

I Mina Trentai Kuatro Na Liheslaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
302-34 (COR)	Louise B. Muña	AN ACT TO ADD A NEW § 122530 TO ARTICLE 25, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICINAL CANNABIS UNDER CERTAIN CONDITIONS.	6/18/18 2:49 p.m.	6/21/18	Committee on Health, Tourism, Military Affairs and Senior Citizens	8/14/18 5:00 p.m.	9/7/18 2:45 p.m.	Fiscal Note Request 6/21/18 Fiscal Note 7/5/18	



SENATOR DENNIS G. RODRIGUEZ, JR.

September 5, 2018

Honorable Benjamin J.F. Cruz
Speaker
I Mina' Trentai Kuåttro Na Liheslaturan Guåhan
163 Chalan Santo Papa
Hagåtña, Guam 96910

VIA: The Honorable Regine Biscoe Lee *[Signature]*
Chairperson, Committee on Rules

RE: Committee Report – Bill No. 302-34 (COR)

Dear Speaker Cruz:

Transmitted herewith, for your consideration, is the **Committee Report on Bill No. 302-34 (COR) AN ACT TO ADD A NEW § 122530 TO ARTICLE 25, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICINAL CANNABIS UNDER CERTAIN CONDITIONS.** As introduced, was publicly heard on August 14, 2018.

Committee votes are as follows:

<u>4</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	ABSTAIN
<u>2</u>	TO REPORT OUT ONLY
<u>0</u>	TO PLACE IN INACTIVE FILE

Senseramente,

[Signature]

Senator Dennis G. Rodriguez, Jr.
Chairman

Attachments

RECEIVED
SEP 06 2018
[Signature]
COMMITTEE ON RULES
2:30pm.

2018 SEP -7 PM 2:45 *[Signature]*



SENATOR DENNIS G. RODRIGUEZ, JR.

**COMMITTEE REPORT
ON**

**Bill No. 302-34 (COR) – Louise B. Muna
Bill No. 302-34 (COR) AN ACT
TO ADD A NEW § 122530 TO
ARTICLE 25, CHAPTER 12,
TITLE 10, GUAM CODE
ANNOTATED, RELATIVE
TO PERMITTING THE
HOME CULTIVATION OF
MEDICINAL CANNABIS
UNDER CERTAIN
CONDITIONS.**



SENATOR DENNIS G. RODRIGUEZ, JR.

September 5, 2018

MEMORANDUM

To: ALL MEMBERS
Committee on Health, Tourism, Military Affairs and Senior Citizens

From: Senator Dennis G. Rodriguez, Jr. *DR*
Committee Chairperson

Subject: Committee Report on Bill No. 302-34 (COR)

Transmitted herewith, for your consideration, is the **Committee Report Bill No. 302-34 (COR AN ACT TO ADD A NEW § 122530 TO ARTICLE 25, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICINAL CANNABIS UNDER CERTAIN CONDITIONS.** This report includes the following:

- Committee Voting Sheet
- Committee Report Narrative/Digest
- Copy of Bill No. 302-34 (COR)
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony and Supporting Documents
- Copy of COR Referral of Bill No. 302-34 (COR), As introduced
- Copy of COR Fiscal Note Request/Fiscal Note
- Notices of Public Hearing (1st and 2nd)
- Copy of the Public Hearing Agenda
- Related News Articles (Public hearing publication of public notice)

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

Si Yu'os Ma'åse'!

Attachments

Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Tertaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,
Member



COMMITTEE ON RULES
SENATOR RÉGINE BISCOE LEE, CHAIR
SIKRITARIAN LIHESLATURAN GUÅHAN
I MINA'TRENTAI KUÀTTRO NA LIHESLATURAN GUÅHAN
LEGISLATIVE SECRETARY • 34TH GUAM LEGISLATURE

Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary Camacho Torres,
Member

June 21, 2018

MEMO

To: **Rennae Meno**
Clerk of the Legislature
Attorney Julian Aguon
Legislative Legal Counsel

From: **Senator Régine Biscoe Lee**
Chairperson, Committee on Rules

Re: **Referral of Bill No. 302-34 (COR)**

Buenas yan Håfa adai.

As per my authority as Chairperson of the Committee on Rules, I am forwarding the referral of **Bill No. 302-34 (COR)**.

Please ensure that the subject bill is referred, in my name, to **Senator Dennis G. Rodriguez, Jr., Chairperson of the Committee on Health, Tourism, Military Affairs and Senior Citizens**.

I also request that the same be forwarded to the prime sponsor of the subject bill.

If you have any questions or concerns, please feel free to contact the Committee on Rules Office at 472-2461.

Thank you for your attention to this important matter.

Respectfully,


Senator Régine Biscoe Lee
Chairperson, Committee on Rules

FIRST NOTICE OF PUBLIC/CONFIRMATION HEARING on TUESDAY, AUG. 14, 2018

3 messages

Joe Mesngon <joe@toduguan.com>

To: phnotice <phnotice@guamlegislature.org>

Tue, Aug 7, 2018 at 5:17 PM

August 7, 2018

To: All Senators, Stakeholders and Media

From: Sen. Dennis G. Rodriguez, Jr.

Subject: First Notice of Public/Confirmation Hearing

Hafa Adai!

The Committee on Health, Tourism, Military Affairs and Senior Citizens will conduct hearings on proposed legislation and Executive Appointments on Tuesday, August 14, 2018 at 5pm in the Guam Congress Building Public Hearing Room.

The Committee will accept testimonies on the following:

****Bill 57-34 (COR) As corrected by the Prime Sponsor 6/26/17 3:21pm**

Dennis G. Rodriguez, Jr. / Joe S. San Agustin

AN ACT TO ADD § 84101(d) RELATIVE TO INTENT, AND TO AMEND SECTIONS § 84102 DEFINITIONS, § 84103(e)(mm)(nn) ESTABLISHING COMMUNITY PARA MEDICINE, § 84105(c), (g) AND (u) COMMUNITY PARAMEDIC OUTREACH, § 84107 EXPANDING PURPOSE, § 84110 CERTIFICATION, § 84111 CERTIFICATION PROCEDURE, § 84112 DIVISIONS OF EMS AUTHORITY, AND TO ADD A NEW § 84123 RELATIVE TO A COMMUNITY PARAMEDIC OUTREACH PROGRAM, ALL OF CHAPTER 84, DIVISION 4, TITLE 10, GUAM CODE ANNOTATED; AND COLLECTIVELY RELATIVE TO GRANTING THE EMS COMMISSION THE AUTHORITY TO EXPAND THE SCOPE OF EMERGENCY MEDICAL SERVICES AND IMPLEMENT A COMMUNITY PARAMEDICINE OUTREACH PROGRAM.

****Bill 291-34 (COR) Fernando Barcinas Esteves**

AN ACT TO AMEND § 3222 OF CHAPTER 3, TITLE 10, GUAM CODE ANNOTATED AND TO ADD A NEW CHAPTER 36 TO TITLE 7, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING INDIVIDUALS TO CHANGE THE LEGAL SEX DESIGNATION ON THEIR BIRTH CERTIFICATES

****Bill 302-34 (COR) Louise B. Muña**

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

****BILL 319-34 (COR) James V. Espaldon**

AN ACT TO AMEND § 9302 OF CHAPTER 9, ARTICLE 3 OF TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO THE ANNUAL DEPOSIT INTO THE GUAM VISITORS BUREAU "RAINY DAY FUND".

****BILL 320-34 (COR) James V. Espaldon**

AN ACT TO ADD A NEW ITEM (c) TO § 2105 OF ARTICLE 1, PART 1, CHAPTER 2 OF TITLE 20, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING CIVIL IMMUNITY TO ATHLETIC COACHES, MANAGERS AND OFFICIALS.

****Bill 326-34 (COR) Dennis G. Rodriguez, Jr.**

AN ACT TO ADD A NEW § 122530 TO ARTICLE 25 OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO GRANTING WAIVER AUTHORITY TO THE GOVERNOR OF GUAM FOR CERTAIN REQUIREMENTS RELATED TO LABORATORIES AND DISPENSARIES, AS THOSE REQUIREMENTS ARE SET OUT IN THE JOAQUIN (KC) CONCEPCION II COMPASSIONATE CANNABIS USE ACT 2013".

****BILL 327-34 (COR) Dennis G. Rodriguez, Jr.**

AN ACT TO AMEND § 122510(a) APPLICATION AND LICENSING PROCESS FOR MEDICAL CANNABIS BUSINESS AND § 122508 (b) LICENSE CLASSIFICATION OF ARTICLE 25, PART 2, CHAPTER 12, MEDICAL PRACTICES, TITLE 10 HEALTH AND SAFETY, GUAM CODE ANNOTATED, RELATIVE TO ELIMINATING THE REQUIREMENT OF 51 PERCENT LOCAL OWNERSHIP IN A MEDICAL CANNABIS TESTING LABORATORY.

****BILL 328-34 (COR) Dennis G. Rodriguez, Jr.**

AN ACT TO ADD A NEW SECTION 50120 TO CHAPTER 50 TITLE 12, GUAM CODE ANNOTATED, RELATIVE TO DIRECTING THE GUAM ECONOMIC DEVELOPMENT AUTHORITY TO DEVELOP AND PUBLISH A REQUEST FOR INFORMATION RELATIVE TO HOW AN INTERESTED PHARMACEUTICAL COMPANY, RESEARCH ENTITY OF OTHER ORGANIZATION WOULD ENTER INTO A PUBLIC PRIVATE PARTNERSHIP WITH THE GOVERNMENT OF GUAM TO DEVELOP A LABORATORY AND/OR PHARMACEUTICAL RESEARCH FACILITY.

****The Executive Appointment of Dr. Vincent S. Duenas as a Member of the Guam Board of Medical Examiners.**

****The Executive Appointment of Ms. Melissa C. Chargualaf as a Member of the Guam Behavioral Health and Wellness Center Advisory Council; and**

****The Executive Appointment of Dr. Ryan Claros, DPT, as the Physical Therapist Member of the Guam Board of Allied Health Examiners.**

Testimonies may be addressed to Sen. Dennis G. Rodriguez, Jr., Chairman and sent via email to senatordrodriguez@gmail.com; hand delivered to the Guam Congress Building Mailroom on Chalan Santo Papa, Hagatna or his office at 761 S. Marine Drive Suite B1, Tamuning.

