I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 302-34 (COR) As substituted and amended on the Floor.	**Speaker Antonio R. Unpingco Legislative Session Hall** **October 4, 2018**					
NAME	**Aye**	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**
Senator Thomas C. **ADA**	✓					
Senator FRANK B. **AGUON, JR.**					✓	✓
Senator William M. **CASTRO**	✓					
Senator James V. **ESPALDON**		✓				
Senator Fernando Barcinas **ESTEVES**	✓					
Senator Régine Biscoe **LEE**	✓					
Senator Tommy **MORRISON**	✓					
Senator Louise B. **MUÑA**	✓					
Senator Telena Cruz **NELSON**		II ✓				
Senator Dennis G. **RODRIGUEZ, JR.**		III ✓				
Senator Joe S. **SAN AGUSTIN**	✓					
Senator Michael F.Q. **SAN NICOLAS**					✓	✓
Acting Speaker Therese M. **TERLAJE**	✓					
Senator Mary Camacho **TORRES**					✓	✓
TOTAL:	**8**	**3**			**3**	**3**
	Aye	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN
2018 (SECOND) Regular Session

Bill No. 302-34 (COR)
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Introduced by: Louise B. Muña
Fernando Barcinas Esteves
Régine Biscoe Lee

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

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

"**§ 122530. Home Cultivation: When Permitted.**

(a) Upon written certification as provided by § 122526 of this Article and the completion of the requirements in § 122530(c) of this Article, the Department *shall* issue a permit for a qualified patient or a patient's designated caregiver to cultivate cannabis at home if there is no operational dispensary for medical cannabis products.

(b) For the purposes of this Section:

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

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

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

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

(1) the application fee; and

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

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

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

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

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

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

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

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

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

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

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

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

(C) the multiple patients' designated caregiver may possess *no more than* six (6) flowering mature plants and *no more than* twelve (12) juvenile plants per qualified patient at any given time. The multiple patients' designated caregiver may operate only a single cultivation site. A multiple patients' designated caregiver who cultivates medical cannabis at the qualified patient's residence *shall not* be deemed as operating an additional cultivation site. Any multiple patients'

designated caregiver who cultivates medical cannabis for more than three (3) qualified patients *shall* comply with the requirements for a Commercial Cultivation License, as defined by this Article, except that the annual business license fee *shall* be Ten Dollars ($10.00) per qualified patient per year. Any multiple patients' designated caregiver who cultivates medical cannabis for more than five (5) qualified patients *shall* obtain and comply with the requirements for a Commercial Cultivation License, as defined by this Article, and all applicable licenses and fees *shall* apply.

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

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

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

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

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

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

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

(A) the residence of the qualified patient;

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

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

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

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

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

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

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

(j) The Department *shall* maintain links to sites such as, but not limited to, the United States Department of Agriculture (USDA), the Guam Department of Agriculture, the United States Environmental Protection Agency (USEPA), and the Guam Environmental Protection Agency that provide information on dangerous or potentially dangerous pesticides, fertilizers, and other substances, chemicals, or compounds that are not recommended or are prohibited in the cultivation of crops,

including cannabis. The list does not have to be exhaustive or authoritative but *shall* be updated as new resources become known to the Department.

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

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

(1) the amount, in weight, destroyed or disposed of;

(2) the method of destruction or disposal;

(3) the time and date of destruction or disposal;

(4) the reason for destruction or disposal; and

(5) any other information the DPHSS deems necessary."

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