facility which shall include, at a minimum, the following:

(1) The date of the inventory;

(2) The total number of medical cannabis, prepared medical cannabis and medical cannabis products;

(3) The amount, strain name, lot number and batch number of the medical cannabis;

(4) The amount, weight and description of the prepared medical cannabis and medical cannabis products; and

(5) The name and medical cannabis license number of the business providing the medical cannabis;

(d) A manufacturing agent shall document each day's beginning inventory, acquisitions, sales, disposal of non-conforming medical cannabis, prepared medical cannabis and medical cannabis products, and ending inventory at the close of business of that day.

(1) For medical cannabis acquired from a commercial cultivation facility:

(A) A description of the medical cannabis including the amount, strain name, lot number and batch number;

(B) The name and medical cannabis license number of the commercial cultivation business providing the medical cannabis;

(C) The name and registry identification card number of the cultivation agent delivering the medical cannabis on behalf of the commercial cultivation business;

(D) The name and registry identification card number of the manufacturing receiving the medical cannabis on behalf of the commercial cultivation business; and

(E) The date of the acquisition;

(2) For prepared medical cannabis and medical cannabis products:

(A) The commercial manufacturing business must prepare a manufacturing batch record for each

batch of prepared medical cannabis and medical cannabis products manufactured.

(B) Each batch must be assigned a batch or lot number which allows the lot to be traced backward to the cultivator, the date received, and the name of the component; and forward to the prepared medical cannabis and medical cannabis product batches manufactured or distributed using the lot. This number must be used in recording the disposition of each batch.

(C) The manufacturing batch record must include, as applicable to the process:

(i) Identity of the prepared medical cannabis and medical cannabis product;

(ii) The batch or lot number of each component used in the batch;

(iii) Actual weight or measure of each batch or lot of component used in the batch, including the weight of measure;

(iv) Date batch manufactured;

(v) Records of any cannabis waste generated during the production of the batch;

(vi) Records of the date, time where applicable, quantity, and person responsible for any sample removed during or after production;

(vii) Copy of certificate of analysis from the medical cannabis testing laboratory as proof that the batch was tested;

(viii) Documentation that the prepared medical cannabis and medical cannabis product meet the specifications for identity purity, strength, and composition;

(ix) Names and registry identification card numbers of the manufacturing agents involved in the production of the batch;

(3) A summary of the inventory findings; and

(4) The name, signature, and title of the manufacturing agents who conducted the inventory and oversaw the inventory.

(d) At least once every thirty (30) days, a responsible official of the commercial manufacturing business shall conduct a physical, manual inventory audit of the medical cannabis, prepared medical cannabis and medical cannabis products on hand at the commercial manufacturing business and compare the findings to a monthly inventory report generated using the inventory tracking system.

(e) If the audit identifies discrepancies in the amount of medical cannabis, prepared medical cannabis or medical cannabis products in the commercial manufacturing business' inventory not due to documented causes, the commercial manufacturing business shall determine where the loss has occurred, take and document corrective action and report the discrepancies to the Department and to local law enforcement officials.

(f) If the discrepancies are due to suspected criminal activity by a manufacturing agent or employee, the commercial manufacturing business shall report the dispensary agent or employee to the Department and to the Guam Police Department.

(g) If the discrepancies are due to suspected theft, loss by disaster, or other emergency situation beyond the control of the commercial manufacturing business, the commercial manufacturing business shall report the discrepancies to the Department and to the Guam Police Department.

(h) All inventories, procedures and other documents required by this rule shall be maintained on the premises of the commercial manufacturing business and made available to the Department at all times.

(i) The commercial manufacturing business is authorized to store medical cannabis inventory on the its premises in a designated, enclosed, locked facility identified in the commercial manufacturing business' plans and specifications submitted to the Department and accessible only by authorized individuals. Nothing shall prohibit members of the Department, law enforcement or other government officials from entering any area of a commercial manufacturing business to perform their governmental duties.

(j) The commercial manufacturing business shall maintain all documentation at the commercial manufacturing facility for five (5) years from the date on the document.

(k) The commercial manufacturing business shall provide the required documentation to the Department for review upon request.

§ 11227. Inventory Control System for Dispensaries.

(a) A dispensary shall only acquire medical cannabis, prepared medical cannabis and medical cannabis products from a commercial cultivation business or commercial manufacturing business licensed by the Department on Guam.

(b) Prior to commencing business, the dispensary agent shall do the following:

(1) Conduct an initial comprehensive inventory of all medical cannabis, prepared medical cannabis and medical cannabis products in the dispensary. If the dispensary commences business with no medical cannabis, prepared medical cannabis or medical cannabis products on hand, the dispensary agent shall record this fact as the initial inventory; and

(2) Establish ongoing inventory controls and procedures for the conduct of inventory reviews and comprehensive inventories of medical cannabis, prepared medical cannabis and medical cannabis products for traceability in the Department's inventory tracking system, which shall enable the dispensary agent to detect any diversion, theft, or loss in a timely manner.

