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CANNABIS CONTROL BOARD
[PROPOSED] RULES AND REGULATIONS

DRAFT

CHAPTER 9

CANNABIS CONTROL BOARD

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

4 (e) “*Board*” means the Cannabis Control Board referenced in 11
5 GCA, Chapter 8, § 8109.

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

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

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

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

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

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

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

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

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

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

24 (p) “*Cannabis product manufacturing facility*” means an entity
25 licensed to purchase cannabis from licensed cannabis cultivation facilities to
26 manufacture, prepare, and package cannabis products; and to sell cannabis and
27 cannabis products to other cannabis product manufacturing facilities and to
28 retail cannabis stores, *but not to consumers*. Nothing herein shall be construed

1 to prohibit a cannabis product manufacturing facility from purchasing cannabis
2 or cannabis products from other cannabis product manufacturing facilities.

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

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

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

14 (t) “*Chain of custody*” form means a form, approved by the
15 Department, to track the movement of cannabis, cannabis concentrate, cannabis-
16 infused product or cannabis products as it is transferred from licensed cannabis
17 establishment to licensed cannabis establishment.

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

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

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

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

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

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

8 (aa) "*Denial*" means the Board's decision not to issue a cannabis
9 identification card, cannabis establishment license or Permit to Operate to an
10 applicant, because the applicant or the application does not comply with the
11 applicable requirements in these rules and regulations.

12 (bb) "*Department*" means the Guam Department of Revenue and
13 Taxation.

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

19 (dd) "*Director*" means the Director of the Guam Department of
20 Revenue & Taxation.

21 (ee) "*Drug free school zone*" means any area within one thousand
22 (1,000) feet of a public or private elementary, secondary, or post-secondary
23 educational institution or its accompanying grounds; or within the vehicle of
24 any school bus which transports students while in motion. A drug free school
25 zone shall not include private real property which is not a school or the
26 accompanying grounds of a school.

27 (ff) "*Edible food product*" means a substance, beverage, or ingredient
28 used or intended for use or for sale in whole or in part for human consumption.

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

9 (hh) “*Employee*” means any person, including the owner, operator,
10 manager or other person performing any function or services in a licensed
11 cannabis establishment, whether for compensation or otherwise.

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

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

21 (kk) “*Felony offense*” means:

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

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

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

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

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

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

13 (mm) "*Gross weight*" means the weight of cannabis, cannabis
14 concentrate, cannabis-infused product or cannabis products that includes the
15 weight of the packaging.

16 (nn) "*GCA*" means Guam Code Annotated.

17 (oo) "*Guam residency*" means that the applicant shall prove that they
18 are a Guam resident by submitting:

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

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

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

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

28 (1) "*edible cannabis-infused product*" or "*edible*", which is an
29 ingestible cannabis-infused product that is intended to be

1 taken by mouth, swallowed, and is primarily absorbed
2 through the gastrointestinal tract. Edible cannabis-infused
3 products may be psychoactive when used as intended.
4 Without limitation, edible cannabis-infused products may be
5 in the form of a food, beverage, capsule, or tablet; or

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

14 (qq) “*Licensed cannabis establishment*” means any person or
15 association of persons within Guam that the Department determines to be
16 qualified to test, cultivate, manufacture, or sell cannabis pursuant to this Act,
17 and that is licensed by the Board to do so.

18 (1) At least fifty-one percent (51%) of the licensed cannabis
19 establishment shall retain ownership by legal residents of
20 Guam who have maintained continuous legal residential
21 address or addresses on Guam for a period of no less than
22 three (3) years prior to the application for a cannabis license.

23 (rr) “*Licensing Prohibition for Establishments Near Schools*” means
24 the Board *shall not* issue a license for a cannabis establishment located within a
25 distance of one thousand (1,000) feet from any public or private school and
26 other places or facilities where youth generally congregate, which include
27 childcare centers, public playgrounds, and parks. The measurements *shall* be
28 taken in a straight line from the center of the nearest entrance to the building of
29 such school or place of facility stated herein to the center of the nearest entrance

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

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

12 (tt) “*Marijuana*” means “*cannabis*” as defined in Subsection (f) of
13 this Section 11003. For purposes of this Chapter, the terms marijuana and
14 cannabis *shall* carry the same meaning and *shall* be used interchangeably.

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

19 (1) “*topical cannabis-infused product*” or “*topical*”, which is a
20 non-ingestible cannabis-infused product that produces a non-
21 psychoactive effect when used as intended. Topical
22 cannabis-infused products include, but are not limited to,
23 cannabis-infused creams, salves, bath soaks, and lotions; or

24 (2) “*transdermal cannabis-infused product*” or “*transdermal*”,
25 which is a non-ingestible cannabis-infused product that
26 contains at least one (1) skin-permeation-enhancing
27 ingredient to facilitate absorption through the skin into the
28 bloodstream, and may be psychoactive when used as
29 intended. Transdermal cannabis-infused products include,

1 but are not limited to, cannabis-infused adhesive patches that
2 are applied to the skin surface. [Act]

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

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

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

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

16 (zz) “*Public Place*”

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

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

- 22 A. Airports;
- 23 B. Banks;
- 24 C. Bars;
- 25 D. Child care facilities;
- 26 E. Child care group homes during hours of operation;
- 27 F. Common areas of apartment buildings, condominiums, or
- 28 other multi-family housing facilities;
- 29 G. Educational facilities;

H. Entertainment facilities;
I. Government of Guam offices, buildings, and properties;
J. Health care institutions;
K. Hotel and motel common areas;
L. Laundromats;
M. Libraries;
N. Office buildings;
O. Parking lots;
P. Parks;
Q. Public beaches;
R. Public transportation facilities;
S. Reception areas;
T. Restaurants;
U. Retail food production or marketing establishments;
V. Retail food establishments;
W. Retail stores;
X. Schools;
Y. Shopping malls;
Z. Sidewalks;
AA. Sports facilities;
BB. Theaters; and
CC. Waiting rooms.

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

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

(4) Nothing in this Chapter will be so construed as to prohibit the right of every private employer to designate any place of employment under his control, or any portion thereof as a

1 nonsmoking area, or an area where cannabis use is
2 prohibited.

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

6 (bbb) "*Responsible official*" means:

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

11 (2) A general partner or sole proprietorship;

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

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

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

26 (ccc) "*Retail cannabis store*" means an entity licensed to purchase
27 cannabis and to sell cannabis and cannabis products to consumers. Nothing
28 herein shall be construed to prohibit a licensed retail cannabis store to purchase,

1 sell, or transfer cannabis and cannabis products to another licensed retail
2 cannabis store.

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

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

11 (fff) “*Unrecognizable cannabis*” means marijuana or cannabis plant
12 material rendered indistinguishable from any other plant material.

13 (ggg) “*Unreasonably impracticable*” means that the measures necessary
14 to comply with this Chapter require such a high investment of risk, money,
15 time, or any other resource or asset that the operation of a cannabis
16 establishment is not worthy of being carried out in practice by a reasonably
17 prudent businessperson.

18 (hhh) “*Usable cannabis*” means the dried flowers of the cannabis plant,
19 and any mixture or preparation thereof, but does not include the seeds, stalks,
20 and roots of the plant and does not include the weight of any ingredients
21 combined with cannabis and prepared for consumption as food or drink or
22 prepared as other finished products.

23 (iii) “*Verification of identity*” means proof of identity by submitting the
24 following:

- 25 (1) Certified copy of birth certificate; and
- 26 (2) Valid Guam driver’s license; or
- 27 (3) Valid Guam identification card; or
- 28 (4) Photograph page in the consumer’s U.S. passport; or

1 (5) Photograph page in the consumer's foreign passport, as
2 approved by the Director.

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

6 (kkk) "*Weight*" means the net weight of cannabis, cannabis concentrate,
7 cannabis-infused product or cannabis products in ounces without any
8 packaging.

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- a. New: Two Hundred Dollars (\$200)
- b. Renewal: One Hundred Seventy Five (\$175)

(3) Cannabis Establishment Occupational License: Manager and Employee

- a. New: Fifty Dollars (\$50)
- b. Renewal: Twenty Five (\$25)

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

(1) Type I Cultivation Facility License:

- a. Application Fee: Two Thousand Dollars (\$2,000)
- b. New License Fee: Three Thousand Dollars (\$3,000)
- c. *License Renewal Fee: Three Thousand Dollars (\$3,000)
- d. Permit to Operate Fee: Two Thousand Dollars (\$2,000) per year

(2) Type II Cultivation Facility License:

- a. Application Fee: Five Thousand Dollars (\$5,000)
- b. New License Fee: Five Thousand Dollars (\$5,000)
- c. *License Renewal Fee: Seven Thousand Five Hundred Dollars (\$7,500)
- d. Permit to Operate Fee: Five Thousand Dollars (\$5,000) per year

(3) Type III Cultivation Facility License:

- a. Application Fee: Ten Thousand Dollars (\$10,000)
- b. New License Fee: Ten Thousand Dollars (\$10,000)
- c. *License Renewal Fee: Fifteen Thousand Dollars (\$15,000)
- d. Permit to Operate Fee: Fifteen Thousand Dollars (\$15,000) per year

1 (4) Type IV – Micro Cultivation License:

- 2 a. Application Fee: Five Hundred Dollars (\$500)
- 3 b. New License Fee: Five Hundred Dollars (\$500)
- 4 c. *License Renewal Fee: Six Hundred Dollars (\$600)
- 5 d. Permit to Operate Fee: Six Hundred Dollars (\$600)