Individuals who may require accommodations are asked to contact the office of Sen. Rodriguez no later than 48 hours prior to the hearing.

For more information, please contact 649-8638/0511.

Si Yu'os Ma'ase'!

Joseph A. Q. Mesngon

Deputy Chief of Staff

Office of Senator Dennis G. Rodriguez, Jr.

Committee on Legislative Operations,

Health, Tourism, Military Affairs and Senior Citizens

I Mina' Trentai Kuattro Na Libeslaturan Guahan

34th Guam Legislature

761 S. Marine Corps Drive Suite B1

Tamuning, Guam 96931

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Fax: 649-0520

www.toduguan.com



Maria Loraine Umbrero <mumbrero.senatorrodriguez@gmail.com>

SECOND NOTICE OF PUBLIC/CONFIRMATION HEARING on TUESDAY, AUG. 14, 2018

3 messages

Joe Mesngon <joe@todugam.com>
To: phnotice <phnotice@guamlegislature.org>

Fri, Aug 10, 2018 at 2:58 PM

August 10, 2018

To: All Senators, Stakeholders and Media

From: Sen. Dennis G. Rodriguez, Jr.

Subject: Second Notice of Public/Confirmation Hearing

Hafa Adai!

The Committee on Health, Tourism, Military Affairs and Senior Citizens will conduct hearings on proposed legislation and Executive Appointments on Tuesday, August 14, 2018 at 5pm in the Guam Congress Building Public Hearing Room.

The Committee will hear and accept written testimonies on the following:

****Bill 57-34 (COR) As corrected by the Prime Sponsor 6/26/17 3:21pm**

Dennis G. Rodriguez, Jr. / Joe S. San Agustin

AN ACT TO ADD § 84101(d) RELATIVE TO INTENT, AND TO AMEND SECTIONS § 84102 DEFINITIONS, § 84103(e)(mm)(nn) ESTABLISHING COMMUNITY PARA MEDICINE, § 84105(c), (g) AND (u) COMMUNITY PARAMEDIC OUTREACH, § 84107 EXPANDING PURPOSE, § 84110 CERTIFICATION, § 84111 CERTIFICATION PROCEDURE, § 841122 DIVISIONS OF EMS AUTHORITY, AND TO ADD A NEW § 84123 RELATIVE TO A COMMUNITY PARAMEDIC OUTREACH PROGRAM, ALL OF CHAPTER 84, DIVISION 4, TITLE 10, GUAM CODE ANNOTATED; AND COLLECTIVELY RELATIVE TO GRANTING THE EMS COMMISSION THE AUTHORITY TO EXPAND THE SCOPE OF EMERGENCY MEDICAL SERVICES AND IMPLEMENT A COMMUNITY PARAMEDICINE OUTREACH PROGRAM.

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****Bill 302-34 (COR) Louise B. Muña**

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

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****The Executive Appointment of Dr. Vincent S. Duenas as a Member of the Guam Board of Medical Examiners.**

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Testimonies may be addressed to Sen. Dennis G. Rodriguez, Jr., Chairman and sent via email to senatordrodriguez@gmail.com; hand delivered to the Guam Congress Building Mailroom on Chalan Santo Papa, Hagatna or his office at 761 S. Marine Drive Suite B1, Tamuning.

Individuals who may require accommodations are asked to contact the office of Sen. Rodriguez no later than 48 hours prior to the hearing.

For more information, please contact 649-8638/0511.

Si Yu'os Ma'ase'!

Joseph A. Q. Mesngon
 Deputy Chief of Staff
 Office of Senator Dennis G. Rodriguez, Jr.
 Committee on Legislative Operations,
 Health, Tourism, Military Affairs and Senior Citizens
I Mina' Trentai Kuàttro Na Libeslaturan Guahan
 34th Guam Legislature
 761 S. Marine Corps Drive Suite B1
 Tamuning, Guam 96931
 Tel: 649-8638/0511
 Fax: 649-0520
www.toduguam.com

Joe Mesngon <joe@toduguam.com>

Mon, Aug 13, 2018 at 9:31 AM

To: Maria Loraine Umbrero <mumbrero.senatordrodriguez@gmail.com>, Joan Aguon <joanaguon@gmail.com>

Good morning Loraine...

Please ensure the PH docs are prepped for the hearing tomorrow. Note that the 1st bill 57-34 is an AS CORRECTED version. Use the 3:21 version of the bill.

Once the docs are prepped, please be sure to put in packets for the senators.

1st notice was Tues. Aug. 8
 2nd notice was Friday, Aug. 10

THANKS!

Joseph A. Q. Mesngon
 Deputy Chief of Staff
 Office of Senator Dennis G. Rodriguez, Jr.
 Committee on Legislative Operations,
 Health, Tourism, Military Affairs and Senior Citizens
I Mina' Trentai Kuàttro Na Libeslaturan Guahan
 34th Guam Legislature
 761 S. Marine Corps Drive Suite B1
 Tamuning, Guam 96931
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 Fax: 649-0520

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[Quoted text hidden]

Maria Loraine Umbreiro <mumbreiro.senatordrodriguez@gmail.com>
To: Joe Mesngon <joe@toduguam.com>

Mon, Aug 13, 2018 at 9:45 AM

Prepping it now. Thanks

[Quoted text hidden]

--

Si Yu'os Ma'ase'

Maria Loraine Umbreiro
- Legislative Assistant

Office of Senator Dennis G. Rodriguez, Jr.
Committee on Legislative Operations, Health, Tourism, Military Affairs and Senior Citizens

I Mina' Trentai Kuattro Na Libeslaturan Guahan
34th Guam Legislature

761 S. Marine Corps Drive Suite B1 Tamuning, Guam 96931
Telephone:(671) 649 - 0511 / 8638
Fax: 649-0520

Email: mumbreiro.senatordrodriguez@gmail.com



SENATOR DENNIS G. RODRIGUEZ, JR.

I Mina' TrentaiKuáttronaLiheSlaturanGuáhan
Chairman, Committee on Health, Tourism, Military Affairs & Senior Citizens

PUBLIC HEARING AGENDA

Tuesday, August 14, 2018 at 5:00PM **Public Hearing Room, *I LiheSlatura***

I. Call to order

II. Items for public consideration:

- The Executive Appointment of Dr. Vincent S. Duenas as a Member of the Guam Board of Medical Examiners.
- The Executive Appointment of Ms. Melissa C. Chargualaf as a Member of the Guam Behavioral Health and Wellness Center Advisory Council; and
- The Executive Appointment of Dr. Ryan Claros, DPT, as the Physical Therapist Member of the Guam Board of Allied Health Examiners.
- **Bill 57-34 (COR)** - AN ACT TO ADD § 84101(d) RELATIVE TO INTENT, AND TO AMEND SECTIONS § 84102 DEFINITIONS, § 84103(e)(mm)(nn) ESTABLISHING COMMUNITY PARA MEDICINE, § 84105(c), (g) AND (u) COMMUNITY PARAMEDIC OUTREACH, § 84107 EXPANDING PURPOSE, § 84110 CERTIFICATION, § 84111 CERTIFICATION PROCEDURE, § 84112 DIVISIONS OF EMS AUTHORITY, AND TO ADD A NEW § 84123 RELATIVE TO A COMMUNITY PARAMEDIC OUTREACH PROGRAM, ALL OF CHAPTER 84, DIVISION 4, TITLE 10, GUAM CODE ANNOTATED; AND COLLECTIVELY RELATIVE TO GRANTING THE EMS COMMISSION THE AUTHORITY TO EXPAND THE SCOPE OF EMERGENCY MEDICAL SERVICES AND IMPLEMENT A COMMUNITY PARAMEDICINE OUTREACH PROGRAM.
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- **Bill 302-34 (COR)** - AN ACT TO ADD A NEW § 122530 TO ARTICLE 25, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICINAL CANNABIS UNDER CERTAIN CONDITIONS.
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- **BILL 320-34 (COR)** - AN ACT TO ADD A NEW ITEM (c) TO § 2105 OF ARTICLE 1, PART 1, CHAPTER 2 OF TITLE 20, GUAM CODE ANNOTATED, RELATIVE TO PROVIDING CIVIL IMMUNITY TO ATHLETIC COACHES, MANAGERS AND OFFICIALS.
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III. Adjournment

Thank you for your participation in today's hearing.

Ufisinan Todu Guam

761 S. Marine Corps Drive, Suite B1, Tamuning, Guam 96931 / Telephone: 671-649-TODU (8638) / Facsimile: 671-649-0520
E-mail: senatordrodriguez@gmail.com / www.todugam.com



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
COMMITTEE ON HEALTH, TOURISM, MILITARY AFFAIRS & SENIOR CITIZENS
Mina'trentai Kuâtro Na Liheslaturan Guâhan • 34rd Guam Legislature

PUBLIC HEARING **Tuesday, Aug. 14, 2018** **5:00 PM** **Guam Congress Building Public Hearing Room**

- **Bill 302-34 (COR)** - AN ACT TO ADD A NEW § 122530 TO ARTICLE 25, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICINAL CANNABIS UNDER CERTAIN CONDITIONS.