(c) Upon commencing business, the dispensary agent shall prepare a weekly inventory of medical cannabis, prepared medical cannabis, and medical cannabis products at the dispensary which shall include, at a minimum, the following:

(1) The date of the inventory;

(2) The total number of medical cannabis, prepared medical cannabis and medical cannabis products;

(3) The amount, strain and batch number of the medical cannabis;

(4) The amount, weight and description of the prepared medical cannabis and medical cannabis products; and

(5) The name and medical cannabis license number of the medical cannabis business providing the medical cannabis, prepared medical cannabis and medical cannabis products.

(d) A dispensary agent shall document each day's beginning inventory, acquisitions, sales, disposal of non-conforming medical cannabis, prepared medical cannabis and medical cannabis products, and ending inventory;

(1) For acquiring medical cannabis from a licensed medical cannabis business:

(A) A description of the medical cannabis including the amount, strain and batch number;

(B) The name and medical cannabis license number of the licensed medical cannabis business providing the medical cannabis;

(C) The name and registry identification card number of the dispensary agent receiving the medical cannabis on behalf of the dispensary; and

(D) The date of the acquisition;

(2) For receiving prepared medical cannabis or medical cannabis products from licensed medical cannabis business:

(A) The name and medical cannabis license number of the licensed medical cannabis business providing the prepared medical cannabis or medical cannabis products;

(B) The product name and description of the prepared medical cannabis or medical cannabis product including total weight of the prepared medical cannabis or medical cannabis product;

(C) Total estimated amount, strain, and batch number of the medical cannabis infused in the prepared medical cannabis or medical cannabis product;

(D) The name and registry identification card number of the agent providing the prepared medical cannabis or medical cannabis product;

(E) The name and registry identification card number of the dispensary agent receiving the prepared medical cannabis or medical cannabis product on behalf of the dispensary;

(F) The date the prepared medical cannabis or medical cannabis products were manufactured;

(G) The "use by" or expiration date of the prepared medical cannabis or medical cannabis product; and

(H) The date the prepared medical cannabis or medical cannabis products were provided to the dispensary.

(3) A summary of the inventory findings; and

(4) The name, signature, and title of the cultivation agents who conducted the inventory and oversaw the inventory.

(d) At least once every thirty (30) days, a responsible official of the dispensary shall conduct a physical, manual inventory audit of the medical cannabis, prepared medical cannabis and medical cannabis products on hand at the

dispensary and compare the findings to a monthly inventory report generated using the inventory tracking system.

(e) If the audit identifies discrepancies in the amount of medical cannabis, prepared medical cannabis or medical cannabis products in the dispensary's inventory not due to documented causes, the dispensary shall determine where the loss has occurred, take and document corrective action and report the discrepancies to the Department and to local law enforcement officials.

(f) If the discrepancies are due to suspected criminal activity by a dispensary agent or employee, the dispensary shall report the dispensary agent or employee to the Department and to the Guam Police Department.

(g) If the discrepancies are due to suspected theft, loss by disaster, or other emergency situation beyond the control of the dispensary, the dispensary shall report the discrepancies to the Department and to the Guam Police Department.

(h) All inventories, procedures and other documents required by this rule shall be maintained on the premises of the dispensary and made available to the Department at all times.

(i) The dispensary is authorized to store medical cannabis inventory on the its premises in a designated, enclosed, locked facility identified in the dispensary's plans and specifications submitted to the Department and accessible only by authorized individuals. Nothing shall prohibit members of the Department, law enforcement or other government officials from entering any area of a dispensary to perform their governmental duties.

(j) The dispensary shall maintain all documentation at the commercial cultivation facility for five (5) years from the date on the document.

(k) The dispensary shall provide the required documentation to the Department for review upon request.

§ 11228. Signage, Labeling and Packaging.

(a) A dispensary shall not post any signage displaying lewd images or words, and shall follow the signage statutes applicable within the territory.

(b) Labels and packages of prepared medical cannabis and medical cannabis products shall meet the following requirements:

(1) The requirements pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25, §122515.

(2) Packages are child resistant in accordance with Title C.F.R. 1700 of the Poison Prevention Packaging Act.

(3) Protects the product from contamination and does not impart any toxic or harmful substance to the prepared medical cannabis and medical cannabis product.;

(4) Each package shall be labeled in accordance with Title 10 GCA, Chapter 40, § 40120, relative to Labeling Requirements. Using only black lettering in no less than eight (8) point font, regardless of individual package size, on a white background with no pictures or graphics and shall include:

(A) a list of active ingredients including, but not limited to, delta-9-tetrhydrocannabinol (THC) and cannabidiol (CBD) in percentage, the THC and CBD 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;

(B) The dispensary's business license number;

(C) The lot or batch number of the medical cannabis;

(D) Date of packaging;

(E) Date of harvest or manufacture;

(F) "Use by date";

(i) The medical cannabis business shall consider factors including the length of time and

the temperature at which a medical cannabis product is held during distribution and offered for sale, the characteristics of the medical cannabis, and the type of packaging. These will affect how long a product will be optimum quality.