6 (5) Cannabis Product Manufacturing Facility License:

- 7 a. Application Fee: Five Thousand Dollars (\$5,000)
- 8 b. New License Fee: Five Thousand Dollars (\$5,000)
- 9 c. *License Renewal Fee: Five Thousand Dollars
- 10 (\$5,000)
- 11 d. Permit to Operate Fee: Five Thousand Dollars
- 12 (\$5,000) per year

13 (6) Cannabis Testing Facility License:

- 14 a. Application Fee: Two Thousand Dollars (\$2,000)
- 15 b. New License Fee: Two Thousand Dollars (\$2,000)
- 16 c. *License Renewal Fee: Two Thousand Dollars
- 17 (\$2,000)
- 18 d. Permit to Operate Fee: Two Thousand Dollars
- 19 (\$2,000) per year

20 (7) Retail Cannabis Store License:

- 21 a. Application Fee: Five Thousand Dollars (\$5,000)
- 22 b. New License Fee: Five Thousand Dollars (\$5,000)
- 23 c. *License Renewal Fee: Five Thousand Dollars
- 24 (\$5,000)
- 25 d. Permit to Operate Fee: Five Thousand Dollars
- 26 (\$5,000) per year

27 (c) Additional Cannabis Identification Card, License and Permit

28 Fees:

- (1) Late Fee of Cannabis Establishment License: One Hundred Dollars (\$100)
- (2) Late Fee of Permit to Operate: One Hundred Dollars (\$100)
- (3) Amendment of Cannabis Establishment License: One Hundred Dollars (\$100)
- (4) Amendment of Permit to Operate: One Hundred Dollars (\$100)
- (5) Copy of Cannabis Establishment License: One Hundred Dollars (\$100)
- (6) Copy of Permit to Operate: One Hundred Dollars (\$100)
- (7) Copy of Cannabis Identification Card: One Hundred Dollars (\$100)

(d) All fees are non-refundable.

§ 9202. Responsible Official

(a) The individual identified in the cannabis establishments by-laws as the responsible official for the cannabis establishment, who owns, operates, or is otherwise responsible for a cultivation facility, product manufacturing facility, testing facility, or retail store, and who meets the qualifications established in these rules and regulations and have been approved by the Board, is responsible for submitting all required applications, documents, and reports for the cannabis establishment. This includes applications for a Cannabis Establishment License and Permit to Operate.

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

(c) When a cannabis establishment is required by these rules and regulations to provide information, sign documents, or ensure actions are

1 taken, the individual in subsection (a) shall comply with the requirement on
2 behalf of the cannabis establishment.

3 (d) A mailing address submitted for a responsible official as part of
4 any application for a cannabis establishment shall be located in Guam.
5

6 **§ 9203. Applying for a Cannabis Identification Card by a Responsible**
7 **Official or Designated Transporter.**

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

12 (a) To apply for a cannabis identification card, a responsible official or
13 designated transporter of a cannabis establishment shall submit in person to the
14 Department the following:

15 1. An application in a form prescribed by the Department that
16 includes:

17 A. The responsible official's or designated transporter's:

18 i. First name; middle name, if applicable; last
19 name; and suffix, if applicable;

20 ii. Date of birth;

21 iii. Guam home and mailing addresses;

22 iv. Email address;

23 v. Job title, duties, and responsibilities;

24 vi. Proof of Guam residency, as defined in the
25 REAL ID Act, that the Responsible Official or
26 Designated Transporter has been living in Guam
27 continuously for at least one year (1) prior to
28 submitting the application;

1 vii. Clearances from the Guam Police Department,
2 and Superior Court;

3 B. The mailing and physical address of the licensed
4 Cannabis Establishment of the Designated
5 Transporter's place of employment or Responsible
6 Official owns;

7 C. The phone number of the licensed Cannabis
8 Establishment;

9 D. Signature of Responsible Official or Designated
10 Transporter and the date Responsible Official or
11 Designated Transporter signed;

12 E. Proof of U.S. Citizenship.

13 2. A verification of identity from the Responsible Official or
14 Designated Transporter of the Cannabis Establishment;

15 3. The applicable fees in § 9201 for a Cannabis Identification
16 Card for a Responsible Official or Designated Transporter.

17
18 **§ 9204. Denial or Approval of a New Application for a Cannabis**
19 **Identification Card for a Responsible Official or Designated Transporter.**

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

23 (b) Denial of Application:

24 1. The Board may deny an application if:

25 A. The applicant does not provide all the information
26 required and the application is considered insufficient
27 as determined by the Board ; or

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

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

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

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

11 (c) Approval of application:

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

15 A. The cardholder shall pick up the Cannabis
16 Identification Card in person at the Department.

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

19 2. The Cannabis Identification Card for a Responsible Official
20 or Designated Transporter of a Cannabis Establishment shall
21 contain:

22 A. The identification number;

23 B. The full name of the applicant;

24 C. Date of birth of applicant;

25 D. The date of issuance and expiration date of the
26 Cannabis Identification Card;

27 E. The name and physical address of the licensed
28 Cannabis Establishment;

- 1 F. The name of the Responsible Official of the licensed
2 Cannabis Establishment; and
3 G. The Cannabis Identification Card type.
4

5 **§ 9205. Revoking the Cannabis Identification Card of a Responsible**
6 **Official or Designated Transporter.**

7 (a) The Department *may* revoke a responsible official's or designated
8 transporter's Cannabis identification card within twenty-four (24) hours upon
9 notification that the responsible official or designated transporter:

- 10 1. Has violated any provision
11 2. Diverted cannabis to an individual who was not authorized
12 to possess cannabis under the Act and these rules and
13 regulations;
14 3. Had entered a plea of guilty to, a plea of nolo contendere to,
15 been found guilty of, or been convicted of a felony offense
16 or crime of moral turpitude as defined in these rules and
17 regulations; or
18 4. Violated the Act or these rules and regulations.

19 (b) The Department shall provide to a responsible official or
20 designated transporter of a Cannabis Establishment a written notice stating the
21 specific reason(s) for the revocation of their cannabis identification card within
22 two (2) business days of voiding the card when:

- 23 1. The Board receives the written notification from the
24 Cannabis Establishment that the responsible official or
25 designated transporter:
26 A. No longer serves as a Responsible Official or
27 Designated Transporter; or
28 B. Is no longer employed by the Cannabis Establishment.

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

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

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

10 (e) The cardholder of the revoked cannabis identification card shall not
11 be able to apply for a new cannabis identification card for one (1) year from
12 time of revocation of previous cannabis identification card.

13
14 **§ 9206. Changing the Information on a Cannabis Identification Card of a**
15 **Responsible Official or Designated Transporter.**

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

21 1. For a change of name:

- 22 A. The cardholder's former name;
23 B. The cardholder's cannabis identification number on
24 the cardholder's current cannabis identification card;
25 C. The cardholder's new name or address, as applicable;
26 D. Valid documentation of the legal name change, such
27 as a: marriage certificate, final divorce decree,
28 adoption decree, or other valid court order showing a
29 change of legal name;

1 2. For a change in home address:

2 A. A valid Guam mayor's verification; or

3 B. A Guam rental agreement or mortgage with the
4 applicant's name; or

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

7 D. Other acceptable forms of identification.

8 3. The signature of the cardholder and date the cardholder
9 signed.

10 4. A verification of identity;

11 5. A current photograph of the cardholder;

12 6. The applicable fee in §9201; and

13 7. Any applicable late fee.

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

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

20
21 **§ 9207. Types of Cannabis Establishment Licenses:**

22 (a) Type I Cultivation Facility License: for cultivation of less than or
23 equal to two thousand five hundred (2,500) square feet of canopy on a single
24 premise.

25 (b) Type II Cultivation Facility License: for cultivation of two
26 thousand five hundred one (2,501) to five thousand (5,000) square feet of
27 canopy on a single premise.

1 (c) Type III Cultivation Facility License: for cultivation of five
2 thousand one (5,001) to ten thousand (10,000) square feet of canopy on a single
3 premise.

4 (d) Type IV Cultivation Facility License: for cultivation of up to five
5 hundred (500) square feet of a canopy on a single premise.

6 (e) Cannabis Product Manufacturing Facility License

7 (f) Cannabis Testing Facility License

8 (g) Retail Cannabis Store License

9 **§ 9208. Requirements for a Cannabis Establishment License.**

10 (a) Legal residents of Guam who have maintained continuous legal
11 residential address(es) on Guam for a period of no less than three (3) years prior
12 to the application for a Cannabis Establishment License shall retain at least
13 fifty-one percent (51%) ownership of the cannabis establishment.

14 (b) Responsible officials, board members, businesses, stakeholders,
15 principals, or entities of a cannabis cultivation facility, a cannabis product
16 manufacturing facility or a retail cannabis store can only own or have financial
17 interest in one (1) cultivation facility, one (1) product manufacturing facility, or
18 one (1) retail store at any given time so long as the provisions for the application
19 of the separate cultivation facility, product manufacturing facility, or retail
20 cannabis store license are completed in full by the applicant.

21 (c) Responsible officials, board members, business stakeholders,
22 principals, or entities of a Cannabis Testing Facility are prohibited from owning
23 or having any financial stake in any cultivation facility, product manufacturing
24 facility, retail store, cannabis establishment that refer cannabis for their testing,
25 or another cannabis testing facility.