PRINT NAME	SIGN INITIALS	AGENCY or ORGANIZATION	✓VORAL TESTIMONY	✓WRITTEN TESTIMONY	✓NO TESTIMONY	✓IN FAVOR	✓OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
ANDREA BEURANI		GRASSROOTS	✓	✓				687-6932	andrea.egrassroots@guam.gov
August Fest	AAF	Self & Guam Legal Bud	✓	✓			✓	828-9586	august_fest@xhna.com
Parkinson, Will		Self	✓				✓		wm.parkinson@gmail.com

As introduced by: Louise B. Muña



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
COMMITTEE ON HEALTH, TOURISM, MILITARY AFFAIRS & SENIOR CITIZENS
Mina'trentai Kuâtro Na Liheslaturan Guâhan • 34rd Guam Legislature

PUBLIC HEARING **Tuesday, Aug. 14, 2018** **5:00 PM** **Guam Congress Building Public Hearing Room**

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✓J. Concepcion		self	✓			✓		998-8852	km@keum.com

As introduced by: Louise B. Muña



SENATOR DENNIS G. RODRIGUEZ, Jr., Chairman
COMMITTEE ON HEALTH, TOURISM, MILITARY AFFAIRS & SENIOR CITIZENS
Mina'trentai Kuâtro Na Liheslaturan Guahan • 34th Guam Legislature

PUBLIC HEARING **Tuesday, Aug. 14, 2018** **5:00 PM** **Guam Congress Building Public Hearing Room**

- **Bill 302-34 (COR)** - AN ACT TO ADD A NEW § 122530 TO ARTICLE 25, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICINAL CANNABIS UNDER CERTAIN CONDITIONS.

PRINT NAME	SIGN INITIALS	AGENCY or ORGANIZATION	✓ORAL TESTIMONY	✓WRITTEN TESTIMONY	✓NO TESTIMONY	✓IN FAVOR	✓ OPPOSE	CONTACT NUMBERS	EMAIL ADDRESS
Megan McAlonis	MM	N/A	X			X		971-3726	wheres_meg@yahoo.com

As introduced by: Louise B. Muña

PL 33-220 Home Cultivation & Allowable Amount From Alternate Sources
#PL 33-237

By August Fest

At the last hearing of December 14th, as in a testimonial inquiry, of home cultivation by another citizen, the response from Senator Rodriguez was, "The current statute does not allow for home cultivation", the senator was referencing PL 33-220...

I guess it is long past due for a history lesson for some, and a remediation for others ...

The first Bill 215-32 that the public voted on, and the version that was presented to me at the Election Board, did have a very short Subsection 122408 that "specified rules for the Department to issue registry permits" for home cultivation, and I am fully aware that specific Subsection 122408 was deleted prior to public vote, however, that deleted Subsection 122408 was not where the "permission" was given... The "permission" was given in Subsection 122404 Exemption and specified as "Medical Use"... I pointed this out at the "first draft rules hearing", and the DPH panel admitted that there was nothing in the Bill or Rules that prohibited a patient from home cultivation. I made the DPH panel admit to the public on camera to "tell the people", and they indeed recited, "there is nothing in the Bill or the Rules that prohibits a patient from home cultivation"... This is all a matter of recorded public record...

The legislature, may have removed Subsection 122408 Home Cultivation Permits, but they "failed to sanitize the document" where it actually gives the permission in Subsection 122404 Exemption and specified as "Medical Use". The first words of the definition of "Medical Use" are "acquisition cultivation possession"... The same definition we are currently using... It was stated in the deleted Subsection 122408 of Bill 215-32 that the physicians written recommendation shall constitute a valid cultivation permit...

For a week or so afterwards, the Director and employees tried to deny the permission in the press and on TV, but soon after, they were back in the press and TV saying that a patient could cultivate at home, but DPH would charge them \$35,000 to do so...

Bill 345-33 Rejected the DPH Draft Rules... Bill 343-33 was introduced as either a replacement of Bill 215-32 or an amendment to... Bill 343-33 stated the same Exemptions and definition of "Medical Use" only adding lab testing to the definition. Followed by a very short "Sub-article Bill" 344-33 that "only specified rules" for home cultivation by a patient, but again, the "permission" was given in Subsection 122504 Exemption as specified as "Medical Use" in Bill 343-33 and is now "Public Law 33-220".

My last testimony before the session vote for that Bill warned the Senators that they using the same definition and let the legal chips fall where they may... Bill 344-33 home cultivation passed vote, but was vetoed by the Governor, it did not acquire the additional votes for an override, however and again, that was only a Sub Article and "only specified rules", and again, the "permission is granted in Public Law"... There are no provisions in the current law stating any changes within the Act, in the event SubArticle Bill 344-33 did not become public law...

Just because there are no specified rules governing home cultivation, does not negate the stated provision, exemption and permission stated within the Law. It is not the fault of the patient/ citizen for the inconsistencies or the consistency of neglect of the legislature's. When there is ambiguity in constitutional or corporate law, the default benefit is awarded to the parties that did not draft the document, in this case, the citizens...

I hope the history lesson helps in the public understanding...

Copied From PL 33-220

§ 122504. Exemption from Criminal and Civil Penalties for the Medical Use of Cannabis.

(a) A qualified patient is presumed to be engaged in the medical use of cannabis and *shall not* be subject to arrest, prosecution or penalty in any manner for the possession of or the medical use of cannabis if the qualified patient possesses a quantity of cannabis that does not exceed the allowable amount, is acting in accordance with all of the requirements of this Act, and is in possession of a written certification.

(v) *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.

(d) *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. "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.

The "**monkey business**" that is in this mostly arbitrary Bill 210-34, **Subsection 10301** is an attempt to obfuscate the history and the fact, that "**a qualified patient indeed has permission to cultivate**", as they are granted under **Public Law 33-220 under Subsection 122504 Exemptions as specified as "Medical Use"**, and **are not prohibited from such "medical use" in Subsection 122505 Prohibitions of the same Public Law 33-220...**

This is a classic "Bait & Switch"...

Why would you appear to rewrite two Subsection of PL 33-220, into one Subsection of Bill 210-34..??Answer: To mask that patients are indeed allowed to cultivate...

In PL SS122504 is named **Exemptions** From Criminal and Civil Penalties...

It states exemptions for patients and Medical Use" in which the term includes cultivation...

It lists "licensed possessor" separately and being able to cultivate...

In PL SS122505 is named Prohibitions and Restrictions...

It does not "Prohibit Cultivation" by a qualified patient, as SubArticle Bill 344-33 only listed the "rules governing" home cultivation, the permission was given in Bill 215-32 and Bill 343-33 now PL 33-220...

In Bill 210-34 SS10301 is named **"only"** Civil and Criminal **Penalties**...

(a) Is a list of activities that are exempt, but **"left out cultivation"**, it lists entites including **"licensed possessors"** who **would obviously be allow to cultivate...**

(b) Is a list of the same activities, and **"excluding cultivation"** and entities **subject** to Civil and Criminal Penalties, and includes "licensed possessors"...

Bill 210-34 SS10301 (a) states: is pursuant to PL 33-220 SS122504 Exemptions

Bill 210-34 SS10301 (b) states: is pursuant to PL 33-220 SS122505 Prohibitions

Bill 210-34 Definition of "Medical Use" is consistent with PL 33-220 as including cultivation for the benefit of a qualified patient...

I do not believe this is happenstance, this is a deliberate obfuscation, **as it being both consistently exclusive and inclusive simultaneously...** Why else leave out the word cultivation..?? Its a shell game, **"where oh where" is cultivation**..?? Its in the law, but not mentioned in this Bill's SS10301, but pursuant to PL, where it is stated as, "Medical Use"...

Before you imange or throw out words such as "babbling" and "conspiracy theories" you should ensure you are backed first and foremost, by an accurate reading of the law, preceding bills, history and reading of the law in its entireity, as not to, would be neglectful and truly a disservice to the people...

Bill 210-34 Subsection 10301

§10301. 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.

Bill 302-34 Testimony, by August Fest 8-14-18

This Bill needed its own hearing, as requested...

Senators, please do not attempt to FIX, that which is NOT BROKEN..!!

Patient Cultivation already exists in PL 32-237 & PL 33-220.

We do not need a bill that will set inadequate plant allowances, conditions to exclude renters, allow UNWARRANTED SEARCHES and SUNSET PROVISIONS to END home cultivation, without any regard to consistent availability, quality, variety or product pricing... The only permit needed NOW is a doctors recommendation... This bill will damage and end what we already have in laws...

Keep DPH out of it altogether, they will want \$1 million and take a year or more to think about it... DPH is where Medical Cannabis goes to die, or at best, induced into a coma..

I had a discussion, partially about this Bill, with DPH Acting Director Casil the day I submitted my doctors recommendation, and he stated; "there would be a very lengthy process for very lengthy rules for home cultivation, but again DPH does not have the funding, staff, equipment or expertise for medical cannabis.", end quote. Acting Director Casil also stated and tried to convince me that Bill 210-34 was entirely the work product of Senator Rodriguez office, and DPH had nothing to do with its composition.. This should shed some light on the integrity of DPH, in at least where medical cannabis is concerned...

We just need a resolution to recognize what we already have, WHAT THE PEOPLE VOTED FOR, what was passed into law...

Links to Guam Public Laws 32-237 & 33-220, so you can actually read them, and please do...

[http://www.guamlegislature.com/Public Laws 32nd/Public%20Law%2032-237%20-%20Bill%20No%20215-32.pdf](http://www.guamlegislature.com/Public%20Laws%2032nd/Public%20Law%2032-237%20-%20Bill%20No%20215-32.pdf)

[http://www.guamlegislature.com/Public Laws 33rd/P.L.%20No.%2033-220.pdf](http://www.guamlegislature.com/Public%20Laws%2033rd/P.L.%20No.%2033-220.pdf)

Points of interest: The definition of "Medical Use" that includes cultivation for the benefit of a qualified patient, and Exemptions Subsections 122404 & 122504 that exempts from arrest, prosecution or penalty in any manner for such "Medical Use", of a qualified patient.

On the 2014 Ballot that 19692 people voted in favor of, it stated "Medical Use" and was defined in Bill 215-32 that we voted for, now Public Law 32-237, includes Cultivation, and qualified patients are exempt from arrest, prosecution or penalty in any manner for such "Medical Use". A 2014 Ballot sample is provided...

Ignorance of these laws renders them useless. To deny what is written within these laws is intellectual ineptitude or dishonesty or cowardice, all of which are unacceptable, and great disservice to the patients.

We hold these truths to be SELF EVIDENT..!! Read with open eyes, and an alert engaged mind..!!

A public hearing YouTube link and written testimony, and very detailed history and explanation of HOME CULTIVATION & ACQUISITION under Guam Public Laws 32-237 & 33-220 "Medical Use", is provided...

