I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2018 (SECOND) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 210-34 (COR) As substituted by the Committee on Health, Tourism, Military Affairs and Senior Citizen; and amended on the Floor.	**Speaker Antonio R. Unpingco Legislative Session Hall** **January 26, 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**	√					
Speaker Benjamin J.F. **CRUZ**	√					
Senator James V. **ESPALDON**	√					
Senator Fernando Barcinas **ESTEVES**	√					
Senator Régine Biscoe **LEE**	√					
Senator Tommy **MORRISON**	√					
Senator Louise B. **MUÑA**	√					
Senator Telena Cruz **NELSON**	√					
Senator Dennis G. **RODRIGUEZ, JR.**	√					
Senator Joe S. **SAN AGUSTIN**	√					
Senator Michael F.Q. **SAN NICOLAS**	√					
Vice Speaker Therese M. **TERLAJE**	√					
Senator Mary Camacho **TORRES**	√					
TOTAL:	14	1				
	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
2017 (FIRST) Regular Session

Bill No. 210-34 (COR)
As substituted by the Committee on Health,
Tourism, Military Affairs and Senior Citizens;
and amended on the Floor.

*

Introduced by: Dennis G. Rodriguez, Jr.
Joe S. San Agustin

AN ACT TO ADOPT THE RULES AND REGULATIONS ATTACHED AS EXHIBIT A HERETO, ENTITLED: "RULES AND REGULATIONS GOVERNING THE JOAQUIN (KC) CONCEPCION II COMPASSIONATE CANNABIS USE ACT OF 2013"; AND TO *AMEND* SUBSECTIONS (a), (g), (h), (o), (t), AND (aa) OF § 122503, AND SUBSECTION (4) OF § 122510, ALL OF ARTICLE 25, PART 2, CHAPTER 12, DIVISION 1, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ALLOWING MEDICAL USE OF CANNABIS BY NON-RESIDENTS AND AMENDING CERTAIN DEFINITIONS CONTAINED IN THE MEDICAL CANNABIS LAW.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the rules and regulations for the implementation of the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013" have been a long time in development and that the public, having voted in a referendum in favor of the medical use of cannabis by persons with medical conditions that can be helped by cannabis, has waited long enough for the program to be put into place. On November 8, 2017, the Department of Public Health and Social Services submitted the draft rules and regulations for the "Joaquin (KC) Concepcion II Compassionate Cannabis

Use Act of 2013," hereafter "the Act," at the request of the Chairman of *I Liheslaturan Guåhan's* Committee on Health. For this reason, the draft rules and regulations attached to this legislation should have immediate public hearings and be adopted by *I Liheslaturan Guåhan* as soon as possible.

I Liheslaturan Guåhan further finds that existing statute and the draft rules and regulations at the present time limit the use of medical cannabis to Guam residents. Guam is presently the only destination in the Asia-Pacific region to have a legal medical cannabis program. The potential for Guam's program to provide relief to non-resident patients is a real possibility that should be addressed. In addition, there is the probability of Guam developing a tourist-oriented medical cannabis market that may further spur economic opportunity for our island. Visiting patients who have been diagnosed as having debilitating medical conditions should also be able to avail of the relief medical cannabis offers.

It is, therefore, the intent of *I Liheslaturan Guåhan* to adopt the marked-up rules and regulations submitted by the Department of Public Health and Social Services and edited through public feedback and suggestions that will strengthen the implementation of the medical cannabis program. It is also the intent of *I Liheslatura* to amend certain definitions contained in the Act in order to align the definitions in the Rules that make it possible for the Department to execute and regulate this new industry. It is further the intent to amend statute to allow visiting patients to avail of the "Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013," subject to revision during an open and publicly noticed legislative markup.

Section 2. *I Liheslaturan Guåhan* hereby adopts the rules and regulations, as substituted, and attached as Exhibit A, entitled: "Rules and Regulations Governing the Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of 2013," hereafter "the Rules," and such adopted rules and regulations may be changed hereafter according to the Administrative Adjudication Law.

Section 3. § 122503(aa) of Article 25, Part 2, Chapter 12, Division 1, Title 10, Guam Code Annotated, is *amended* to read:

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

Section 4. Procurement of Tracking System; Interim Remedies in Absence of. Nothing in the Rules shall prevent any government agency or official so authorized or mandated, from operating tracking system(s) manually. The full implementation of the program prescribed by the Act and the Rules will not be contingent on the procurement of a digital tracking system within the twenty-four (24)-month period immediately succeeding the enactment of this Section.

Section 5. Amendments to Other Definitions Contained in Law. In order to align the administrative policies contained in the Rules, which are meant to carry out the intended purpose of the Act with the greatest degree of efficiency, subsections (a), (g), (h), (o), and (t) of § 122503 (Definitions) of Article 25, Part 2, Chapter 12, Division 1, Title 10, Guam Code Annotated, are hereby *amended* to read:

"(a) *Allowable amount* means an amount of cannabis, in any form approved by the Department, possessed by a qualified patient or collectively possessed by a qualified patient and the qualified patient's primary caregiver to be no more than reasonably necessary to ensure the uninterrupted availability of cannabis that is derived solely from an intrastate source. The allowable amount *shall* consist of an amount not to exceed two and a half (2.5) ounces of dried cannabis or its THC equivalency as determined by the Department, purchased from a dispensary every fourteen (14) calendar days. The qualified patient may request for an increased allowable amount of medical cannabis, prepared medical cannabis and medical cannabis products

from the Department on a Department-provided form; provided, that the qualified patient provides a valid reason for legitimate need supported by a practitioner recommendation.

The allowable amount *shall* be reviewed by the Regulation Commission from time to time."

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

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

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

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

Section 6. In order to align the administrative policies contained in the Rules, which are meant to carry out the intended purpose of the Act with the greatest degree of efficiency, subsection (4) of § 122510 (Application and Licensing Process for Medical Cannabis Business) of Article 25, Part 2,

Chapter 12, Division 1, Title 10, Guam Code Annotated, is hereby *amended* to read:

"(4) affirmation that the proposed medical cannabis business is not within a Drug Free School Zone. *Drug Free School Zone* means any area within one thousand (1,000) feet of a public or private elementary, secondary, or post-secondary educational institution or its accompanying grounds; or within the vehicle of any school bus which transports students while in motion. A Drug Free School Zone *shall not* include private real property which is not a school or the accompanying grounds of a school. This definition as it appears in this subsection and as it applies in this Chapter *shall not* be construed as to change or in any way alter the meaning of Drug Free School Zone as it is defined and prescribed in the *Drug Free School Zone Act*, Chapter 48 of Title 17, Guam Code Annotated."

Section 7. Severability. If any provision of this Act or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provisions or application, and to this end the provisions of this Act are severable.

Section 8. Effective Date. This Act *shall* become effective upon enactment.