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

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

4 (f) The cannabis establishment must meet all applicable local and
5 federal laws and requirements for their respective zones.
6

7 **§ 9209. Application Process for a Cannabis Establishment License.**

8 (a) The responsible official of a cultivation facility, product
9 manufacturing facility, retail store, or a testing facility shall submit in person an
10 application for the appropriate cannabis establishment license in § 10000, in a
11 form approved by the Department, with the required declarations and
12 documents in §10000 and the appropriate application fees in § 10000.

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

- 15 1. Verify the information contained in the application; and
- 16 2. Conduct a thorough investigation to determine whether or
17 not the applicant and the premises qualify for a license; and
- 18 3. Generate an Investigation Report of the Department's
19 discoveries and recommendations; and
- 20 4. Shall forward to the *Board* for review a completed
21 application within thirty (30) calendar days of receipt; or
- 22 5. Shall provide written notification to the responsible official
23 of an incomplete application within thirty (30) business days
24 of the Department's determination and specify where the
25 application is incomplete.

26 (c) The Board shall deny an application if:

- 27 (1) The responsible official did not provide all the required
28 information; or
- 29 (2) The Board determines that the information provided is false.

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

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

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

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

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

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

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

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

§ 9210. Applying for a Cannabis Establishment License.

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

(a) The authorized responsible official's:

1. Name

2. ID Card Number

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

1. Legal name of the business organization;
2. Physical address of the proposed cannabis establishment business;
3. Type of business organization (sole proprietor, corporation, partnership, LLC); and
4. Names and titles of the owners, responsible official and board members;

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

1. Proof of Guam residency;
2. A verification of identity;
3. Police, court and Attorney General clearances;
4. Proof that none of the persons who are proposed to be owners, officers, or board members of the proposed licensed cannabis establishment business are under twenty-one (21) years of age;

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

1. Map of the proposed location of the cannabis establishment business;
2. Affirmation that the cannabis establishment is not located within a Drug Free School Zone;
3. Proof that the applicant has legal title filed with the Department of Land Management on which the proposed cannabis establishment will be located, or has a lease agreement with the property owner that includes consent to operate the proposed cannabis establishment on that property;
4. A certified letter from the planning department of the Department of Land Management stating that the location of

1 the cannabis establishment meets all zoning requirements of
2 this Act;

3 i. Proof that the cannabis establishment is
4 registered and has a business license and a Business
5 Privilege Tax Number with the Department;

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

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

13 (g) Certification that the proposed licensed cannabis establishment will
14 not knowingly employ or contract a person who is under the age of twenty-one
15 (21).

16 (h) The appropriate application fees in § 9201.

17
18 **§ 9211. Issuance of a Cannabis Establishment License.**

19 (a) If the application is approved, the Department shall give a written
20 notification within five (5) business days upon approval to the responsible
21 official:

- 22 1. That the application is approved and that the cannabis
23 establishment license can be picked up by the cardholder in
24 person at the Department after the applicable license fee in
25 § 9201 is paid;
- 26 2. That the responsible official must apply for a Permit to
27 Operate a cannabis establishment business; and
- 28 3. That the cannabis cultivation facility, cannabis
29 manufacturing facility, retail cannabis store, or cannabis

1 testing facility shall not conduct transactions involving the
2 transfer of cannabis from one licensed cannabis
3 establishment to another, or at final point of sale to retail
4 consumer until the facility has been issued a Permit to
5 Operate from the Department.

6 4. The Department shall inspect the facilities of a licensed
7 cannabis establishment prior to issuing a Permit to Operate.

8 (b) The cannabis establishment license shall include the following:

9 1. Cannabis establishment license number issued by the
10 Department

11 2. The cannabis establishment's:

12 A. Legal name;

13 B. Physical address; and

14 C. Telephone number.

15 3. The responsible official's:

16 A. First name; middle name, if applicable; last name; and
17 suffix, if applicable;

18 B. Cannabis Identification Card number

19 C. Guam mailing address;

20 D. Email address; and

21 E. Telephone number(s).

22 4. Type of cannabis establishment;

23 5. Application fee payment receipt number;

24 6. The date of issuance; and

25 7. The date of expiration.

26
27 **§ 9212. Permit to Operate a Cannabis Establishment.**

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

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

(A) The cannabis establishments:

- i. Legal name;
- ii. Physical address;
- iii. Guam mailing address;
- iv. Responsible official's full name;
- v. Cannabis identification card number;
- vi. Type of cannabis establishment license;
- vii. Date of issue of the cannabis establishment license;
- viii. Date of expiration of the cannabis establishment license;
- ix. Date the licensed cannabis establishment must reapply; and
- x. The Business Privilege Tax Number issued by the Department.

(B) A declaration that the information provided to the Department to apply for a Permit to Operate a cannabis establishment is true and correct; and

(C) The signature of the responsible official and the date the responsible official signed;

2. A site plan drawn to scale of the cannabis establishments location depicting streets, property lines, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains;

3. The distance of the cannabis establishments to the closest school, bus stop and bus transfer station;

1 4. A floor plan drawn to scale of the building where the
2 cannabis establishments is located showing the following:

- 3 (A) Layout and dimensions of each room;
4 (B) Name and function of each room;
5 (C) Location of each hand washing sink;
6 (D) Location of each toilet;
7 (E) Location of all means of entry;
8 (F) Location of each video camera, alarm system, motion
9 sensor;
10 (G) Location of standby power source;
11 (H) Location of each panic button; and
12 (I) Location of natural and artificial lighting sources;

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

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

27 (B) Clearances may only be indicated by the signature,
28 whether written or electronic, of the director of said
29 agency, or a designee of the director, who is an

1 employee of said agency; provided, however, that no
2 director or designee may determine clearance for a
3 business in which said director or designee has a
4 conflict of interest, where a reasonable person may
5 suspect that such a conflict may result in the financial
6 favor of the person clearing the application.

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

12 (C) Agencies include:

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

19 ii. Guam Environmental Protection Agency for
20 compliance with runoff, sanitation, waste disposal,
21 and air quality regulations;

22 iii. Guam Fire Department for compliance with fire
23 safety code provisions that apply;

24 iv. Department of Public Health and Social
25 Services, Division of Environmental Health for
26 compliance with all regulatory codes with which the
27 proposed business must comply;

28 v. Guam Waterworks Authority for compliance
29 with water and wastewater requirements;

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

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

11 6. The applicable fee in § 9201.

12 (b) The Department shall conduct an inspection within thirty (30)
13 calendar days of receipt of the application for Permit to Operate. The
14 Department will inspect, but not limited to the cannabis establishments:

- 15 1. Security system, including the video surveillance system and
16 alarm system as required by this Chapter
- 17 2. Labeling and packaging procedures that comply with this
18 Chapter;
- 19 3. Required policies and procedures as described in these rules
20 and regulations; and
- 21 4. Electronic data management system in accordance with these
22 rules and regulations.

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

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

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

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

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

1 **Article 3**

2 **Cannabis Cultivation**

- 3 § 9301. Policy
- 4 § 9302. Producer Registration Requirement
- 5 § 9303. Acceptable Cannabis Growing Conditions
- 6 § 9304. Cultivation Site
- 7 § 9305. Cannabis Soil Amendments
- 8 § 9306. Cannabis Plant Production
- 9 § 9307. Cannabis Seed Selection
- 10 § 9308. Crop pest, weed and disease management practice standard
- 11 § 9309. Cannabis waste management
- 12 § 9310. Cannabis Cultivation Penalties and Disbarment

13

14 **§ 9301. Policy.**

15 The Guam Department of Agriculture (DOAG) shall duly exercise the

16 powers vested in it as a “Regulatory Agency” in the cultivation, production,

17 green debris management and destruction of cannabis in the Territory of Guam

18 for which the use and/or end product results in either recreational and/or

19 medicinal applications. Only approved naturally derived cultivation practices

20 shall be permitted in the growing of cannabis. The producer is responsible for

21 obtaining the necessary permits and/or certifications required by the regulatory

22 agency and must comply with any specific instructions while engaged in the

23 cultivation and production of cannabis on the island of Guam.

24 Commercial synthetic pesticides have catastrophic effects on human

25 health and the natural environment. As well as causing significant damage to the

26 environment, synthetic pesticides used on cannabis contain chemicals that will

1 inevitably end up in the human body. Attention to biodiversity and greater
2 emphasis on environmental protection will ensure that our island's future
3 generations will have a sustainable future. Once natural resources are gone,
4 many aspects cannot be replaced.

5 **§ 9302. Producer Registration Requirement.**

6 Individual growers must register with DOAG and obtain a "Bonafide
7 Farmer Certificate".

8 (a) Grower information shall include, but is not limited to:

9 (1) Company Name and Responsible Official Contact
10 information including mailing address, telephone number,
11 and e- mail.

12 (2) Physical Address

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

15 (4) Size of the plantation and map

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

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

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

25 (c) Site evaluations shall be conducted for the purpose of examining
26 the operations and ensuring compliance with the Guam Cannabis Law for
27 production and handling operations. A representative(s) of DOAG shall conduct
28 site evaluations, at any time with or without prior notice. Failure to comply will

1 result in grounds for suspension and/or revocation of the Bonafide Farmer
2 Certificate.

3 (d) If a Notice of Violations is issued, pursuant to noncompliance with
4 the production, cultivation, green waste management and disposal requirements,
5 DOAG shall establish a review panel comprised of personnel from its Division
6 of Agricultural Development Services (ADS), to determine actions to be taken.
7 All reports are to be submitted no later than fifteen (15) calendar days for
8 administrative review within the Department for corrective actions to be taken.
9 Failure to comply within 30 days after issuance of the notice of violation and an
10 administrative directive for corrective measures are proposed shall be grounds
11 for the Department to notify the CCB of the failure to comply with the
12 Department's directive and a possible revocation of the Bonafide Farmer
13 Certificate. The Department, its agents, and/or representatives shall not be held
14 liable for any consultations given to growers which may result in crop failure
15 due to grower negligence, acts of God, or unforeseen circumstances.