<https://www.youtube.com/watch?v=uLz9wklimg0>

Weather it be Home Cultivation or a commercial operation, 50 square feet of canopy space per patient is the bare minimum "reasonably necessary to ensure the uninterrupted availability of cannabis" as stated as the definitions of "Adequate Supply & Allowable Amount" in our Public Laws 32-237 & 33-220...

72 sq feet would be preferred for optimum efficient effectiveness. I know this from personal experience, however I provided reference from BOTEC Analysis Corp. & Carnegie Mellon University study for estimating adequate square footage for production. This study was compiled from experienced commercial cultivators under optimum conditions. Edibles, concentrates and oils would require much more than 72 square feet of canopy space per patient... 100 sq ft or a 10'X10' area of total canopy space should be the standard without a separate permit, as was in Del Norte County California, prior to my moving to Guam...

BOTEC Analysis Study Link:

[https://lcb.wa.gov/publications/Marijuana/BOTEC%20reports/5a Cannabis Yields-Final.pdf](https://lcb.wa.gov/publications/Marijuana/BOTEC%20reports/5a_Cannabis_Yields-Final.pdf)

Forget "plant number allowances", this is NOT a qualitative nor quantitative unit of measure. There are too many variables with breeds, cultivation methods and conditions, knowledge, experience, expertise, abilities or lack thereof, also not to overlook the 1:1 ratio of unusable males to medicine producing females...

This Bill 302-34 suggests ONLY 3 mature and 6 juvenile plants..?? On what planet will that keep anyone supplied with USABLE cannabis..??**!! This is only enough to aggravate anyone to realize and say, why bother..??

The DPH Form 2E for an increased allowable amount, with a legal request is also provided... (Read Insert) It is a request for home cultivation without using the word, only citing statutes...

An "Adequate Supply" as stated in PL 32-237 is a three month supply, this equates to one pound of bud, you are not going to get there with this Bill 302-34. Neither will anyone achieve with this Bill, what is stated as the "Allowable Amount" in PL 33-220, as 2.5 ounces every two weeks...

In other words, this Bill 302-34 is useless and counter productive to ensuring an uninterrupted supply of cannabis, as the stated mission of both current public laws, but also goes against the best interests of the patients, with its arbitrary exclusions, involving the dysfunctional DPH, unwarranted searches, sunset provision without any regard to consistent availability, quality, variety or product pricing...

Senators, please discard this bill, and all its conceived components, and just recognize and go with what we voted for, and already have passed and exists in Public Laws 32-237 & 33-220...

Thank You...

August Fest

SAMPLE GENERAL ELE CTION BALLOT

D	E	F
<p align="center">Guam</p>	<p align="center">November 4, 2014</p>	
<p align="center">Directions</p>		
<p>Fill the oval <input type="radio"/> next to your choice (s) or if you write-in. See a precinct official if you make a mistake.</p>		
<p align="center">Direksion</p>		
<p>Na' bula i obalao <input type="radio"/> gi fi'on inayek-mu (sihá) pat i un tuge 'hádom. Ali'e'yan i ofisial i precinct yanggen guaha lachi-mu.</p>		
<p>Judicial Retention Question Kuestion Hustisiat</p> <p>Fill one (1) oval "Yes" or "No" Mátka unu (1) ha' na obalao. "Hunggan" pat "Áhe"</p> <p>Shall Justice Robert J. Torres of the Supreme Court be retained in office?</p> <p>Kao u ma sostieni si Hues Robert J. Torres gi Mas Takhilu na Kotte?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p> <p>Shall Judge Michael J. Bordallo of the Superior Court be retained in office?</p> <p>Kao u ma sostieni si Hues Michael J. Bordallo gi Kotten Supiriat?</p> <p><input type="radio"/> YES <input type="radio"/> NO</p>	<p>Attorney General of Guam Hinirat Abugao Guáhan</p> <p>Fill one (1) oval only. Mátka unu (1) ha' na obalao.</p> <p><input type="radio"/> 1. BARRETT-ANDERSON, Elizabeth <input type="radio"/> 2. RAPADAS, Leonardo M. (Incumbent) Lenny Rapadas <input type="radio"/> Write-in</p> <p>Guam Education Board Inetnon Idukasion Publekon Guáhan</p> <p>Fill no more than six (6) ovals. Mungga ma mátká más ki sais (6) na obalao.</p> <p><input type="radio"/> 1. ADA, Peter Alecxis D. (Incumbent) <input type="radio"/> 2. SANTOS, Joseph Cruz <input type="radio"/> 3. BENAVENTE, Lourdes M. (Incumbent) Bernin <input type="radio"/> 4. CRUZ, Dr. Jose O. (Incumbent) Gutgodo Tuba Tanaguan <input type="radio"/> 5. AYUYU, Ronald A. (Incumbent) Beja LG <input type="radio"/> 6. SAN NICOLAS, Lourdes B.S. Lou "Kaila" Panta <input type="radio"/> 7. TAINATONGO, Rosie Rivera <input type="radio"/> 8. GUTIERREZ, Maria A. (Incumbent) Mary <input type="radio"/> 9. SAN AGUSTIN, Albert T. (Incumbent) Candido Cueto</p>	<p>Consolidated Commission on Utilities Dinanña Kumision Para Minanehan Utilidat</p> <p>Fill no more than three (3) ovals. Mungga ma mátká más ki tres (3) na obalao.</p> <p><input type="radio"/> 1. SANCHEZ II, Simon A. (Incumbent) <input type="radio"/> 2. LEON GUERRERO, Andrew S. Double A <input type="radio"/> 3. SANTOS, Francis E. <input type="radio"/> 4. GARRIDO, Earl J. Gollo/Salomon <input type="radio"/> 5. TUPAZ, Fred Quinene <input type="radio"/> 6. HAGEN, William Bill <input type="radio"/> 7. PALOMO, Benigno M. (Incumbent) Familiar Lele/Sam <input type="radio"/> 8. BAMBIA, Joseph G. "George" <input type="radio"/> 9. PAYNE, William W. "Bill" Marfalen Payne <input type="radio"/> 10. SERVINO, P.E., Jose S. <input type="radio"/> 11. HARA, Eloy P. (Incumbent) <input type="radio"/> Write-in</p>
<p align="center">LEGISLATIVE-SUBMITTED REFERENDUM: PROPOSAL 14A</p>		
<p align="center">Fill one (1) oval "Yes" or "No" Mátka unu (1) ha' na obalao. "Hunggan" pat "Áhe"</p>		
<p align="center">" Shall the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013" that provides for the medical use of cannabis be allowed? "</p>		
<p>A proposal to direct the Department of Public Health and Social Services to regulate the use of marijuana as treatment for medical conditions or diseases specified in the proposal or designated by the Department at a later time. It further directs the Department to develop rules within nine (9) months, consistent with the proposal to regulate all aspects of the use of marijuana for medical purposes on Guam. The proposal further removes the criminal penalties relating to marijuana when used by qualified patients pursuant to the act.</p>		
<p align="center"><input type="radio"/> YES <input type="radio"/> NO</p>		
<p align="center">"Vote for only 'Yes' or 'No'."</p>		
D	E	F

**GOVERNMENT OF GUAM
DEPARTMENT OF PUBLIC HEALTH AND SOCIAL SERVICES
REQUEST TO INCREASE ALLOWABLE AMOUNT OF MARIJUANA**

The request to increase the amount of marijuana over the allowable amount of 2.5 ounces every 14 days must be renewed when the written certification is renewed.

QUALIFIED PATIENT INFORMATION

Full Name _____ Date of Birth _____

Guam Home Address _____ Email Address _____

Guam Mailing Address _____ Telephone No. _____

PRACTITIONER INFORMATION

Full Name _____ Email Address _____

Guam License Number _____ License Type _____

Guam Office Address _____ Telephone No. _____

RECOMMENDATION TO INCREASE ALLOWABLE AMOUNT

I recommend that the patient be allowed to possess a total of _____ ounces of medical cannabis, prepared medical cannabis and medical cannabis product every 14 days instead of the 2.5 ounces currently allowed in Public Law 34-80.

Practitioner's Signature _____ Date _____

At the patient's request, I support to recommend the patient be allowed to possess, as stated and defined in PL 32-237 as being "Adequate" and as defined in PL 34-80 as being "Allowable", both being consistent with the DPH First and Second draft rules, and both being reasonably necessary to ensure the uninterrupted availability of 'Cannabis', and to exercise fully the exemptions and protections granted under PL 32-237, PL 33-220 and where PL 34-80 is pursuant to, for the "Medical Use" of "Cannabis", as the terms are stated and defined in all the same statutes. The legitimate reasoning for the request being, the lack of safe access, to any consistent safe supply, of quality affordable cannabis, derived from intrastate sources.



grassroots
GUAM

Public Comments

BILL 327-34 (COR) Dennis G. Rodriguez, Jr.

Bill 326-34 (COR) Dennis G. Rodriguez, Jr.

Bill 302-34 (COR) Louise B. Muña

Submitted: August 14, 2018

Presented by

Andrea Pellacani

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August 14, 2018

Hafa Adai Chairman Rodriguez and Members of the Committee On Health.

I would like to thank you and Senator Louise Muna for introducing these bills and allowing us the time to testify on the measures that are before us. Before I discuss the bills, I'd like to reiterate that the executive branch has failed in its duty to execute that law in place that the people of Guam have overwhelmingly supported with a vote of 19,692. Since then, they have produced no tangible results, no formal commission meeting and no meaningful budget. How many more laws can this legislature pass as the Governor and the Department of Public Health and Social Services continues to kick this can down the road, essentially thumbing their collective noses at the people of Guam.

Thank you to the members of both the 33rd and 34th Guam Legislature for being having an open door for us as the executive branch continues to ignore the will and mandate of the people it is supposed to serve.

Creating more laws does not solve our problem. The myths that continue to spread in the community are merely symptoms of the problem. It just continues to keep us in this hamster wheel spinning and spinning so they can stall, road block or whatever it is that is happening to our mandate.