(ii) Manufacturers and dispensaries will consider these factors when determining the date for which the product will be of best quality.

(G) Instructions for use; and

(H) Name of medical cannabis testing laboratory that performed testing.

(5) The label must be placed in a conspicuous area on the product's packaging stating the CBD and THC levels in percentage or milligrams, as applicable, and a statement that the cannabis product has been tested for potency and safety and has met the acceptable standards in § 11217 (f).

§ 11229. Chain of Custody Form.

All sales and transfers of medical cannabis, prepared medical cannabis and medical cannabis products from licensed medical cannabis business to licensed shall be tracked on a Chain of Custody form with the required elements pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122519.

§ 11230. Transport of Cannabis.

(a) Medical cannabis, prepared medical cannabis and medical cannabis products shall only be transported by

(1) a designated courier of a licensed medical cannabis business with a valid registry identification card,

(2) a qualified patient with a valid written certification, or

(3) a qualified patient's primary caregiver or legal guardian who possesses a valid registry identification card from the Department.

(b) The designated courier authorized by the licensed medical cannabis business shall:

(1) Be trained and knowledgeable on transportation protocols;

(2) Be registered with the Department;

(3) Use a vehicle that does not bear any markings to indicate that the vehicle contains medical cannabis or bears the name or logo of the medical cannabis business to transport the medical cannabis, prepared medical cannabis and medical cannabis products.

(4) Ensure that the medical cannabis, prepared medical cannabis and medical cannabis products are not visible or recognizable from outside the vehicle.

(5) Ensure that the medical cannabis, prepared medical cannabis and medical cannabis products are stored in air-tight, tamper proof packaging to maintain their quality and safety.

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

(c) The medical cannabis business shall staff all transport motor vehicles with a minimum of two (2) employees. At least one (1) employee must remain with the motor vehicle at all times that the motor vehicle contains medical cannabis, prepared medical cannabis or medical cannabis products;

(d) Each time medical cannabis, prepared medical cannabis and medical cannabis products are transported, the licensed medical cannabis business shall prepare a chain of custody form prescribed by the Department that lists the elements required by the Department's tracking system.

(e) The designated courier shall only transport medical cannabis, prepared medical cannabis and medical cannabis products that are listed on the chain of custody form.

(f) The designated courier shall provide a copy of the chain of custody form to law enforcement if requested to do so while in transit.

(g) For transport between one medical cannabis facility to another medical cannabis facility, a transport container shall be packed, secured, loaded, unloaded, and unpacked, in full view of security surveillance cameras. Violation may result in revocation of Permit to Operate.

(h) The medical cannabis business that is receiving the medical cannabis, prepared medical cannabis or medical cannabis product shall verify by affixing a signature that the medical cannabis, prepared medical cannabis or medical cannabis product are received as listed on the chain of custody form.

(i) Upon receipt of the medical cannabis, prepared medical cannabis and medical cannabis products, the licensed medical cannabis business shall immediately report to the Department any discrepancies between what is received and what is on the chain of custody form.

(j) The designated couriers transporting the medical cannabis, prepared medical cannabis and medical cannabis products shall not stop at a location not listed on the chain of custody form.

(k) A licensed medical cannabis business shall transport the medical cannabis, prepared medical cannabis and medical cannabis products using routes that reduce the possibility of theft or diversion.

(l) Under no circumstance shall any person other than a designated courier have actual physical control of the motor vehicle that is transporting the medical cannabis, prepared medical cannabis or medical cannabis product.

(m) The medical cannabis business shall ensure that a vehicle containing medical cannabis, prepared medical cannabis or medical cannabis products is never left unattended.

(n) The designated courier shall have access to a secure form of communication with the medical cannabis business and

the ability to contact law enforcement through 911 emergency systems at all times that the motor vehicle contains the medical cannabis, prepared medical cannabis or medical cannabis product.

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

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

§ 11231. Loss of Cannabis.

Any loss of medical cannabis, prepared medical cannabis or medical cannabis product over one (1) ounce due to theft or natural disaster 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 medical cannabis, prepared medical cannabis or medical cannabis product. The report shall include the amount of cannabis in weight that was lost.

§ 11232. Inspections.

(a) Authorized members of the Department, 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 may conduct inspections as needed during business hours to ensure that the medical cannabis business is complying with local laws.

(b) The Department shall give a medical cannabis business twenty-four (24) hour notice of inspections.

(c) A licensed medical cannabis business shall give the Department unrestricted access to all premises of the medical cannabis business, equipment, records, documents, and any other substance, material or information relevant to ensure the licensed medical cannabis business' compliance with these rules and regulations.

(d) The medical cannabis business shall, upon request, immediately make available for inspection by the Department all papers, documents, books and records used in the business operations.