16 **§ 9303. Acceptable cannabis growing conditions.**

17 (a) Cannabis may be grown directly in the ground, in containers, or in
18 a closed system (e.g. hydroponics, aeroponics, aquaponics) but without the use
19 of synthetic liquid or nonliquid fertilizers. For all growing operations, only
20 naturally derived non-synthetic cultivation practices are acceptable.

21 (b) Cannabis production must take place within:

- 22 (1) a fully enclosed secure indoor facility or greenhouse with
23 rigid walls, a roof, and doors; or
- 24 (2) Outdoor production may take place in nonrigid greenhouses,
25 or similar structures; or
- 26 (3) An expanse of open ground fully enclosed by a physical
27 barrier that obscures public view of the premises with a wall

1 or fence at least 10 feet high with at least a 1 inch thick
2 metal gate.

3 (c) Any cannabis plantation, in a field, farm parcel, greenhouse, or
4 growing facility in which cannabis is intended to be grown, harvested,
5 processed or sold for commercial purposes, must not have any prohibited
6 substances on premises.

7 (d) The plantation must have a distinct, defined boundary and/or buffer
8 zone.

9 **§ 9304. Cultivation Site.**

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

14 **§ 9305. Cannabis Soil Amendments.**

15 (a) The producer must manage plant and animal materials, to maintain or
16 improve soil organic matter content, in a manner that does not contribute to the
17 contamination of crops the air, water, or any adverse impacts to the environment
18 by plant nutrients, pathogenic organisms, heavy metals, or residues of
19 substances. Animal and plant material include:

- 20 (i) Raw animal manure
- 21 (ii) Worm castings (vermiculture)
- 22 (iii) Fish emulsion
- 23 (iv) Compost tea
- 24 (v) Green waste compost
- 25 (vi) Seaweed
- 26 (vii) Beneficial Microorganisms
- 27 (viii) Beneficial bacteria

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

4 (c) The producer must not use any fertilizer or composted plant and
5 animal material that contains a synthetic substance.

6 (d) Genetic modification of cannabis is prohibited.

7 **§ 9306. Cannabis Plant Production.**

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

10 (1) The substance(s) for consideration of use in the production
11 of cannabis shall only be derived from natural non-synthetic
12 cultivation systems and practices, if these substances are
13 commercially purchased from an off island source, proper
14 clearances and permits must be obtained prior to importation
15 from the Guam Environmental Protections Agency (GEPA).

16 (2) The pesticides, herbicides, fungicides, repellents and
17 fertilizers manufacture, use and disposal or the like, must not
18 have adverse effects on Guam's environment and use must
19 be carried out in a manner compatible with natural farming
20 practices and according to the manufacture's label
21 instructions.

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

25 (4) The substance(s) made by a naturally derived non-synthetic
26 cultivation system and practice production should be safe
27 and contain no residue of heavy metals or contaminants.

28 (b) Examples of prohibited products:

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

- (i) Ancymidol;
- (ii) Chlormequat chloride;
- (iii) Clofencet;
- (iv) Colchicine;
- (v) Colloidal silver;
- (vi) Daminozide;
- (vii) Dikegulac-sodium;
- (viii) Flumetralin;
- (ix) Flurprimidol; and
- (x) Paclobutrazol.

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

- (i) Ash from manure burning;
- (ii) Arsenic;
- (iii) Calcium chloride, bine process is natural and prohibited for use except as a foliar spray to treat a physiological disorder associated with calcium uptake;
- (iv) Lead salts;
- (v) Potassium chloride – unless derived from a mined source and applied in a manner that minimize chloride accumulation in the soil;
- (vi) Sodium fluoaliminate (mined);
- (vii) Sodium Nitrate – unless use is restricted to no more than 20% of the crops's total nitrogen requirement;
- (viii) Strychnine;
- (ix) Tobacco dust (nicotine sulfate)

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

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

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

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

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

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

15 (e) A “Naturally derived, non-synthetic cultivation systems and
16 practice” plan must meet the requirements set forth in the production of
17 cannabis or handling. A cannabis production or handling system plan must
18 include:

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

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

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

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

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

7 (6) A producer may substitute a plan prepared to meet the
8 requirements of the Department of the naturally derived non-
9 synthetic cultivation systems and practices of cannabis
10 provided that the submitted plan meets all the requirements
11 of subparts.

12 **§ 9307. Cannabis Seed Selection.** Cannabis seeds must be locally sourced.
13 Importation of cannabis seeds from outside the island of Guam is strictly
14 prohibited. Cannabis tissue cultures must be locally sourced.

15 **§ 9308. Crop Pest, Weed and Disease Management Practice Standards.**

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

18 (i) Crop rotation and soil and crop nutrient management
19 practices.

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

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

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

- (i) Augmentation or introduction of predators of the pest species;
- (ii) Development of habitat for natural enemies of pests;
- (iii) Non-synthetic controls such as lures, traps, and repellents;
- (c) Weed problems may be controlled through:
 - (i) Mulching with fully biodegradable materials
 - (ii) Hand weeding and mechanical cultivation;
 - (iii) Flame, heat, or electrical means.
- (d) Disease problems may be controlled through:
 - (i) Management practices which suppress the spread of disease organisms; or
 - (ii) Application of non-synthetic, biological, or mineral inputs.

§ 9309. Cannabis Waste Management.

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

- (1) Compost bin;
- (2) Incineration;
- (3) In-vessel digestion;
- (4) On-site soil incorporation.

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

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

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

4 (e)

5 **§ 9310. Penalties and Disbarment.**

6 Violations of this Chapter may result in the revocation of your Bonafide
7 Farmer Certificate. All applicable cannabis establishment licenses are also
8 punishable. These provisions are not exclusive. These violations may be subject
9 to other fines or offenses as otherwise permitted by law.

10

1 **Article 4**

2 **Cannabis Product Manufacturing**

3 § 9401. General Sanitation

4 § 9402. Manufacturer Requirements

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14 § 9411. Transportation

15 § 9412. Waste Management and Disposal

16 § 9413. Employee Training

17
18 **§ 9401. General Sanitation.**

19 (a) Cannabis product manufacturing facilities shall ensure all
20 processing facilities that create or handle cannabis products are constructed,
21 kept, and maintained in a clean and sanitary condition in accordance with Guam
22 laws.

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

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

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

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

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

16 (1) Maintaining personal cleanliness;

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

21 (3) Hand-washing facilities must be available and furnished with
22 running hot water. Hand-washing facilities shall be located
23 in the permitted premises and where good sanitary practices
24 require employees to wash or sanitize their hands, and
25 provide effective hand-cleaning and sanitizing preparations
26 and sanitary towel dispensers or suitable drying devices.

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

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

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

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

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

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

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

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

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

1 (n) Store cannabis items that can support pathogenic microorganism
2 growth or toxic formation in a manner that prevents the growth of these
3 pathogenic microorganism or formation toxins.
4

5 **§ 9402. Manufacturer Requirements.**

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

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

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

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

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

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

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

1 (2) Prominently display on the label "This product contains
2 cannabis.

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

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

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

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

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

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

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

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

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

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

27 (D) Fruit or vegetable butters;

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

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

3 (G) Dried or cured meats.

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

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

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

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

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

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

25 (1) Manufacturer A is the product owner. However,
26 Manufacturer B may handle the product under its license.
27 Manufacturer B is not allowed to transfer the product to a
28 retailer and may only possess cannabis or cannabis products

1 received from Manufacturer A for the limited purposes of
2 processing it for ultimate transfer back to Manufacturer A.

3 (2) Processing service arrangements must be made on a cash
4 basis and payment for the service and return of the processed
5 product must be made within thirty (30) calendar days of
6 delivery to Manufacturer B. Failure to do so as provided by
7 the preceding sentence is a violation of this section and any
8 cannabis or cannabis product involved in the transaction will
9 be subject to seizure and destruction. Payment with any
10 cannabis products, barter, trade, or compensation in any
11 form other than cash for processing service arrangements is
12 prohibited under processing service arrangements.

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

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

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

25 (2) Cannabis may be returned by a retail licensee in the event a
26 retailer goes out of the business of selling cannabis at retail
27 and a cash refund may be made upon the return of the

cannabis or cannabis products, so long as the CCB approval is acquired prior to returns and refunds under this subsection.

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

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

§ 9403. Extraction Requirements for cannabis product manufacturing facilities.

(a) Cannabis product manufacturing facilities are limited to the methods, equipment, solvents, gases, and mediums detailed in this section when creating cannabis extracts.

(b) cannabis product manufacturing facilities may use the hydrocarbons N-butane, isobutane, propane, or heptane. These solvents must be of at least ninety-nine (99) percent purity and a manufacturer must use them in a professional grade closed loop extraction system designed to recover the solvents, work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.