****BILL 327-34 (COR)** Dennis G. Rodriguez, Jr.

AN ACT TO AMEND § 122510(a) APPLICATION AND LICENSING PROCESS FOR MEDICAL CANNABIS BUSINESS AND § 122508 (b) LICENSE CLASSIFICATION OF ARTICLE 25, PART 2, CHAPTER 12, MEDICAL PRACTICES, TITLE 10 HEALTH AND SAFETY, GUAM CODE ANNOTATED, RELATIVE TO ELIMINATING THE REQUIREMENT OF 51 PERCENT LOCAL OWNERSHIP IN A MEDICAL CANNABIS TESTING LABORATORY.

We have heard over and over again that the biggest roadblock for this program is that there is no interested lab. Let's just pretend that we've had the diagnostics standards prior to passage this year and let's just pretend that DPHSS did not receive a letter of intent for which they did not even receive an application before it was deemed a fraud. Let's just go with the fiction that no lab is interested.

Grassroots Guam is in full support of removing the requirement for local ownership. The local community and local investors have had three and half years to step up to the plate. Forcing a stateside lab, who would bring in the equipment, expertise and funding for a minority share of the laboratory could be prohibitive. A business is much harder to dissolve than a marriage, sadly to say, but this could potentially open doors. We believe the local community has had many opportunities to step forward, so we would be in support of removing that barrier if that would encourage outside investment in lab.

I've been criticized for continuing to support the lab requirement. With the climate of corruption currently taking a hold of the Government of Guam, it is important to note that an independent lab, separate and apart from any business entity or the government is the key to a fair and free market and a responsible industry. Grassroots will stand firm on protecting the need for lab for our patients and for a responsible industry.

****Bill 326-34 (COR)** Dennis G. Rodriguez, Jr.

AN ACT TO ADD A NEW § 122530 TO ARTICLE 25 OF CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO GRANTING WAIVER AUTHORITY TO THE GOVERNOR OF GUAM FOR CERTAIN REQUIREMENTS RELATED TO LABORATORIES AND DISPENSARIES, AS THOSE REQUIREMENTS ARE SET OUT IN THE JOAQUIN (KC) CONCEPCION II COMPASSIONATE CANNABIS USE ACT 2013".

We will defer to the Committee's best judgment as government processes are not our area of expertise. We just want to ensure that the Governor would not be able to waive a requirement that could benefit special interest or select groups over others thereby upsetting the fair market set up contained within statute.

****Bill 302-34 (COR)** Louise B. Mufia

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

Grassroots Guam is in full support of home cultivation. I think this could contribute greatly to encourage more registered patients. However, we are somewhat discouraged that our government refuses to address protecting the employment status of our cannabis patients, which will continue to keep them hiding in the dark – home cultivation on its own could flood the black market with dangerous products for patients. It's been two years for the 35th and I have still seen no effort to address this conflict, though we have made numerous pleas to a few Senators and the Department of Administration. We have been told "we are working on it" which is the line we receive when nobody is working on it or there is no interest to work on it. Maybe as the election draws closer, someone will pick up this banner to protect our patients and government employees.

We humbly ask you to study and consider the history of states who have enacted unregulated programs for lengthy periods of time. I say this because Senator Muna has made it clear that this would be a stop gap to get patients some access that they have been waiting for almost four years. What if, after our election, we put in place a Governor that doesn't support cannabis like Lt. Governor Ray Quickdraw Tenorio? How much further will he kick this can down the road just like our current Governor? It could happen. And that would be another reason why potential investors will continue to shy away from Guam and look to our brothers and sisters in the CNMI who are well on their way to legalizing cannabis for adult use, because it seems they actually have the support of their government, unlike Guam.

Home Cultivation and a regulated commercial market need to work hand in hand. It creates checks and balances for businesses, it allows patients better access, but it needs to work together. Home cultivation doesn't promote more sophisticated delivery methods that patients may find more convenient and discreet which is properly tested and dosed such as transdermal patches and suppositories as opposed to traditional smoking or vaping. Experimenting with oils or tinctures could cost them their uninterrupted supply of medicine since their inventory would be severely limited on this bill. Most importantly, legal cannabis businesses should be the most important resource for patients who are interested in home cultivation, so they could access safe genetics, education, products and training to properly grow at home safely. This is how home cultivation should be working. This current measure just encourages keeping people on the streets. Without legal cannabis businesses, patients will be left without proper guidance.

For two very good case studies of the potential worst-case scenarios look no further than Hawaii and California.

California and Hawaii were both early adopters of the non-regulated patient model in 1996 and 2000 respectively. Both programs have enabled a robust gray market that they have difficulty converting into a regulated market to this day. Both California and Hawaii, with new lab requirements have tested with many of the products on the market or on the street failing to meet standard, including those that have been entered in top cannabis competitions.

Hawaii is important to note, because DPHSS mirrored many of their onerous regulations. 75% of the homegrown product failed to meet standard. Cannabis is non-toxic, however, with limited studies on the effects of pesticides, people will think they could pick up something at Home Depot and use it. This is not the case. Pyrolysis is real and

we have provided this listing on at least three other occasions. Accepted Food grade AND Tobacco Grade pesticides must be enforced as well as our ban on butane extraction.

Take a look at our own history. We have decriminalized the possession of up to one ounce of cannabis. With no enforcement, who was going to fill the market demand? These contrary laws continue to have a direct influence in enabling a very robust black market as Guam is ranked consistently in the top five in illicit cannabis consumption by the UN World Drug Report.

I've provided a copy of the Cole Memo. I won't go into the history of the Cole Memo other than to note that the entire regulated market was built on compliance with this policy. Though AG Jeff Sessions has rescinded the Cole Memo, it would be prudent to put sensible regulations in place to continue compliance with the rest of the regulated industry in the United States.

I know you want to simplify this measure. But I also know that a few of your colleagues would probably not support a loose program. I have met with all of them. The Governor vetoed Senator Tina Muna Barnes' Bill 344-33 because it would have needed more enforcement and more regulations. That policy was reviewed by top industry attorneys in Colorado to ensure they met standard. You know these attorneys, they worked with you to opine on the issue of federal protections for doctors. We should note to keep our program safe from potential future Federal Government intervention, we should consider adding more measures to discourage diversion to minors and sending patients into a black market.

Just a couple quick points to note:

Medical tourism for cannabis is now legal. This is not addressed anywhere in this bill. I don't know if there are particular issues that should be considered with medical tourists. It should be noted that one harvest could be about 4 months from immature to flowering with another couple of weeks minimum to cure.

Contracts have a 50/50 chance of getting thrown out of court. I wanted to point this out because leases are contracts. There is nothing here that sets any requirement for consent to at least give the lessee a chance to litigate. There is a clause that prohibits home cultivation if a landlord does not allow it. But there should be consent language.

Please also note that legal ethics guidelines still have not been addressed. Patients who want to consider home cultivation will not be able to seek legal guidance for any of this leaving them to interpret the complexities of this law for themselves - yet another failure of our esteemed community leaders. There is no requirement for DPHSS to provide any sort of training or brochures or anything to help patients navigate this complex law.

Cannabis policy is complex, contrary and in a flux. I don't bring these things up to complicate issues. But every cannabis policy should be reviewed by a cannabis lawyer who is familiar with ongoing issues across the United States.

Lastly, I know as oversight chair, you use your power most judiciously, however, I humbly ask that we continue to press the Department of Public Health and Social Services on any milestones for this program. When will our commission have their first formal meeting in almost 4 years since this law passed? Who is even on this commission?

It is the mission of Grassroots Guam to get cannabis off the streets and to provide patients with safe access that they deserve. That should include providing cuttings, seeds, plants in all stages, workshops and education or training materials on best practices for home cultivation.

On behalf of Grassroots Guam, we thank you for the opportunity to discuss improvements to our program.

Printouts:

Cole Memo

- <https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>

ASA Report Card for Guam (Just the Guam Pages -- not the whole report: PDF pages 80 and 81 but the document pages to print are different. Look before you pull it)

[https://american-safe-access.s3.amazonaws.com/sos2018/2018 State of the States Report web.pdf](https://american-safe-access.s3.amazonaws.com/sos2018/2018%20State%20of%20the%20States%20Report%20web.pdf)

Governor's Veto/Bill 344

- http://www.guamlegislature.com/Mess_Comms_33rd/Doc%20No.%2033GL-16-2261.pdf

Hawaii Homegrown

- <https://merryjane.com/news/hawaii-medical-marijuana-pesticide-mold-contamination>

California fails labs

- <https://www.leafly.com/news/politics/leafly-investigation-california-dirty-cannabis-problem>

Colorado Pesticide List

- Approved List:
<https://drive.google.com/file/d/1upPu4MArI5Wcdy0eOgP7fkqFDTTsmQo0/view>
- Banned List:
<https://drive.google.com/file/d/1OmTn9Mci0adYEcOi7gE9m7KCNZQMe6n/view>
- Statement on pesticide use:
https://drive.google.com/file/d/1GLuckQPE4bNTPi_EitrEGMPkyxf8YYPG/view
-

Other Articles:

<https://abizinaboxcannabis.com/feed-items/study-nearly-1-in-5-california-marijuana-consumers-buy-from-black-market/>

<https://abizinaboxcannabis.com/feed-items/california-water-regulators-help-target-unlicensed-marijuana-grows/>



**SENATOR DENNIS G. RODRIGUEZ, JR.
COMMITTEE VOTING SHEET**

Bill No. 302-34 (COR) AN ACT TO ADD A NEW § 122530 TO ARTICLE 25, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICINAL CANNABIS UNDER CERTAIN CONDITIONS.

	SIGNATURE	TO PASS	NOT TO PASS	ABSTAIN	REPORT OUT ONLY	PLACE IN INACTIVE FILE
DENNIS G. RODRIGUEZ, Jr. Chairman					9-6-18 ✓	
JOE S. SAN AGUSTIN Vice Chairman		9/6/18 ✓				
FERNANDO B. ESTEVES Vice Chairman on Health		9-6-18 ✓ FBE				
BENJAMIN J.F. CRUZ						
THERESE M. TERLAJE						
FRANK B. AGUON, JR.						
THOMAS A. MORRISON					9/6/18 ✓	
WILLIAM M. CASTRO		9/6/18 ✓				
LOUISE BORJA MUNA		9/6/18 ✓				



SENATOR DENNIS G. RODRIGUEZ, JR.

and even the ones who are still living today who are in need and continue to be denied this relief. There are over 19,000 who voted for this medicinal cannabis law and we still haven't been able to implement it. I think that the patient's needs could be met if we could cultivate cannabis for their personal use until such time a dispensary opens. Thank you very much Mr. Chair.