(e) A licensed medical cannabis business shall not refuse to allow inspection at any of its facilities, and its employees and personnel shall not delay or interfere with any inspection. Violation of this regulation may result in the revocation of the licensed medical cannabis business' Permit to Operate.

(f) Upon completion of the inspection, the Department shall provide written notice within two (2) business days to the licensed medical cannabis business of its findings.

(g) If deficiencies in operational standards are discovered, the Department shall suspend the licensed medial cannabis business' Permit to Operate.

(h) The medical cannabis business shall be given ten (10) business days to correct the deficiencies.

(i) The medical cannabis business may submit a written request for reasonable extension to correct deficiencies if the medical cannabis business can show that the corrections cannot be made within ten (10) business days. The Department shall review and grant or deny the written request for extension within three (3) business days.

(j) Failure to correct the deficiencies in the allotted time will result in a written notice of closure, and the revocation of the Permit to Operate.

§ 11233. Destruction and Disposal of Cannabis.

(a) All laboratory tested cannabis determined to be unusable or contaminated according to the minimum laboratory testing requirements set by these rules and regulations in § 11217 (e) must be destroyed and/or disposed in accordance with Guam law within twenty-four (24) hours of determination and reported to the Department 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 medical cannabis, prepared medical cannabis, and medical 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 medical cannabis, prepared medical cannabis, and medical cannabis products do not become available to unauthorized persons and is documented as subtracted from inventory;

(c) A medical cannabis business shall establish written policies and procedures to be followed by all of its employees for the disposal or destruction of medical cannabis, prepared medical cannabis, and medical cannabis products.

(d) The disposal or destruction of the medical cannabis, prepared medical cannabis, and medical 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 medical marijuana unusable and unrecognizable.

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

(1) Post-harvest marijuana waste materials must be identified, weighed and tracked while on the licensed premises until disposed of in a manner as outlined above. Marijuana waste must be weighed and inventoried before leaving any marijuana 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 medical marijuana.

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

(g) The medical cannabis business shall submit a video recording of the destruction and disposal of the medical cannabis, prepared medical cannabis, or medical cannabis product, and attach the recording with 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, § 12521.

§ 11234. Amending the Information on the Medical Cannabis License or Permit to Operate.

(a) The responsible official of a medical cannabis business shall notify the Department in writing of any changes to the information that was in the application for a medical cannabis license or Permit to Operate within ten (10) business days of the change:

(1) Change of responsible official;

(2) Change in the responsible official's information;

(3) Change in location;

(4) Change in ownership or board members;

(5) Change in the type of medical cannabis business;

(6) Change in the size of a cultivation site; and

(7) Structural changes to the facility;

(b) The medical cannabis business shall notify the Department in writing at least ten (10) business days in advance of a change that may affect the medical cannabis business' qualification for a medical cannabis license or Permit to Operate. If the medical cannabis business did not have prior notice, the medical cannabis business shall notify the Department in writing immediately upon learning of the change.

(c) Changes in the following shall require the medical cannabis business to submit an application for a new medical cannabis license and Permit to Operate as described in § 11210 and § 11212 respectively.

(1) Change in the location of the medical cannabis business;

(2) Change in the type of medical cannabis business; and

(3) Change in the size of the cultivation site.

(d) Changes in the legal name of the medical cannabis business shall require the responsible official to submit in person a copy of the medical cannabis business license with the new legal name and business privilege tax number from the Department of Revenue and Taxation.

(e) Changes in the owners, responsible officials or board members of the medical cannabis business, if adding a new owner, responsible official or board member, the new owner, responsible official or board member shall submit the following:

(1) Proof of Guam residency, as defined in §11003 (jj), to meet the requirement in § 11209 (a);

(2) A verification of identity as defined in §11003 (mmm); and

(3) Police, court and Attorney General clearances;

(A) Individuals who are found to have the following will be disqualified as an applicant or licensee:

(i) A felony conviction;

(ii) A conviction related to use, possession, or distribution of drugs or intoxicating compounds;

(iii) A conviction for a crime involving violence;

(iv) A conviction for a crime involving a firearm;

(v) A conviction for a crime involving theft, or business or commercial fraud; or

(vi) Any other background history that the Department finds would pose a risk to the health, safety, or welfare of the public or a qualified patient, considering the nature of the offense, the time elapsed since the offense occurred, and evidence of rehabilitation.

(4) A certified statement from the proposed owner, responsible official or board member of the medical cannabis business that he has never been an owner, responsible official or board member of a licensed medical cannabis business that has had its license revoked within three (3) years of the current application date and is at least 21 years old.

(f) Changes in the responsible official's name, the responsible official shall submit 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;

(g) For changes in the responsible official's home or mailing addresses, the responsible official shall submit:

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

(2) A copy of a Guam rental agreement, lease or mortgage with applicant's name and new address; or

(3) A copy of Guam utility bills (power, water, or trash) with applicant's name and new address;

(4) The effective date of the new home and/or mailing address;

(h) Pay the appropriate fee in §11004 for an amended medical cannabis license or Permit to Operate.