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

- (1) Closed loop systems for hydrocarbon or CO₂ extraction systems must be commercially manufactured and bear a permanently affixed and visible serial number.
 - (2) Certification from a Licensed Engineer must be provided to the CCB for professional grade closed loop systems used by cannabis product manufacturing facilities to certify that the system was commercially manufactured, safe for its intended use, and built to codes of recognized and generally accepted good engineering practices, such as
 - (A) The American Society of Mechanical Engineers (ASME);
 - (B) American National Standards Institute (ANSI);
 - (C) Underwriters Laboratories (UL); or
 - (D) The American Society for Testing and Materials (ASTM).
 - (3) The certification document must contain the signature and stamp of a professional engineer and the serial number of the extraction unit being certified.
 - (4) Professional grade closed loop systems, and other equipment used must be approved for specific use or the technical report must be approved by Guam building code officials prior to use.
 - (5) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by Guam Fire Department officials and meet any required fire, safety, and building code requirements.
- (d) Cannabis product manufacturing facilities may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create kief, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.

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

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

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

15 (1) Parts per million for one gram of finished extract cannot
16 exceed residual solvent or gas levels provided in statute.

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

20 **§ 9404. Cannabis Concentrate.**

21 (a) Permitted Categories of Cannabis Concentrate Production

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

26 (2) A cannabis-infused products manufacturer may also produce
27 Solvent-Based Cannabis Concentrate using only the
28 following solvents: butane, propane, CO₂, ethanol,

1 isopropanol, acetone, heptane, and pentane. The use of any
2 other solvent is expressly prohibited unless and until it is
3 approved by Guam Environmental Protection Agency.

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

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

10 (2) Ensure that all applicable sanitary rules are followed.

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

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

17 (B) Prepare cannabis for processing;

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

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

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

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

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

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

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

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

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

11 (C) The emergency procedures for that licensed premises;

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

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

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

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

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

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

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

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

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

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

25 (1) Ensure that all equipment, counters and surfaces used in the
26 production of a Water-Based Cannabis Concentrate, a Food-
27 Based Cannabis Concentrate, or a Heat/Pressure-Based
28 Cannabis Concentrate is food-grade including ensuring that
29 all counters and surface areas were constructed in such a

manner that it reduces the potential for the development of
microbials, molds and fungi and can be easily cleaned.

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

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

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

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

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

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

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

4 (1) Obtain a report from an Industrial Hygienist or a
5 Professional Engineer that certifies that the equipment,
6 licensed premises and standard operating procedures comply
7 with these rules and all applicable local and state building
8 codes, fire codes, electrical codes and other laws. If a local
9 jurisdiction has not adopted a local building code or fire
10 code or if local regulations do not address a specific issue,
11 then the Industrial Hygienist or Professional Engineer shall
12 certify compliance with the International Building Code of
13 2012 (<http://www.iccsafe.org>), the International Fire Code of
14 2012 (<http://www.iccsafe.org>) or the National Electric Code
15 of 2014 (<http://www.nfpa.org>), as appropriate. If there are
16 any later amendments or editions to each Code, they will
17 supersede those mentioned previously.

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

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

25 (ii) Determine what type of electrical equipment,
26 which may include but need not be limited to outlets,
27 lights, junction boxes, must be installed within the
28 room in which cannabis concentrate are to be
29 produced or flammable solvents are to be stored in

1 accordance with applicable laws, rules and
2 regulations.

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

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

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

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

28 (D) If a cannabis-infused products manufacturer makes a
29 material change to its licensed premises, equipment or

1 a concentrate production procedure, in addition to all
2 other requirements, it must obtain a report from an
3 Industrial Hygienist or Professional Engineer re-
4 certifying its standard operating procedures and, if
5 changed, its licensed premises and equipment as well.

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

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

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

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

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

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

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

13 (ii) If the system is UL or ETL listed but the
14 cannabis-infused products manufacturer intends to use
15 a solvent in the system that is not listed in the
16 manufacturer's instructions for use in the system,
17 then, prior to using the unlisted solvent within the
18 system, the cannabis-infused products manufacturer
19 must obtain written approval for use of the non-listed
20 solvent in the system from either the system's
21 manufacturer or a Professional Engineer after the
22 Professional Engineer has conducted a peer review of
23 the system. In reviewing the system, the Professional
24 Engineer shall review and consider any information
25 provided by the system's designer or manufacturer.

26 (iii) If the system is not UL or ETL listed, then there
27 must a designer of record. If the designer of record is
28 not a Professional Engineer, then the system must be
29 peer reviewed by a Professional Engineer. In

1 reviewing the system, the Professional Engineer shall
2 review and consider any information provided by the
3 system's designer or manufacturer.

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

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

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

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

22 (6) Ensure that all flammable solvents or other flammable
23 materials, chemicals and waste are stored in accordance with
24 all applicable laws, rules and regulations. At no time may a
25 cannabis-infused products manufacturer store more
26 flammable solvent on its licensed premises than the
27 maximum amount established for that licensed premises by
28 the Industrial Hygienist or Professional Engineer;

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

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

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

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

18
19 **§ 9405. License requirements for all Cannabis Product Manufacturing**
20 **Facilities.**

21 (a) Restrooms

22 (1) Toilet and hand washing facilities plumbed to the state
23 plumbing code, in good repair, and conveniently located.

24 (2) Self-closing doors that do not open directly into a room
25 where foods are exposed for sale.

26 (3) Public does not pass through food preparation, storage, or
27 utensil washing areas.

28 (b) Dish washing facilities

1 (1) Commercial dishwasher or a 3-compartment sink large
2 enough to immerse most equipment and utensils.

3 (2) Adequate drain boards, racks, or utensil tables for storage
4 and handling of soiled utensils.

5 (3) Adequate racks/tables for air drying of sanitized utensils and
6 equipment.

7 (c) Hand washing facilities

8 (1) Properly plumbed hot and cold water

9 (2) Hand soap and single-serve towel dispensers

10 (3) Garbage cans with lids

11 (4) Hand sink located to allow convenient use by employees in
12 food prep, food dispensing, and dish washing areas in
13 addition to hand sink identified above.

14 (d) Garbage

15 (1) Garbage containers, dumpsters, and compactor systems
16 located outside are on or above a smooth surface of
17 nonabsorbent material that is kept clean and in good repair.

18 (2) Wastewater from these units flows into a sanitary sewer, not
19 into storm drains.

20 (e) Floors

21 (1) Easily cleanable, smooth, and of tight construction.

22 (2) Nonabsorbent materials.

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

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

26 (f) Walls and ceilings

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

1 (g) Food storage

2 (1) Separated from chemicals.

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

4 (h) Doors/windows

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

8 (2) Screens for windows and other openings to the outside are
9 tight fitting and free of breaks. Screen material not less than
10 16 mesh to the inch.

11 (i) Lighting

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

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

19 (j) Ventilation

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

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

26 (3) All systems comply with Guam Fire Codes.

27 (k) Equipment installation

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

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

(3) No unfinished wood.

(l) Exterior

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

(m) Miscellaneous

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

(2) Mop/utility sink installed.

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

§ 9406. Display of Identification Badge.

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

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

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

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

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

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

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

13
14 **§ 9407. Alarm Systems.**

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

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

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

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

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

1 **§ 9408. Surveillance Systems.**

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

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

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

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

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

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

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

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

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

25 (j) Controlled areas include:

- 26 (1) Any area within an indoor, greenhouse or outdoor room or
27 area where cannabis is grown, or cannabis or cannabis waste
28 is being moved within, processed, stored, or destroyed.
29 Rooms or areas where cannabis or cannabis waste is never

1 present are not considered control areas and do not require
2 camera coverage.

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

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

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

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

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

13 (k) Request for Waiver

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

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

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

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

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

5 (ii) The reason for the waiver;

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

9 (iv) An explanation of how and why the alternative
10 safeguard accomplishes the goals of the security rules,
11 specifically public safety, prevention of diversion,
12 accountability, and prohibiting access to minors.

13 **§ 9409. Lock Standards.**

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

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

18
19 **§ 9410. Traceability.**

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

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

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

26 (d) Cannabis seedlings, clones, plants, lots of useable cannabis or trim,
27 leaves, and other plant matter, batches of extracts, cannabis-infused products,
28 samples, and cannabis waste must be traceable from production through
29 processing, and finally into the retail environment including being able to

1 identify which lot was used as base material to create each batch of extracts or
2 infused products.

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

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

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

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

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

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

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

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

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

28 (9) Cannabis excise tax records;

- 1 (10) All samples sent to an independent testing lab, any sample of
2 unused portion of a sample returned to a licensee, and the
3 quality assurance test results;
- 4 (11) All vendor samples provided to another licensee for
5 purposes of education or negotiating a sale;
- 6 (12) All samples used for quality testing by cultivators or
7 cannabis product manufacturing facilities;
- 8 (13) Samples containing useable cannabis provided to
9 Dispensaries;
- 10 (14) Samples provided to DRT for quality assurance compliance
11 checks; and
- 12 (15) Other information specified by the CCB.
- 13

14 **§ 9411. Transportation.**

15 (a) Notification of shipment

- 16 (1) Upon transporting any cannabis or cannabis product, a
17 producer, cannabis product manufacturing facilities, retailer,
18 or certified third-party testing lab shall notify DRT of the
19 type and amount and/or weight of cannabis and/or cannabis
20 products being transported, the name of transporter,
21 information about the transporting vehicle (color, make,
22 model and license plate number), times of departure and
23 expected delivery. This information must be reported in the
24 traceability system described.

25 (b) Receipt of shipment

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

1 (c) Transportation manifest

- 2 (1) A complete printed transport manifest on a form provided by
3 the DRT containing all information required by the DRT
4 must be kept with the product at all times.