Senator Rodriguez: Thank you very much Senator Muna. Miss Pellacani.

Andrea Pellacani: (written testimony provided)

Senator Rodriguez: Thank you Miss Pellacani for your testimony. We'll just go down the line.

Jonathan Savares: My name is Jonathan Savares. Thank you Mr. Chair for giving us this opportunity to look at and examine these three bills that hopefully we can get that would help get this whole program process sped up. The first thing I want to address, is Senator Muna's bill. If we look into something like this- like myself, I don't have the access to grow to cultivate in my home and I won't allow my daughter to be raised up with cultivated plants especially at the home, because it attracts negative attention and I don't want that negative attention associated with myself. What I would like the body to look into is the possibility of a certified or an approved cultivator that possibly we can get Dept. of Public Health to verify and give them the statutes of what the government is requiring of them, what cultivation methods and prove pesticides...so we have that kind of protection. By getting these cultivators approved, it would have to be new verbiage because currently I think we use 'caregiver.' So the verbiage issue is something we need to look at and possibly at least the opportunity to get these cultivators or people who are interested in cultivation a leg up and get them ready for that regulatory side or the regulations and try to train them and get them conditioned to within those procedures that we would or that the government would like to uphold other than that, I know either way we do it, I just want this program stood up.. I want to ensure that patients have safe access to the laboratories. I think once we start getting more and more people on one page to move this program forward, we'll start seeing more patients come up and you'll see start seeing that support from the community saying yes we are going to get behind our patients.

Senator Rodriguez: Up next, Mr. Parkinson.

Mr. William Parkinson: Hello everyone my name is William Parkinson, some of you may know me as Democratic Senatorial candidate number 17, but today I speak to you as a citizen advocate for cannabis. I believe in cannabis as a product. I believe it is the way to bring Guam to untold prosperity. I believe it is a way to take care of our medical community. And I want cannabis to succeed and because I want cannabis to succeed, I cannot support this bill. This bill has a fundamental misunderstanding of what is required to make cannabis cultivation successful, and a positive force on the island first off home cultivation, cannot be effectively implemented without

Chairman, Committee on Health, Tourism, Military Affairs and Senior Citizens

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SENATOR DENNIS G. RODRIGUEZ, JR.

first widespread legalization of cannabis for adult use. This includes worker protections and we need a viable market to complement home cultivation without adult use legalization of cannabis home cultivation. Will put a great strain on law enforcement already strained resources police are overworked underfunded and underappreciated, let's not make their jobs unnecessarily harder to do it properly you must implement home cultivation with a full adult use legalization. Together that is when you actually reduce the strain on law enforcement because you simplify the enforcements without that important component of full legalization, you only make a police officer's job more complex by requiring them to be trained and to dedicate resources to discern between legitimate and illegitimate, grows rather than reducing the strain you've only added to it, making life more difficult for officers and citizens alike. Second six plants is not enough to satisfy a medicinal patient's needs year around a proper home cultivation needs at least 12 plants, to properly satisfy a single medicinal cannabis patients' needs on top of that home cultivation fails to provide immediate tangible relief to cannabis patients some of these people live in constant pain and do not have the time or the resources to learn an entirely new skill to provide themselves with basic medicine that their government has failed to provide for them despite making their voices and desires known since 2014. The intentions and spirit of this bill are undoubtedly good, but it is misguided and short-sighted half-measure that attempts to put a band aid on the gunshot wound that has been the failed implementation of medicinal cannabis from the executive branch. We must go back to the drawing board and add a provision for full adult legalization so we can have a commercial market to complement home cultivation and worker protections, to make sure people that partake in this program aren't putting their careers at risk. We also need to increase the provision to 12 plants allow them this is what must be done if you want home cultivation to be a positive force that gives Island residents a holistic option for their care and medication, if you cannot do that this term I can hope I hope you can support my efforts to promote full adult legalization with that same noble and well-intentioned spirit next term. This bill is a half measured that does not go far enough without full adult use cannabis legalization included with the home cultivation me as a strong advocate in favor of cannabis I cannot support this bill. Thank you for your time.

Senator Esteves: Thank you, Mr. Parkinson. Next up we have Mr. Concepcion.

Mr. Joaquin Concepcion: Thank you for having me. I reviewed this bill that I have in front of me and this is for the home cultivation Bill 302-34, you know five years ago, I sat here and I spoke to people nice and wonderful people...I've always had the confidence that our own people could make our lives just a little bit better we're talking about medicinal marijuana, we're talking about medical cannabis, something that will help those folks. Well that's water under the bridge and I hate to say this but it came to a point where none of you folks was able to make that decision whether we should do it or not and it went out to the public and we had 19,000 people say yes that we're going to do this...read the paper, listened to the media and we hear things about budget and how much money

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we don't have...how much money we need to make to make things work. This is the opportunity for us to go out and approve this bill. There's nothing else out there. We have you know those two other additional amendments due to this particular bill that Senator Muna had written...do we have an alternative, do we have assurances that tomorrow we'll have that laboratory or we have somebody that's interested beyond the laboratory will be built? So that those people that are suffering and they have this thing alleviating some of their pains because of the debilitating diseases that they have, is that a guarantee that is gonna happen? You know, I don't know...I'm not a politician, you talk about sunset provisions and stuff like this and everything...this is the opportunity, this is not going to cost 78 million dollars. It's been five years where these folks testified and said exactly what they said here... not it's not their fault, I'm not saying that where were you...collectively we are supposed to get together and make this thing work. Educate the people and let them know how great it's going to be. I was here five years ago...I had tears in my eyes, and even up to now people still ask me when it is going to happen. What else do we have? It's just frustrating because it's been five years.

Mr. August Fest: (written testimony provided)

Senator Rodriguez: We're going to have to take a short recess, they're going to have to reconfigures, and we have been on for three hours so we'll take a recess.

Good evening, we are back on record. The time is 7:59pm. Mr. Fest you may continue.

Mr. August Fest: (written testimony provided)

Ms. Megan McAlonis: My name is Megan McAlonis Hernandez, I'm here in support of medical marijuana and recreational marijuana. I didn't get a chance to read the bills, I just found out about this public hearing last minute, but I wanted to come and show my support that you're even talking about this because I'm not from this island. I moved here in 2015 and one of the first things I looked up was what your marijuana laws were and I saw that medical marijuana has passed which I was really happy about because my husband uses medical marijuana because he's a veteran with PTSD from being in the Marines in Iraq and it really helps him a lot to have it, so I was thankful to see that it was legal and then we arrived and I out well it's not actually here and not established so I attended the first public hearing in summer of 2015 over in Mangilao. So this is my third one, still saying the same thing that it definitely should be happening sooner the better. I liked what the men that were sitting up here said- one thing that stuck out to me, the patient, the medical marijuana patient that sitting here said something about how he didn't want his daughter to grow it in the house and how he didn't want that negative attention...and you know that is something that can change that's part of the culture that you know doesn't have to be negative to grow marijuana plants in your home or around your home. There are many states that are changing their laws and there are many places where you can grow marijuana legally and the whole mindset is changing there and there's a lot of



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people from generations where they thought marijuana was a bad drug and they're always told not to do it but then try it on their own and they figure out it is medicinal for them as well and their mindset is changing. This is a plant we are talking about and this plant has had handcuffs on it for many years and I think it's definitely time to take those off and just see it as a plant, a medicinal plant. I really like the idea of recreational adult use, anyone over the age of 21. A lot of states are doing it or are headed in that directions and I think Guam can do that too. I'm just really excited that we're talking about it. I appreciate these bills being written for home cultivation and laboratories but I think it's important to look at the big picture and you can go much farther and you don't have to be afraid. There's a lot more support than you see here in this room.

Senator Rodriguez: Thank you. Senator Muna?

Senator Muna: I want to thank you Megan for your testimony and I want to thank your husband for his service. Is he still serving? May I ask were you moved here from?

Ms. Megan McAlonis: No he's not. We moved here from Arizona.

Senator Muna: I'm not very familiar but does Arizona have a legal...or medicinal marijuana?

Ms. Megan McAlonis: Medicinal.

Senator Muna: I know the handcuffs you are talking about. There is a stigma that follows this plant. We're trying to educate the people and I want to thank you, I know Andrea and her team, because they're expanding the minds of people and I think more people are warming up to the idea. When Mr. Concepcion was up here, his testimony to me was very emotional because I knew his son who passed away from cancer and so that's why I felt his pain and being here five years ago and to say the exact same things and we're still in the exact same position...we're inching a little bit closer. The more you come out to these public hearings, the better this program has a chance so I just want to commend you. I did want to ask Andrea...that is there a way that we can identify if a seed is male or female?

Ms. Andrea Pellacani: It's not that accurate and then you have the issue with the clippings. You would cut from a mother plant and that can be done.

Senator Esteves: Thank you Mr. Chairman and thank you everyone for your testimony. I know there has been a lot of discussion about adult use cannabis and it's going around a lot and I just want to make sure my information is up to date back when I was researching it. Would anyone on the panel be able to tell me where any of these adult cannabis programs or policies instituted by the states, were they all done through referendum? Or were any done through the legislative process?



SENATOR DENNIS G. RODRIGUEZ, JR.

Ms. Andrea Pellacani: That's a good question. Almost none of them were I want to say that there may be one state on the verge, CNMI would be breaking ground.

Senator Esteves: I think you guys are in a position to actually move this initiative forward faster than us and that's because most people understand that our relationship with the United States as opposed to a state where we're really a ward of Congress and so we're very limited in what we can do and one of the things explicitly said in the Organic Act is anything counter to federal laws is automatically null and void though I think though what the states have done with similar provisions within their own constitutions have gone through the referendum approach because that is not an act of the legislature in defiance to federal law. I mean through the referendum process and ratified through that process completely bypassing the legislature and so I think it's important to note that and looking at what other states did because again like I said I support your advocacy and I think you guys are able to move mountains a lot of faster in regards to that. I want to keep encouraging you guys for your advocacy and keep moving initiatives forward because what's been very clear tonight is that you are all very knowledgeable and again community empowerment is and what we've seen with the adult use, I'm sorry, medicinal use. Thank you for your indulgence Mr. Chairman.