(i) The Department shall approve or deny the changes within fourteen (14) business days.

(j) The Department shall issue an amended medical cannabis license and Permit to Operate with the changes on them within five (5) business days of approval. The expiration date of the amended medical cannabis license and amended Permit to Operate will be the same as the original medical cannabis license and Permit to Operate.

§ 11235. Expiration and Renewal of Medical Cannabis License and Permit to Operate.

(a) All medical cannabis licenses and Permit to Operate are valid for one (1) year from the issue date for all medical cannabis businesses. (10 GCA § 122517)

(b) The responsible official of a commercial cultivation facility, commercial manufacturing facility, dispensary, or a medical cannabis testing laboratory shall submit in person an application to renew an existing medical cannabis license or Permit to Operate in a form prescribed by the Department, with the following:

(1) All the required declarations and documents in § 11210;

(2) Copy of current medical cannabis license;

(3) Copy of current Permit to Operate; and

(4) The appropriate application fees in § 11004.

(c) All applications for renewals of medical cannabis licenses and Permit to Operate must be submitted in person to the Department sixty (60) calendar days prior to the expiration date of the current medical cannabis license.

(d) The Department shall provide a written notice to the medical cannabis business to renew or reapply within seven (7) calendar days of the sixtieth (60th) day.

(e) Failure of the responsible official of the medical cannabis business to submit in person an application to renew the medical cannabis license, as described in § 11210, or the Permit

to Operate, as described in § 11212, sixty (60) days prior to the expiration date of the current medical cannabis license or the Permit to Operate, will result in the forfeiture of the medical cannabis business' medical cannabis, prepared medical cannabis, and medical cannabis products.

(f) The licensed medical cannabis business shall be given at least a twenty-four (24) hour notice via email or mail by the Department of the expiration of the medical cannabis license or Permit to Operate.

(g) On the day the medical cannabis license or Permit to Operate expires, the Department is authorized to seize all forfeited medical cannabis, prepared medical cannabis, and medical cannabis products.

(h) The medical cannabis business may destroy all forfeited medical cannabis, prepared medical cannabis, and medical cannabis products prior to the expiration date of the medical cannabis license or Permit to Operate. The medical cannabis business must provide the required documentation of the destruction and disposal of the forfeited medical cannabis, prepared medical cannabis, and medical cannabis products pursuant to § 11233 of these rules and regulations.

§ 11236. Suspension of Permit to Operate and Revocation of a Medical Cannabis License.

(a) The Department may suspend the Permit to Operate or revoke the medical cannabis license of any licensed medical cannabis business that violates any provision of these rules and regulations within twenty-four (24) hour notice of the following, but not limited to:

(1) Operating the medical cannabis facility before obtaining a Permit to Operate;

(2) Acquiring or transferring medical cannabis, prepared medical cannabis or medical cannabis products from or to an unlicensed medical cannabis business;

(3) Dispensing or selling medical cannabis, prepared medical cannabis or medical cannabis products to a qualified patient or primary caregiver without a valid

written certification, registration or registry identification card;

(4) Submission of misleading, incorrect, false or fraudulent information;

(5) Failure to allow inspections by the Department;

(6) Failure to pass inspections by the Department;

(7) A responsible official who has entered a plea of guilty to, a plea of nolo contendere, been found guilty of, or been convicted of a felony offense as defined in these rules and regulations.

(8) For a medical cannabis testing laboratory:

(A) Failure to maintain its current accreditation or certification;

(B) Knowingly permitting unauthorized persons to perform technical procedures, issue, or sign reports;

(C) Consistent errors in performance of laboratory procedures, based on faulty technique or controls;

(b) The Department shall provide a written notification to the licensed medical cannabis business within seven (7) business days of suspension that includes:

(1) The specific reason(s) for the suspension of the Permit to Operate; and

(2) The right to appeal the decision to suspend the Permit to Operate to the Director within ten (10) business days upon receipt of the written notification. The Director will have the final say to repeal or confirm the suspension of the Permit to Operate.

(c) The licensed medical cannabis business shall be given no more than thirty (30) calendar days to be in compliance.

(d) Failure to comply within the prescribed time frame will result in the revocation of the medical cannabis license of the medical cannabis business and forfeiture of all medical cannabis,

prepared medical cannabis, and medical cannabis products in its premises.

(e) Upon suspension of the Permit to Operate or revocation of the medical cannabis license, the medical cannabis business shall immediately cease operations.

(f) The Department is authorized to seize and destroy all forfeited medical cannabis, prepared medical cannabis, and medical cannabis products in accordance with § 11233 of these rules and regulations.

(g) After all the medical cannabis, prepared medical cannabis, and medical cannabis products has been seized, the Department shall revoke the medical cannabis license.

§ 11237. Surrender of a Medical Cannabis License.