5 (d) Records of transportation

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

9 (e) Transportation of product

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

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

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

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

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

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

26 (F) Any vehicle transporting cannabis or cannabis
27 products must travel directly from the originating
28 licensee to the receiving licensee and must not make

1 any unnecessary stops in between except to other
2 facilities receiving product;

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

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

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

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

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

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

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

24
25 **§ 9412. Waste Management and Disposal.**

26 (a) The licensee must store, manage and dispose of solid and liquid
27 wastes generated during cannabis production and processing in accordance with
28 applicable Guam laws and regulations.

1 (b) The licensee must document a reason for the waste in a form and
2 manner prescribed by the DRT.

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

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

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

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

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

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

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

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

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

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

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

1 (k) Potential hazardous wastes:

2 (1) Pressurized gas

3 (2) Solvents

4 (3) Used oil

5 (4) Used mercury containing lamps

6 (5) Waste pesticides – three percent or greater of any substance
7 or mixture listed in 40 Code of Federal Regulations
8 261.33(e) or 10 percent or greater of any substance or
9 mixture.

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

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

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

17 (1) Wastes from the production and processing of cannabis
18 plants must be evaluated against Guam's dangerous waste
19 regulations to determine if those wastes designate as
20 dangerous waste.

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

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

- 1 (A) Waste from cannabis flowers, trim and solid plant
2 material used to create an extract;
3 (B) Waste solvents used in the cannabis process;
4 (C) Discarded plant waste, spent solvents and laboratory
5 wastes from any cannabis processing or quality
6 assurance testing; and
7 (D) Cannabis extract that fails to meet quality testing.

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

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

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

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

24 (i) Waste evaluated per subsection (4) of this
25 section and determined to not designate as "Dangerous
26 Waste";

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

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

(iv) Other wastes as determined by DRT.

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

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

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

(i) Food waste;

(ii) Yard waste;

(iii) Vegetable based grease or oils; or

(iv) Other wastes as approved by DRT.

(B) Non-compostable mixed waste: Cannabis waste to be disposed in a landfill or another disposal method (for example, incinerator) may be mixed with the following types of waste materials:

(i) Paper waste;

(ii) Cardboard waste;

(iii) Plastic waste;

(iv) Sawdust;

(v) Soil; or

(vi) Other wastes as approved by the DRT.

(7) Cannabis wastes rendered unusable following the method described in subsection (5) of this section can be disposed.

(8) Disposal of the cannabis waste rendered unusable may be delivered to a permitted solid waste facility for final disposition. Examples of acceptable permitted solid waste facilities include:

(A) Compostable mixed waste: Compost, anaerobic digester, or other facility with approval of the Department of Agriculture.

(B) Non-compostable mixed waste: Landfill, incinerator, or other facility with approval of the Department of Agriculture.

(9) A record of the final destination of cannabis waste rendered unusable.

(A) A licensee shall utilize the inventory tracking system to ensure its post-harvest waste materials are identified, weighed and tracked while on the licensed premises until disposed of.

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

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

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

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

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

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

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

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

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

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

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

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

- (2) Video cameras having a minimum resolution to allow for the monitoring of persons and activities in any area;
- (3) Allows for twenty-four (24) hour, seven (7) days per week continuous video monitoring.
- (4) Display a date and time stamp on all recorded video.
- (5) Able to archive recorded video for a minimum of one (1) year.
- (6) Sufficient battery backup for video cameras and recording equipment to support at least four (4) hours of recording in the event of a power outage;
- (7) All establishments must maintain at least one (1) on-site display monitor connected to the surveillance system at all times. The monitor shall have a screen size of at least twelve (12) inches.

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

- (1) All points of ingress and egress to the facility, including, but not limited to, doorways, windows, loading bays, skylights, and retractable roof mechanisms;
- (2) Any room, except restrooms, containing a safe, and any room or area used to grow, process, manufacture, prepare, weigh, package, tag, store, distribute, transport cannabis;

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

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

(k) Cannabis establishments shall keep a surveillance equipment maintenance log on the premises to record all service activity including the

1 identity of the individual(s) performing the service, the service date and time
2 and the reason for the service to the surveillance system.

3
4 (l) Cannabis establishments shall identify individuals with access to
5 surveillance system controls and monitoring upon request by the Department.

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

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

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

18 (p) A cannabis establishment shall have policies and procedures that
19 address the following:

- 20 (1) Restrict access to the areas that cannabis, cannabis
21 concentrate, cannabis-infused product or cannabis products;
22 (2) Provide for the identification of authorized individuals, i.e.
23 employee badges;
24 (3) Prevent loitering;
25 (4) Conduct video surveillance monitoring; and
26

27 **§ 9503. Chain of Custody Form.**

28 All sales or transfers of cannabis, cannabis concentrate, cannabis-infused
29 product or cannabis product from licensed cannabis establishment to licensed

1 cannabis establishment shall be tracked via a seed-to-sale program compatible
2 with the Department or prescribed chain of custody form to include, but not be
3 limited to:

4 (a) Cannabis Cultivation Facility to a Cannabis Testing Facility:

- 5 (1) The lot number of cannabis crop or batch number of
6 cannabis concentrate, cannabis-infused product or cannabis
7 product, if applicable;
- 8 (2) The date the cannabis was harvested;
- 9 (3) The net weight and gross weight of cannabis sold or
10 transferred;
- 11 (4) The name, address, and license number of the cannabis
12 cultivation facility from which the crop originated;
- 13 (5) The signature of the person who received and verified the
14 shipment;
- 15 (6) The time and date when the receiving party took custody of
16 the shipment; and
- 17 (7) Any other information deemed necessary by the Department.

18 (b) Licensed cannabis establishment to licensed cannabis
19 establishment:

- 20 (1) The lot number of the cannabis crop;
- 21 (2) The batch number of the cannabis concentrate, cannabis-
22 infused product or cannabis product, if applicable;
- 23 (3) The date the cannabis was harvested;
- 24 (4) The name, address, and license number of the licensed
25 cannabis establishment from which the crop originated;
- 26 (5) The name, address, and license number of the licensed
27 cannabis establishment from which the cannabis product
28 originated;

- (6) The net weight and gross weight of cannabis, cannabis concentrate, cannabis-infused product or cannabis product sold or transferred;
- (7) The laboratory test results and report;
- (8) A declaration from the cannabis testing facility that the product meets the minimum laboratory testing requirements set by the Department;
- (9) A declaration from the licensed cannabis establishment that all information in the chain of custody form is true and correct;
- (10) The name, address, and license number or cannabis identification number of the receiving party;
- (11) The signature of the person who received and verified the shipment;
- (12) The time and date when receiving party took custody of the shipment;
- (13) The travel plan; and
- (14) Any other information deemed necessary by the Department.

(c) Cannabis Testing Facility to Licensed Cannabis Business:

- (1) A Chain of Custody report as specified in Subsection (a) of this Section;
- (2) A Chain of Custody report as specified in Subsection (b) of this Section, if applicable;
- (3) Net weight and gross weight of amount of any unused, untested cannabis, cannabis concentrate, cannabis-infused product or cannabis product returned to the licensed cannabis establishment;

1 **§ 9504. Transport of Cannabis.**

2 (a) Cannabis, cannabis concentrate, cannabis-infused product or
3 cannabis product shall only be transported by a designated transporter of a
4 licensed cannabis establishment with a valid cannabis identification card.

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

- 7 (1) Be registered with the Department;
- 8 (2) Be trained and knowledgeable on transportation protocols;
- 9 (3) Use a vehicle that does not bear any markings to indicate
10 that the vehicle contains cannabis or bears the name or logo
11 of the cannabis establishment to transport the cannabis,
12 cannabis concentrate, cannabis-infused product or cannabis
13 product.
- 14 (4) Ensure that the cannabis, cannabis concentrate, cannabis-
15 infused product or cannabis products are not visible or
16 recognizable from outside the vehicle.
- 17 (5) Ensure that the cannabis, cannabis concentrate, cannabis-
18 infused product or cannabis products are stored in airtight,
19 tamper proof packaging to maintain their quality and safety.
- 20 (6) Shall carry their cannabis identification card at all times
21 when transporting or delivering cannabis, cannabis
22 concentrate, cannabis-infused product or cannabis products
23 and upon request, produce the cannabis identification card to
24 the Department or to a law enforcement officer acting in
25 their official capacity.

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

1 (d) Each time cannabis, cannabis concentrate, cannabis-infused
2 product or cannabis products are transported, the licensed cannabis
3 establishment shall document the transport in the seed-to-sale system or the
4 chain of custody form prescribed by the Department that lists the elements
5 required by the Department's tracking system.

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

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

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

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

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

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

1 (2) The designated transporter shall complete an incident report
2 form prescribed by the Department.
3

4 **§ 9505. Loss of Cannabis.**

5 Any loss of cannabis, cannabis concentrate, cannabis-infused product or
6 cannabis product over one (1) ounce due to theft or natural disaster shall be
7 reported to the Department and the Guam Police Department within twenty-four
8 (24) hours, along with the associated Chain of Custody forms for the lost
9 cannabis or cannabis-related product. The report shall include the amount of
10 cannabis in weight that was lost.
11

12 **§ 9506. Inspections.**

13 (a) Authorized members of the Department, the Guam Police
14 Department and other law enforcement agencies, the Guam Fire Department,
15 Department of Public Works, Guam Environmental Protection Agency and the
16 Guam Department of Agriculture may conduct inspections as needed during
17 business hours to ensure that the cannabis establishment is complying with local
18 laws *and regulations*.

19 (b) A licensed cannabis establishment shall give the Department
20 unrestricted access to all premises of the cannabis establishment, equipment,
21 records, documents, and any other substance, material or information relevant to
22 ensure the licensed cannabis establishments compliance with these rules and
23 regulations.