Senator Rodriguez: Thank you very much. Senator Esteves you did say that the individuals that come forward are very knowledgeable. I want to thank them, the committee has really taken advantage of the information that Andrea and Grassroots Guam provides, John as well has been very helpful in providing us information and so these bills that we have will ensure that well that's my commitment we should move it out of the committee and get it entertained during our next session which I think is the end of the month. So we'll make sure we do that...and see what changes need to be made. Thank you so much. I want to say thank you for staying this late and to the staff as well. The time is now 8:31pm and this public hearing is adjourned. Thank you.

III. Fiscal Note: Attached

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Health, Tourism, Military Affairs and Senior Citizens, hereby reports out **Bill No. 302-34 (COR)** with the recommendation to to Pass.

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

Bill No. 302-34 (COR)
Introduced by:

Louise B. Muña 

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

2018 JUN 18 PM 2:49

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

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

4
5 **“§ 122530. Home Cultivation: When permitted.**

6 (a) Upon written certification as provided by § 122526 of this Chapter, the
7 Department shall issue a permit for the patient or patient’s caregiver to cultivate
8 cannabis if there is no operational dispensary for cannabis products.

9 (b) The following conditions are required of the patient and/or patient’s caregiver
10 for home cultivation permit eligibility:

11 1. The application fee.

12 2. An application, including:

13 a. Name, mailing address, residence address and date of birth of the
14 qualifying patient.

15 b. Name, address and telephone number of the qualifying patient's
16 physician.

1 c. Name, mailing address, residence address and date of birth of the
2 qualifying patient's designated caregiver, if any.

3 d. A statement signed by the qualifying patient pledging not to divert
4 cannabis to anyone who is not allowed to possess cannabis pursuant to
5 this chapter.

6 e. A signed statement from the designated caregiver, if any, agreeing
7 to be the patient's designated caregiver and pledging not to divert
8 cannabis to anyone who is not allowed to possess cannabis pursuant to
9 this Chapter.

10 f. Caregiver must be at least eighteen (18) years of age

11 g. Caregiver must register with the Department

12
13 (c) A patient or caregiver is authorized to grow cannabis for medicinal purposes
14 subject to the following conditions:

15 1. That the patient possesses no more than three (3) flowering mature plants
16 and six (6) juvenile plants at any given time,

17 2. Cannabis plants must be cultivated indoors and not be visible from any
18 public location or in outdoor areas secured by a locked gate that is not
19 visible from any public location or neighbors,

20 3. The Department may inspect the area(s) where cannabis is cultivated at
21 any time,

22 4. A caregiver may cultivate cannabis on behalf of the patient in the event
23 that the patient is unable to cultivate cannabis,

1 5. Harvested cannabis must be stored in a secure area and not accessible to
2 persons other than the patient or patient's caregiver,

3 6. Cannabis shall not be cultivated in the common areas of any multifamily
4 complex,

5 7. Medical cannabis may be grown only at one of the following locations
6 and that location must be identified

7 a. the residence of the qualifying patient, or

8 b. the residence of the designated caregiver, or

9 c. another site that is either owned or controlled by the qualifying
10 patient or the designated caregiver.

11 (d) A patient or patient's caregiver is not authorized to cultivate cannabis if the
12 patient's or patient's caregiver's landlord or homeowner's association prohibits
13 such practice.

14 (e) The fee for the permit herein shall be Fifteen Dollars (\$15) per year.

15 (f) The Department may revoke a permit for failure to adhere to the provision of
16 this section.

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

21 **Section 2. Effective Date:** This Act is effective on the date of enactment.

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Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Agon, Jr.,
Member

Senator Telenia C. Nelson,
Member



Senator Dennis G. Rodriguez, Jr.,
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Senator Joe S. San Agustin,
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PRE-REFERRAL CHECKLIST

BILL NO. 302-34 (COR) AN ACT TO ADD A NEW § 122530 TO ARTICLE 25, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICINAL CANNABIS UNDER CERTAIN CONDITIONS. Introduced by: Louise B. Muña		
(A) Legal Bureau	<p>(1) One subject matter? [SR § 6.01(a), 2 GCA § 2108(a)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)</p> <p>(2) Conform to Standing Rules as to form and style? [SR §§ 6.02(b) and (d), 6.03(d)] <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)</p>	<p>Notice to Legal Bureau: <u>Mon., June 18, 2018 @ 3:58 p.m.</u></p> <p>Completed by Legal Bureau: <u>Wed., June 20, 2018 @ 5:38 p.m.</u></p>
(B) Office of Finance & Budget (OFB)	<p>(1) Does the Bill contain appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>(2) Does the Bill contain an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A</p> <p>(3) Does the Bill contain provisions that have potential fiscal impacts on the government of Guam budget? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A</p>	<p>Notice to OFB: <u>Mon., June 18, 2018 @ 3:58 p.m.</u></p> <p>Completed by OFB: <u>Thurs., June 21, 2018 @ 12:10 p.m.</u></p>
COR Action	<p>Is the fiscal impact revenue negative to the government of Guam budget? <input type="checkbox"/> YES (Refer to Committee on Appropriations) <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A</p>	<p>Completed by: <u>[Signature] 6.21.18 @ 12:30 p.m.</u></p>

PRE-REFERRAL CHECKLIST

BILL NO. 302-34 (COR) AN ACT TO ADD A NEW § 122530 TO ARTICLE 25, CHAPTER 12, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO PERMITTING THE HOME CULTIVATION OF MEDICINAL CANNABIS UNDER CERTAIN CONDITIONS. Introduced by: Louise B. Muña		
(C) DEBT		
(1) SR § 6.01 (b)(1)(A) Land, Infrastructure, Building Projects, Capital Improvement Projects	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Received by: (Signature, Date & Time) 6.21.18 @ 1pm.
(2) SR § 6.01 (b)(1)(B) Refinancing of existing debt (not less than 2%)	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES <input type="checkbox"/> NO (Return to Prime Sponsor)	Completed by: (Signature, Date & Time) 6.21.18 @ 1pm.
(3) SR § 6.01 (b)(2) Authorize public debt to fund operations of agency, instrumentality, public corporation	<input checked="" type="checkbox"/> N/A <input type="checkbox"/> YES (Return to Prime Sponsor) <input type="checkbox"/> NO <input type="checkbox"/> Waived (per official state of emergency, as attached)	Completed by: (Signature, Date & Time) 6.21.18 @ 1pm.
COR Action	<input type="checkbox"/> Return to Prime Sponsor <input checked="" type="checkbox"/> Refer to: Cmte on Health, Tourism, Military Affairs and senior citizens. (DCR).	Date & Time: 6.21.18 @ 1pm.
For COR Office Use Only	Pursuant to COR decision (COR Meeting, April 3, 2017): Completed within five (5) working days? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Initial: 6.21.18 @ 1pm. If NO: Provide letter of explanation (see attached).



Senator Thomas C. Ada,
Vice Chairperson

Speaker Benjamin J.F. Cruz,
Member

Vice Speaker Therese M. Terlaje,
Member

Senator Frank B. Aguon, Jr.,
Member

Senator Telena C. Nelson,
Member



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Senator Dennis G. Rodriguez, Jr.,
Member

Senator Joe S. San Agustin,
Member

Senator Michael F.Q. San Nicolas,
Member

Senator James V. Espaldon,
Member

Senator Mary Camacho Torres,
Member

July 5, 2018

MEMO

To: Rennae Meno
Clerk of the Legislature

From: Senator Régine Biscoe Lee
Chairperson, Committee on Rules

Re: Fiscal Note

Buenas yan Håfa adai.

Attached, please find the fiscal note for the following bill:

Bill No. 302-34 (COR)

Please forward the same to Management Information Services (MIS) for posting on our website. For any questions or concerns, please feel free to contact the Committee on Rules Office at 472-2461.

Thank you for your attention to this important matter.



**Bureau of Budget & Management Research
Fiscal Note of Bill No. 302-34**

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

Department/Agency Appropriation Information

Dept./Agency Affected:	Public Health & Social Services	Dept./Agency Head:	Leo Casil, Acting Director
Department's General Fund (GF) appropriation(s) to date:			61,257,408
Department's Other Fund (Specify) appropriation(s) to date: Healthy Futures Fund - \$4,126,741, Environmental Health Fund - \$1,303,734, Sanitary Inspection Revolving Fund - \$137,280, Health Professional Licensing Revolving Fund - \$205,828, Office of Vital Statistics Revolving Fund - \$251,660, Medically Indigent Program Payment Revolving Fund - \$200,000, and Guam Cancer Registry - \$278,627			6,503,870
Total Department/Agency Appropriation(s) to date:			\$67,761,278

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2017 Unreserved Fund Balance		\$0	\$0
FY 2018 Adopted Revenues	\$0	\$0	\$0
FY 2018 Appro. (P.L. 34-42 thru)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2018 (if applicable)	FY 2019	FY 2020	FY 2021	FY 2022
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
Federal Grants	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / X / Yes // No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? / X / N/A // Yes // No
If no, what is the additional amount required? \$ _____ // N/A
- Does the Bill establish a new program/agency? // Yes / X / No
If yes, will the program duplicate existing programs/agencies? / X / N/A // Yes // No
Is there a federal mandate to establish the program/agency? // Yes / X / No
- Will the enactment of this Bill require new physical facilities? // Yes / X / No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / X / Yes // No
/ X / Requested agency comments not received by due date // Other: _____

Analyst:  Date: 7/2/18 Director:  Date: JUL 03 2018
(Oscar Dimalanta, BMA I) Lester L. Carson, Jr., Acting Director

Footnotes:

See attached comments for potential revenue impact.