(a) Upon revocation of its certification, the medical cannabis testing laboratory shall:

(1) Surrender its accreditation or certification to the Department;

(2) No longer accept or test medical cannabis, prepared medical cannabis or medical cannabis products; and

(3) No longer be qualified to test or analyze medical cannabis, prepared medical cannabis or medical cannabis products.

(b) A medical cannabis business may voluntarily surrender a license to the Department at any time. A medical cannabis business shall:

(1) Return the medical cannabis license to the Department;

(2) Submit a written notice ten (10) business days prior to the surrender of the medical cannabis license to the Department which includes:

(A) The reason for surrendering the license;

(B) The name and contact number of a responsible official;

(C) The name of the person(s) who are responsible for the close of the business; and

(D) The location where business records will be retained.

(3) Destroy all medical cannabis, prepared medical cannabis, and medical cannabis product in its possession in accordance with § 11233 of these rules and regulations or forfeit them to the Department, who will then be responsible for destroying the medical cannabis, prepared medical cannabis, and medical cannabis product.

(4) Not be refunded on any portion of the license fee if the medical cannabis license is surrendered prior to the expiration of the medical cannabis license.

§ 11238. Employee Records.

(a) A medical cannabis business shall establish and maintain written policies and procedures governing the qualifications, recruitment, hiring and training of employees and subcontractors.

(b) No person under twenty-one (21) years of age shall be employed by a medical cannabis business.

(c) A licensed medical cannabis business shall maintain all employee records, including the specific employee training provided and hours worked.

(d) Responsible officials and designated couriers need to possess registry identification cards issued by the Department to handle or transport medical cannabis, prepared medical cannabis and medical cannabis products. Registry identification cards are optional for all other employees of a medical cannabis business.

(e) Employees and subcontractors of a medical cannabis business shall wear an identification badge issued by the medical cannabis business with the photograph and name of the wearer in a visible location at all times when on the premises of a medical cannabis facility.

(f) A licensed medical cannabis business shall provide training upon hire and annually to each employee. The training shall include, but not be limited to the following:

(1) Health, safety, and sanitation standards in accordance with these rules and regulations.

(A) If the medical cannabis is a food, drink, or cosmetic product, the employee is required to obtain a Health Certificate from the Department.

(B) If the business sells medical cannabis in the form of food, drink or cosmetic product, it will require a Sanitary Permit from the Department.

(2) Security pursuant to these rules and regulations.

(3) Prohibitions and enforcement pursuant to these rules and regulations.

(4) Confidentiality pursuant to these rules and regulations.

(5) All other provisions of these rules and regulations that apply to that person's scope of employment.

(g) A licensed medical cannabis business shall provide the names of all employees to the Department within ten (10) business days of issuance of Permit to Operate and thereafter, within ten (10) business days of hire.

(h) A medical cannabis business shall have available on the medical cannabis facility premises, a time clock or other adequate method to record the month, day, year, and time that each employee arrives at and leaves the facility.

(i) Time record entries shall be made at the time an employee reports for duty and again when the employee goes off duty and at any time the employee leaves and returns to the premises for any reason.

ARTICLE 3
ADMINISTRATIVE REQUIREMENTS

§ 11301. Criminal and Civil Penalties for the Medical Use of Cannabis.

(a) Qualified patients, primary caregivers, licensed possessors, practitioners and authorized employees of a medical cannabis business or the Department are exempted from criminal or civil penalties for possessing, acquiring, handling, selling, dispensing, distributing, storing, transporting, or testing medical cannabis, prepared medical cannabis and medical cannabis products pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122504.

(b) Qualified patients, primary caregivers, licensed possessors and authorized employees of a medical cannabis business or the Department are subject to criminal or civil penalties for possessing, acquiring, handling, selling, dispensing, distributing, storing, transporting, or testing medical cannabis, prepared medical cannabis and medical cannabis products pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122505.

§ 11302. Confidential Database.

(a) The Department shall create and maintain a confidential database that will include:

(1) An electronic system that will track licenses granted to commercial cultivation businesses, commercial

manufacturing businesses, dispensaries and medical cannabis testing laboratories.

(2) A tracking system that includes the names and addresses of qualified patients and the primary caregivers; and

(3) A tracking system that includes the names and addresses of the persons who have either applied for or received a registry identification card.

(b) The confidential database shall not include the medical records or medical condition of the qualified patient.

(c) Medical conditions of qualified patients shall not be requested or required by the Department; except that licensed practitioners shall be invited and provided access to use the tracking system to input certifications and to track - upon written waiver of patient privacy by such patient - all such prescriptions and medical history that will help the qualified patient's physician to determine whether recommendation of medical cannabis is safe and less risky a therapy option than other medical options.

(d) The Department shall provide medical cannabis dispensaries with the means to electronically verify the valid status and expiration date of a qualified patient's written certification or primary caregiver's registration via the confidential database to ensure that a person is lawfully in possession of a valid written certification or registration according to the following guidelines:

(1) This information will be provided by the Department on an as needed basis.