24 (c) A licensed cannabis establishment shall not refuse to allow
25 inspection at any of its facilities, and its employees and personnel shall not
26 delay or interfere with any inspection.

27 (d) Upon completion of the inspection, the Department shall provide
28 written notice within five (5) business days to the licensed cannabis
29 establishments of its findings.

1 (e) If deficiencies in operational standards are discovered, the
2 Department shall suspend the licensed cannabis establishments Permit to
3 Operate.

4 (f) The cannabis establishment shall be given ten (10) business days to
5 correct the deficiencies.

6 (g) The cannabis establishment may submit a written request for
7 reasonable extension to correct deficiencies if the cannabis establishment can
8 show that the corrections cannot be made within ten (10) business days. The
9 Department shall review and grant or deny the written request for extension
10 within three (3) business days.

11 (h) Failure to correct the deficiencies in the allotted time will result in
12 a written notice of closure, and the revocation of the Permit to Operate.

13
14 **§ 9507. Destruction and Disposal of Cannabis.**

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

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

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

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

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

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

16 (1) Post-harvest cannabis waste materials must be identified, weighed
17 and tracked while on the licensed premises until disposed of in a
18 manner as outlined above. Cannabis waste must be weighed and
19 inventoried before leaving any cannabis establishment using a scale
20 certified or calibrated in accordance with measurement standards.

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

24 (3) A licensee is required to maintain accurate and comprehensive
25 records regarding any cannabis waste material produced through
26 the trimming or pruning of a cannabis plant prior to harvest.
27 Records must include weighing and documenting all wastes.
28

1 (4) The cannabis establishment shall submit a video recording of the
2 destruction and disposal of the cannabis, cannabis concentrate,
3 cannabis-infused product or cannabis product, and attach the
4 recording with a written report of the destruction of the cannabis.
5 The written report shall include the information required in 10
6 GCA, Division 1, Chapter 12 Part 2, Article 25, § 12521.
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1
2 **Article 6**

3 **Labeling and Packaging**

4 **§ 9601. Purpose**

5 **§ 9602. Authority**

6 **§ 9603. Title**

7 **§ 9604. Definitions**

8 **§ 9605. Labeling**

9 **§ 9606. Packaging**

10 **§ 9607. Labeling and Packaging Colors**

11 **§ 9608. Accompanying Materials**

12 **§ 9609. Upon Request Materials**

13 **§ 9610. Cannabis Warning Symbol Requirement**

14 **§ 9611. Advertising requirements and promotional items—Coupons,**
15 **giveaways, etc.**

16 **§ 9612. Severability**

17

1 **§ 9601. Purpose.**

2 The purpose of these rules and regulations is to provide labeling and
3 packaging requirements for cannabis and cannabis products sold or distributed
4 by a cannabis establishment.
5

6 **§ 9602. Authority.**

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

12 **§ 9603. Title.**

13 These rules and regulations shall be known as the “Labeling and
14 Packaging Rules and Regulations for Cannabis and Cannabis Products.”
15

16 **§ 9604. Definitions.**

17 (a) “Adult only facility” means:

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

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

25 (b) “Advertisement” means all representations disseminated in any
26 manner or by any means, other than by labeling, for the purpose of inducing, or
27 which are likely to induce, directly or indirectly, the purchase of cannabis and
28 cannabis products.

1 (c) "Billboard" means a permanent off-premises sign in a fixed
2 location used, in whole or in part, for the display of off-site commercial
3 messages in accordance with Title 21 GCA, Chapter 61, Subarticle 5.

4 (d) "Cartoon" means any drawing or other depiction of an object,
5 person, animal, creature, or any similar caricature that satisfies any of the
6 following criteria:

- 7 (1) The use of comically exaggerated features;
- 8 (2) The attribution of human characteristics to animals, plants or
9 other objects, or the similar use of anthropomorphic
10 technique; or
- 11 (3) The attribution of unnatural or extra-human abilities, such as
12 imperviousness to pain or injury, X-ray vision, tunneling at
13 very high speeds, or transformation.

14 (e) "Curative" means the same as "Therapeutic effect."

15 (f) "Department" means the Department of Revenue and Taxation.

16 (g) "Director" means the Director of the Department of Revenue and
17 Taxation or his/her authorized designee.

18 (h) "Especially appealing to children" means a product, label, or
19 advertisement that includes, but is not limited to, the following:

- 20 (1) The use of cartoons;
- 21 (2) Bubble-type or other cartoon-like or action font;
- 22 (3) The use of bright colors similar to those used on
23 commercially available products intended for or that target
24 youth or children;
- 25 (4) A design, brand, or name that resembles a non-cannabis
26 consumer product of the type that is typically marketed to
27 minors;
- 28 (5) Symbols or celebrities that are commonly used to market
29 products to minors;

1 (6) Images of minors; or

2 (7) Similarities to products or words that refer to products that
3 are commonly associated with minors or marketed to minors.

4 (i) "Immediate container" means the external container holding the
5 cannabis and/or cannabis product.

6 (j) "Labeling" means all labels, written and printed in English or
7 Chamorro language, or graphic matter:

8 (1) Upon an article or any of its containers or wrappers; or

9 (2) Accompanying such article.

10 (k) "Off-premises sign" means a sign relating, through its message and
11 content, to a business activity, product, or service not available on the premises
12 upon which the sign is erected.

13 (l) "Package" means any container or wrapping in which any
14 consumer commodity is enclosed for use in the delivery or display of that
15 consumer commodity to retail purchasers, but does not include:

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

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

24 (m) "Principal display panel" means the portion(s) of the surface of the
25 immediate container, or of any outer container or wrapping, which bear(s) the
26 labeling designed to be most prominently displayed, shown, presented, or
27 examined under conditions of retail sale.

28 (n) "Therapeutic effect" means any of the following statements or
29 references of a cannabis or cannabis product:

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

31 (2) Producing a useful or favorable result or effect;

32 (3) Impacting the health of the consumer; or

- 1 (4) Containing any of the following words such as, but not
2 limited to: relief, remedy, healing, curative, remedial,
3 medicinal, restorative, beneficial, corrective, wellness, well-
4 being, salutary, salubrious, and support.
5

6 **§ 9605. Labeling**

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

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

- 15 (2) All information, warning statements, and language required
16 in this Section to appear on the label or labeling must not be
17 covered or obscured in any way so to prevent it from being
18 likely to be read and understood by the ordinary individual
19 under customary conditions of purchase and use.

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

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

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

28 (C) An accurate statement of the quantity of contents in
29 terms of weight, measure, or numerical count, which
30 statement shall be separately and accurately stated in a

1 uniform location upon the principal display panel of
2 the label; variations as approved by the Director may
3 be used solely for those small packages wherein such
4 statements of net quantity of contents would not be
5 easily labeled to be prominently displayed, shown,
6 presented, or examined under conditions of retail sale;

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

10 (E) A list of pharmacologically active ingredients,
11 including, but not limited to, THC (delta-9
12 tetrahydrocannabinol) concentration listed as total
13 THC and activated THC-A and CBD concentration
14 (cannabidiol) listed as total CBD and activated CBD-
15 A milligrams per serving, servings per package, and
16 the THC and CBD, and other cannabinoid amount in
17 milligrams for the package total for prepared cannabis,
18 as applicable; The name and place of business of the
19 manufacturer, packer, or distributor;

20 (F) The common or usual name of the cannabis or
21 cannabis; product; and

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

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

28 (A) Is false or misleading;

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

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

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

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

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

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

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

24 (1) "KEEP OUT OF REACH OF CHILDREN AND
25 ANIMALS" in bold print;

26 (2) The cannabis universal symbol as provided in §1309; and

27 (3) A warning if peanuts, tree nuts (i.e., walnuts and almonds),
28 or other known allergies as defined in the Food Allergen
29 Labeling and Consumer Protection Act of 2004

(<https://www.fda.gov/media/77570/download>) or gluten-containing products are used.

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

(1) Usable cannabis, including cannabis mix. The statement "Smoking is hazardous to your health."

(2) Cannabis concentrates, cannabis infused extract for inhalation, and infused cannabis mix.

(A) If solvents were used to create the concentrate or extract, a statement that discloses the type of extraction method, including any solvents or gases used to create the concentrate or extract; and

(B) Any other chemicals or compounds used to produce or were

(C) added to the concentrate or extract.

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

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

(B) A list of the common or usual name of all ingredients in descending order of predominance by weight or volume as applicable and a list of major food allergens as defined in the Food Allergen Labeling and Consumer Protection Act of 2004

(<https://www.fda.gov/media/77570/download>);

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

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

8 (4) Cannabis-infused products for topical application.

9 (A) The statement "DO NOT EAT" in bold, capital letters
10 in the principal display panel; and

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

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

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

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

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

22 (B) The laboratory results are made available to the
23 consumer upon request pursuant to §0008.

24 **§ 9606. Packaging.**

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

27 (1) Any container or packaging containing usable cannabis,
28 cannabis concentrates, or cannabis-infused products must

1 protect the product from contamination and must not impart
2 any toxic or deleterious substance to the usable cannabis,
3 cannabis concentrates, or cannabis-infused product.

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

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

11 (1) Cannabis-infused products general requirements.

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

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

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

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

29 (B) Cannabis-infused solid edible products.

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

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

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

16 (i) Have a resealing cap or closure; and

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

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

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

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

§ 9607. Labeling and Packaging Colors for all Cannabis Infused Edible Products.