Bureau of Budget & Management Research
Attachment to Fiscal Note No. 302-34
(for revenue generating provisions)

Projected Multi-Year Revenues					
	Year 1	Year 2	Year 3	Year 4	Year 5
General Fund	\$74,250	\$74,250	\$74,250	\$74,250	\$74,250
Other Fund:	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Total	\$74,250	\$74,250	\$74,250	\$74,250	\$74,250

Comments:

See attached comment sheet.

Comments on Bill No. 302-34 (COR)

Legislative Bill No. 302-34 is seeking to add a new § 122530 to Article 25, Chapter 12, Title 10, Guam Code Annotated (GCA), relative to permitting the Home Cultivation of Medicinal Cannabis under certain conditions. Section (a), as provided by §122526 of this Chapter, states that upon written certification the "Department", which is Department of Public Health and Social Services (DPHSS), shall issue a permit for the patient or the patient's caregiver to cultivate cannabis if there is no operational dispensary for cannabis products.

The Written Certification under §122526 states that a written certification for a qualified patient will be transmitted to DPHSS within 24 hours via FAX, email, or courier. This certification will also be provided as a copy to DPHSS by the patient, along with a valid form of identification. After verification, a DPHSS seal will be applied to the certification, which the patient must have on hand at all times. The patient will have only (1) one primary caregiver, however, the same caregiver may have up to (5) qualified patients. The caregiver shall register with DPHSS and shall receive a (1) one year registration identification, along with qualified patient's copy of written certification.

Section 1 (e) under this proposed Legislation states that permit fee for the home cultivation of cannabis for medicinal purposes shall be Fifteen Dollars (\$15) per year. The source of possible patient and caregiver figures is based on a study (Doc. No. 34GL-18-1528) on the Economic Impact Statement of the Medical Marijuana Program, in which 3,300 eligible patients and 1,650 primary caregivers were anticipated. Given this number set and the \$15 annual permit fee, the aggregate total of possible revenue from the enactment of the bill is \$74,250 per annum. This amount stems from the \$49,500 generated from the eligible patients and \$24,750 from the Primary Caregivers. Such revenues would be deposited into the Compassionate Cannabis Use Fund.

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Vice Chairperson

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Vice Speaker Therese M. Terlaje,
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COMMITTEE REPORT CHECKLIST

Part 1 / 1

BILL NO. 302-34 (COR)

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

Introduced by: Louise B. Muña

REFERRED TO:

Senator Dennis G. Rodriguez, Jr.
Committee on Health, Tourism, Military Affairs and Senior Citizens

(A) FISCAL NOTE or WAIVER	(1) Requested by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: <i>Thurs., June 21, 2018 @ 4:40pm.</i>
	(2) Received by COR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Date & Time: <i>Thurs., July 5, 2018 @ 2:28pm.</i>
	(3) Waived by COR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Date & Time:
	(4) Bill contains appropriations or authorizations for appropriations from any fund sources? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: (4/5)(a) Funding Availability Note/Waiver (OFB) attached? <input type="checkbox"/> YES <input type="checkbox"/> NO (Unable to file CMTE Report)
	(5) Bill contains an authorization to expend government funds? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	(4/5)(b) Funding source identified? 2 GCA § 9101 <input type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6))
	(6) Restrictions Against Unfunded Appropriations (2 GCA § 9101) <input type="checkbox"/> Identifies specific alternate funding source <input type="checkbox"/> De-appropriates from previous appropriation with available funds and fiscal note <input type="checkbox"/> Written certification by CMTE Chair that a situation exists which "threatens the safety, health and welfare of the community"	(4/5)(c) Funds available and sufficient? 2 GCA § 9101 <input type="checkbox"/> YES <input type="checkbox"/> NO (Proceed to (A)(6))

If no boxes checked:

UNABLE TO PLACE ON SESSION AGENDA
2 GCA § 9102

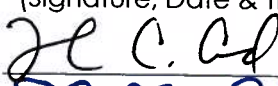


(1) HEARING NOTICES SR §§ 6.04(a)(1) and 6.04(a)(2), Open Government Law (5 GCA, Ch. 8)	
<input checked="" type="checkbox"/> (a) Five (5) working days prior (A L Senators & ALL Media)	Date and Time of Notice: Tues., Aug. 7, 2018 @ 5:15pm. Amended: Wed., Aug. 8, 2018 @ 1:30pm.
<input checked="" type="checkbox"/> (b) Forty-eight (48) hours prior (ALL Senators & ALL Media)	Date and Time of Notice: Fri., Aug. 10, 2018 @ 2:59pm.
(2) Date and Time of Hearing: Tues., Aug. 14, 2018 @ 5pm.	or (4) HEARING WAIVED by Speaker in case of emergency SR § 6.04(a)(1) <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A If YES: Attach memo indicating WAIVER
(3) Location: Public Hearing Room, Guam Congress Building	
(5) AMENDMENTS or SUBSTITUTIONS BY COMMITTEE SR § 6.04(b)	
(B) PUBLIC HEARING (a) Committee elects to substitute bill? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (b) Bill materially different after committee amendment or substitution? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	If YES: Date and Time: (a)(1) Vote sheet affirmative? <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(2) Preliminary report filed with COR? SR § 6.04(b)(2) <input type="checkbox"/> YES <input type="checkbox"/> NO (a)(3) Public Hearing noticed? <input type="checkbox"/> YES <input type="checkbox"/> NO
	If YES: SECONDARY PUBLIC HEARING MAY BE REQUIRED SR § 6.04(c)(3) <input type="checkbox"/> YES <input type="checkbox"/> NO <hr style="border: 1px solid black;"/> COR Chair

Committee Report Checklist on
 Bill No. 302-34 (COR) As Introduced.
 Part 1 / 1

(C) COMMITTEE REPORT	(1) Committee Report filed with COR? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If YES: Date & Time: <i>Thurs, September 6, 2018 @ 2:30pm.</i>	Notes:	If NO: UNABLE TO PLACE ON SESSION AGENDA SR § 6.04(d)(1)
	(1)(a) Secondary CMTE Report filed with COR? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A If YES: Date & Time:		
	(2) LAND LEGISLATION		
	(a) Bill involves government taking, transfer, purchase, or lease of land? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: ATTACH TWO (2) PROPERTY APPRAISALS TO CMTE REPORT SR § 6.04(c)(4) 2 GCA § 2107(b)	
	(a)(1) Please indicate on both columns: <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;"> (i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease </td> <td style="width: 50%;"> (ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government </td> </tr> </table>		
	(i) Type of transaction: <input type="checkbox"/> Taking <input type="checkbox"/> Transfer <input type="checkbox"/> Purchase <input type="checkbox"/> Lease	(ii) Type of entity: <input type="checkbox"/> Government <input type="checkbox"/> Non-government	
	(b) Bill involves legislative land rezoning? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: INCLUDE Land Zoning Consideration Report 2 GCA § 2110	
	(b)(1) Bill involves legislative rezoning of property zoned Agricultural (A)? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: INCLUDE Agricultural Consideration Report (Dept. of Agriculture) 2 GCA § 2110 [Proceed to (b)(2)]	
(b)(2) Proof of Agricultural consideration report reviewed by Guam Land Use Commission? 21 GCA § 61637 <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A			

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 Part 1 / 1

	(3) G.A.R.R. LEGISLATION SR § 6.04(c)(1) 5 GCA §§ 9301 and 9303	
	a) Bill involves approving or amending Rules and Regulations? <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A	If YES: INCLUDE Economic Impact Statement 5 GCA §§ 9301(d), 9301(e), 9301(f)
(D) COMMITTEE REPORT (continued)	(4) COMMITTEE REPORT COMPONENTS	
	(a) Front Page Transmittal to Speaker	<input checked="" type="checkbox"/>
	(a)(1) COR Chair Signature Line	<input checked="" type="checkbox"/>
	(b) Title Page	<input checked="" type="checkbox"/>
	(c) Committee Chair Memo to All Committee Members	<input checked="" type="checkbox"/>
	(d) COR Referral Memorandum	<input checked="" type="checkbox"/>
	(e) Notice of Public Hearing & Other Correspondence	<input checked="" type="checkbox"/>
	(f) Public Hearing Agenda	<input checked="" type="checkbox"/>
	(g) Public Hearing Sign-in Sheet	<input checked="" type="checkbox"/>
	(h) Written Testimonies & Additional Documents	<input checked="" type="checkbox"/>
	(i) Committee Vote Sheet(s)	<input checked="" type="checkbox"/>
	(j) Committee Report Digest(s)	<input checked="" type="checkbox"/>
	(k) Bill History	<input checked="" type="checkbox"/>
	(k)(1) Copy of Bill as introduced	<input checked="" type="checkbox"/>
	(k)(2) COR Pre-Referral Checklist	<input checked="" type="checkbox"/>
	(k)(3) Copy of Bill as corrected by Prime Sponsor (if applicable)	<input type="checkbox"/>
	(k)(4) Copy of Bill as amended/substituted by Committee (if applicable)	<input type="checkbox"/>
	Substitute/Amended Mark-Up Version	<input type="checkbox"/>
	Substitute/Amended Word-Version Emailed to COR?	<input type="checkbox"/>
	(l) Fiscal Note/Waiver and Funding Availability Note (OFB) BBMR	<input checked="" type="checkbox"/>
	(m) Two (2) Property Appraisals (if applicable)	<input type="checkbox"/>
	(n) Related News Reports (optional)	<input type="checkbox"/>
(o) Miscellaneous (optional)	<input type="checkbox"/>	
(p) Committee Report Checklist(s)	<input checked="" type="checkbox"/>	
	Originals	<input checked="" type="checkbox"/>
	Single-Sided	<input checked="" type="checkbox"/>
	Letter Size	<input checked="" type="checkbox"/>
	No Staples/ Paper Clips	<input checked="" type="checkbox"/>
(E) COR Action	<input checked="" type="checkbox"/> CMTE Report duly filed; Available for Placement on Session Agenda <input type="checkbox"/> CMTE Report non-conforming for acceptance; Return to Committee	COR CHAIR (Signature, Date & Time)  9.7.18 @ 10:20am.

N/A
 N/A
 N/A
 N/A
 N/A
 N/A
 N/A