(2) At no time will a dispensary be given access to the confidential database in its entirety.

(3) All qualified patients will be verified by dispensaries via the confidential database before provision of services.

(e) Records maintained by the Department that identify qualified patients, primary caregivers, and qualified patient's

practitioners are confidential and shall not be subject to disclosure, except:

(1) To authorized employees or agents of the Department as necessary to perform the duties of the Department pursuant to the provisions of these rules and regulations;

(2) To authorized employees of state or local law enforcement agencies but only for the purpose of verifying that a person is in legal possession of a registry identification card and is lawfully participating in Guam's medical cannabis program.

(3) Pursuant to a court order or subpoena issued by a court;

(4) As provided in the federal Health Insurance Portability and Accountability Act of 1996, codified at 42 U.S.C.§1320d et seq.;

(5) With the written permission of the qualified patient or the minor qualified patient's patient, legal guardian, or custodian;

(6) To a law enforcement official for verification purposes. The records may not be disclosed further than necessary to verify a qualified patient's participation in the medical cannabis;

(7) To a qualified patient's treating practitioner and to a qualified patient's primary caregiver for the purpose of carrying out these rules and regulations. No person aside from the qualified patient’s doctor may access such patient’s medical records or medical condition, if such patient has at all elected for his doctor to upload such information to the database; and

(8) Medical conditions of qualified patients shall not be requested or required by the Department.

§ 11303. Record Keeping.

(a) A medical cannabis business shall keep all required business operation records confidential.

(b) A medical cannabis business shall retain all required business operation records for a minimum of five (5) years.

(c) A medical cannabis business shall be responsible for keeping and maintaining all records that reflect financial transactions and the financial condition of the business.

(1) Purchase invoices, bills of lading, manifests, sales records, copies of bills of sale and any supporting documents, including the items and/or services purchased, from whom the items were purchased, and the date of purchase;

(2) Inventory tracking records (e.g. chain of custody forms) of medical cannabis, prepared medical cannabis, and medical cannabis products including:

(A) Amounts by category of medical cannabis, prepared medical cannabis and medical cannabis products produced;

(B) Amounts by category of medical cannabis, prepared medical cannabis and medical cannabis products sold;

(C) List of all medical cannabis, prepared medical cannabis and medical cannabis products and unusable cannabis materials that have been destroyed or will be destroyed; and

(D) Laboratory results of all tests conducted.

(3) Logs of individuals entering and exiting facilities;

(4) Description of any breach or halt in its security system and tracking system;

(5) Employee records including training and education;

(6) Records of any theft, loss or other unaccountability of any medical marijuana seedlings, plants, trim or other plant material, extracts, products or other items containing medical marijuana.

(d) Security video recordings shall be retained for a minimum of one (1) year.

(e) The medical cannabis business shall conduct a complete system data backup a minimum of once a month.

(f) The medical cannabis business shall have a written contingency plan in the event of a system failure or other event resulting in the loss of system data. The plan shall address backup and recovery procedures and shall be sufficiently detailed to ensure the timely restoration or data in order to resume operations after a hardware or software failure or other event that results in the loss of data.

(g) Upon fourteen (14) business days written notice, the Department may request access to a licensed medical cannabis business for inspection and copying at the medical cannabis business' expense.

(h) Upon cessation of business operations, all required business operation records shall be submitted in an electronic format to the Department on a portable device.

(i) Failure to comply with these regulations may result in the suspension of the medical cannabis license of the medical cannabis business.

§ 11304. Compassionate Cannabis Use Fund.

All fees, reimbursements, assessments, fines and other funds generated by the Medical Marijuana Program will be deposited into the Compassionate Cannabis Use Fund, a non-lapsing revolving fund administered by the Department. The funds will be used to purchase equipment and pay for operational costs associated with implementing the Medical Marijuana Program.

§ 11305. Annual Report.

An annual report will be submitted to *I Liheslaturan Guåhan* and *I Maga'låhen Guåhan* at the end of each fiscal year pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122523 (b).

§ 11306. Voluntary and Mandatory Recalls.

The medical cannabis business shall have written procedures describing the handling of voluntary and mandatory recalls of medical cannabis, prepared medical cannabis and medical cannabis products.

(a) A dispensary shall notify the Department and the cultivator or manufacturer immediately upon becoming aware of any complaint made to the dispensary by a qualified patient, primary caregiver, or practitioner who reports an adverse event from using medical cannabis, prepared medical cannabis or medical cannabis product purchased by the dispensary from a cultivator or manufacturer.

(b) The cultivator or manufacturer shall investigate a complaint to determine if a voluntary or mandatory recall of the medical cannabis, prepared medical cannabis or medical cannabis product is necessary or if any further action is required.

(c) If a cultivator or manufacturer determines that further action is not required, the cultivator or manufacturer shall notify the Department of its decision and within twenty-four (24) hours, submit a written report to the Department stating its rationale for not taking further action.

(d) If a voluntary recall is necessary:

(1) A cultivator or manufacturer may voluntarily recall the medical cannabis, prepared medical cannabis or medical cannabis product from the market at its discretion for reasons that do not pose a risk to public health and safety.

(2) If a cultivator or manufacturer initiates a recall for a reason that does not pose a risk to public health and safety, the cultivator or manufacturer shall notify the Department at the time the cultivator or manufacturer begins the recall.

(e) If a condition relating to the cultivation or manufacturing of the medical cannabis poses a risk to

public health and safety, a mandatory recall is warranted. The cultivator or manufacturer shall:

(1) Immediately notify the Department by phone;

(2) Secure, isolate and prevent the distribution of the medical cannabis, prepared medical cannabis or medical cannabis product that may have been affected by the condition and remains in its possession.

(A) The cultivator or manufacturer may not dispose of the affected medical cannabis, prepared medical cannabis or medical cannabis product prior to notifying the Department and coordination the disposal with the Department.

(B) The Department or its authorized agents may oversee the disposal to ensure that the recalled medical cannabis, prepared medical cannabis or medical cannabis product is disposed of in a manner that will not pose a risk to public health and safety.

(3) If the cultivator or manufacturer fails to cooperate with the Department in a recall, or fails to immediately notify the Department of a need for a recall, the Permit to Operate may be revoked or the medical cannabis license suspended.

(f) The cultivator or manufacturer shall enter information relevant to the recall into the electronic tracking system as part of the daily inventory, including:

(1) Total amount of recalled medical cannabis, prepared medical cannabis or medical cannabis product, including batch and lot numbers;

(2) Total amount of recalled medical cannabis, prepared medical cannabis or medical cannabis product received by the cultivator or manufacturer, including batch and lot numbers;

(3) Total amount of recalled medical cannabis, prepared medical cannabis or medical cannabis product returned to the cultivator or manufacturer, including batch and lot numbers;

(4) From whom the recalled medical cannabis, prepared medical cannabis or medical cannabis product was received;

(5) The means of transport of the recalled medical cannabis, prepared medical cannabis or medical cannabis product;

(6) The reason for the recall;

(7) The manner of disposal; and

(8) The name of the individual overseeing the disposal of the medical cannabis, prepared medical cannabis or medical cannabis product.

§ 11307. Cessation of Business Operations.

(a) If a medical cannabis business intends to cease business operations before the expiration of the medical cannabis license or Permit to Operate, the medical cannabis business shall provide a written notification to the Department at least thirty (30) calendar days prior to the actual date of cessation of business operations.

(b) Notification will warrant a forfeiture of all cannabis.

(c) The written notification shall include:

(1) Reason for cessation of business operations;

(2) Date of cessation;

(3) Plan to dispose and destroy cannabis located on the business premises before cessation of business operations;

(4) Signature of the responsible official; and

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

§ 11308. Registry Identification Card Optional.

(a) Pursuant to 10 GCA, Division 1, Chapter 12 Part 2, Article 25 § 122524, registry identification cards are only required for primary caregivers, responsible officials and designated couriers in order to possess or handle medical cannabis, prepared medical cannabis and medical cannabis products.

(b) Registry identification cards are optional for qualified patients. Qualified patients only need to have a valid written certification from a licensed Guam practitioner, as defined in § 11003(ppp), in order to purchase or possess medical cannabis, prepared medical cannabis or medical cannabis products.

(c) Only responsible officials and designated couriers of medical cannabis businesses are required to obtain registry identification cards. Registry identification cards are optional for all other employees of a medical cannabis business.

§ 11309. Confidential Database.

(a) The Department shall create and maintain an electronic data file of qualified patients, primary caregivers, responsible officials, designated courier, medical cannabis businesses and their employees.

(b) The data files shall include all information collected on the application forms for registry identification cards, medical cannabis licenses, and Permit to Operate or equivalent information from other written documentation, plus a copy of Department issued registry identification cards, identification card number date of issue and expiration dates.

(c) The data files shall not include the qualified patient's medical condition or any other information relating to the condition.

(d) The names and identifying information of registry identification cardholders, and the names and identifying information of a pending applicant for a qualified patient, primary caregiver responsible official, designated courier, medical cannabis business employees shall not be subject to disclosure except to authorized individuals and by court order as

described in 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122525.

(e) The Department shall provide medical cannabis dispensaries with the means to electronically verify the valid status and expiration date of a qualified patient's written certification or primary caregiver's registration via a confidential database to ensure that a person is lawfully in possession of a valid written certification or registration pursuant to the guidelines in 10 GCA, Division 1, Chapter 12 Part 2, Article 25, § 122525 (d).

§ 11310. Severability.

If any provision of these rules and regulations or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of these rules and regulations that can be given effect without the invalid provisions or application, and to this end the provisions of these rules and regulations are severable.

§ 11311. Effective Date.

These rules and regulations shall take effect upon enactment into law.