(a) Only colors and shapes from an approved list on the Department's website are permitted. Obtain information from https://lcb.wa.gov/sites/default/files/publications/Marijuana/infused_products/Webinar%2012.18.2018_Revised.pdf

(b) Labeling and packaging background colors must be white, cream, grey, black, tan, or brown. Up to three accent colors from the approved color list provided on the Department's website are permitted. A percentage or gradient of an approved color counts as one color. Obtain information from https://lcb.wa.gov/sites/default/files/publications/Marijuana/infused_products/Webinar%2012.18.2018_Revised.pdf

(c) Labeling and packaging font color must be one of the approved colors provided on the Department's website. Font color counts as one of the three accent colors. Obtain information from https://lcb.wa.gov/sites/default/files/publications/Marijuana/infused_products/Webinar%2012.18.2018_Revised.pdf

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

(e) Packaging with a clear window is permitted.

(f) Company logos are permitted. Examples of allowable logo displays are available on the Department's website. Obtain information from <https://www.doh.wa.gov/YouandYourFamily/Marijuana/MedicalMarijuana/ProductCompliance/ComplianceLogos>

§ 9608. Accompanying materials.

The following accompanying materials must be provided with a cannabis and cannabis product or made available to the consumer purchasing cannabis

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

9 **§ 9609. Upon request materials.**

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

14
15 **§ 9610. Cannabis warning symbol requirement.**

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

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

23 (2) The warning statement must not be altered or cropped in any
24 way other than to adjust the sizing for placement on the
25 principal display panel or front of the product package,
26 except that a licensee must use a black border around the
27 edges of the white background of the warning symbol image

1 when the label or packaging is also white to ensure visibility
2 of the warning symbol.

3 (b) All cannabis and cannabis products sold at retail must be labeled
4 both on the product and on the principal display panel or front of the product
5 package with the cannabis universal symbol ("universal symbol") created and
6 made available in digital form to licensees without cost by the Department. The
7 digital file for the universal symbol shall be made available on the Department's
8 website.

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

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

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

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

23 (B) Must not cover or obscure in any way labeling or
24 information required on cannabis products pursuant to
25 §0005 and §0006.

26
27 **§ 9611. Advertising requirements and promotional items—Coupons,**
28 **giveaways, etc.**

1 (a) Advertising generally. The following requirements apply to all
2 advertising by cannabis licensees.

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

6 (A) Is false or misleading;

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

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

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

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

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

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

26 (A) In any form or through any medium whatsoever
27 within one thousand feet of the perimeter of a school
28 grounds, playground, recreation center or facility,
29 child care center, public park, library, or a game

1 arcade admission to which it is not restricted to
2 persons aged twenty-one years or older unless the one
3 thousand minimum distance requirement has been
4 reduced by Guam law;

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

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

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

19 (b) Outdoor advertising. In addition to the requirements for advertising
20 in Subsection (a) of this Section, the following restrictions and requirements
21 apply to outdoor advertising by cannabis licensees:

22 (1) Except for the use of billboards as authorized under the
23 Department of Public Works and as provided in this Section,
24 licensed cannabis retailers may not display any outdoor
25 signage other than two separate signs identifying the retail
26 outlet by the licensee's business name or trade name, stating
27 the location of the business, and identifying the nature of the
28 business. Both signs must be affixed to a building or

1 permanent structure and each sign is limited in accordance
2 with Guam law.

3 (A) All text on outdoor signs, including billboards, is
4 limited to text that identifies the retail outlet by the
5 licensee's business or trade name, states the location of
6 the business, and identifies the type or nature of the
7 business.

8 (B) No outdoor advertising signs, including billboards,
9 may contain depictions of marijuana plants or
10 cannabis products. Logos or artwork that do not
11 contain depictions of marijuana plants or cannabis
12 products as defined in this Section are permissible.

13 (i) A depiction of a marijuana plant means an
14 image or visual representation of a marijuana leaf,
15 plant, or the likeness thereof that explicitly suggests or
16 represents a marijuana leaf or plant.

17 (ii) A depiction of a cannabis product means an
18 image or visual representation of useable cannabis,
19 cannabis-infused products, or cannabis concentrates,
20 or an image that indicates the presence of a product,
21 such as smoke, etc.

22 (C) Double-sided signs or signs with text visible on
23 opposite sides are permissible and count as a single
24 sign so long as the sign is contained in or affixed to a
25 single structure.

26 (2) No cannabis licensee may use or employ a commercial
27 mascot outside of, and in proximity to, a licensed cannabis
28 business.

1 (3) Outdoor advertising is prohibited on signs and placards in
2 arenas, stadiums, shopping malls, fairs that receive
3 government of Guam allocations, farmers markets, village
4 events, and video game arcades, whether any of the
5 foregoing are open air or enclosed, but not including any
6 such sign or placard located at an adult only facility.

7 (4) The restrictions in this Section and the statutory and
8 regulatory requirements of the Department of Public Works
9 as applicable to this Section do not apply to outdoor
10 advertisements at the site of an event to be held at an adult
11 only facility that is placed at such site during the period the
12 facility or enclosed area constitutes an adult only facility, but
13 must not be placed there more than fourteen days before the
14 event, and that does not advertise any cannabis or cannabis
15 product other than by using a brand name, such as the
16 business or trade name or the product brand, to identify the
17 event. Advertising at adult only facilities must not be visible
18 from outside the adult only facility.

19 (5) A sign affixed to the licensed premises or in the window of a
20 licensed premises indicating the location is open for
21 business, closed for business, the hours of operation, that the
22 licensed location has an ATM inside, or other similar
23 informational signs not related to the products or services of
24 the cannabis business are not considered advertising for the
25 purposes of this Section.

26 (6) "Adopt-a-Highway" signs erected by the Department of
27 Public Works under a current valid sponsorship with the
28 Department of Public Works is considered advertising for
29 the purposes of this Section and is not allowed.

(c) Advertising placed on windows within the premises of a licensed cannabis retail store facing outward must meet the requirements for outdoor advertising as provided by the Department of Public Works and this Section.

(d) Promotional items such as giveaways, coupons, and distribution of branded or unbranded merchandise must not be targeted at minors are banned.

(e) Except for outdoor advertising under Subsection (b) of this Section, all advertising must contain the following warnings that must be in type size at least ten percent of the largest type used in the advertisement:

(1) "Cannabis can impair concentration, coordination, and judgment. Do not operate a vehicle or machinery. Please use extreme caution." and

(2) "For use only by adults twenty-one and older. Keep out of the reach of children."

§ 9612. Severability

If any provision or the application of any provision of these rules and regulations is held invalid, that invalidity shall not affect other provisions or applications of these rules and regulations.

UNIVERSAL SYMBOL:

<https://lcb.wa.gov/sites/default/files/publications/Marijuana/universal-symbol-w-NSFK/MJ-Universal-symbol-w-NotSafeForKids.jpg>



Scale comparison with the Not For Kids™ symbol.



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Cannabis Testing

§ 9701. Cannabis Testing Facility Certification

§ 9702. Cannabis Testing Facility Standards and Testing Protocols

§ 9703. Facility Testing Protocols for Cultivators, Manufacturers and Retailers

§ 9701. Cannabis Testing Facility Certification.

(a) All cannabis, prepared cannabis and cannabis products on Guam shall be tested for potency and safety by a cannabis testing facility licensed by the Department of Public Health before they can be sold to a consumer.

(b) A cultivation facility, cannabis product manufacturing testing facility and a retail cannabis store shall not sell cannabis, prepared cannabis and cannabis products unless it has been tested for potency and safety by a cannabis testing facility licensed by the Department of Public Health and meet the requirements set out in § 9702.

(c) A cannabis testing facility shall be completely independent from all other licensed cannabis establishments that cultivate, manufacture or sell cannabis, prepared cannabis and cannabis products.

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

(e) A cannabis testing facility must be ISO 17025 accredited or certified by the Americans for Safe Access (ASA) Patient Focused Certification Program for testing facilities or similar program approved by the Department of

1 Public Health in order to obtain and maintain a Permit to Operate. Violation to
2 this regulation may result in the revocation of the cannabis testing facility's
3 license.

4 (f) Responsible officials, board members, cannabis establishment
5 stakeholders, principals, or entities of a cannabis testing facility are prohibited
6 from owning or having any financial stake in any cultivation facility, cannabis
7 product manufacturing testing facility, retail cannabis store, and cannabis
8 establishment that recommend the use of cannabis, or any other cannabis testing
9 facility.

11 **§ 9702. Cannabis Testing Facility Standards and Testing Protocols.**

12 (a) The cannabis testing facility shall select a random sample, not to
13 exceed 10 grams per lot, from each lot of cannabis at the cultivation site and
14 from each batch of prepared cannabis and cannabis product at the cannabis
15 product manufacturing testing facility or retail cannabis store in order to test
16 them for potency and safety.

17 (b) The method by which samples are selected and collected shall be
18 prescribed by standards of methodology adopted by the Department of Public
19 Health, prescribed to every cannabis testing facility, and applied by every such
20 facility uniformly. The Department of Public Health shall inform the public via
21 news release and shall further inform all interested parties through any
22 publications it may disseminate about the facilities, the name of the sampling
23 protocol selected, such selection to be made prior to the acceptance of any
24 application for Permit to Operate a cannabis testing facility.

25 (c) The Department of Public Health will give the cannabis
26 establishment twenty-four (24) hour written notice of when authorized agents
27 from the cannabis testing facility plan to go to the cannabis facility to obtain
28 samples of cannabis, prepared cannabis and cannabis products for testing.

1 (d) The cannabis establishment where the lot or batch came from shall
2 maintain in a secure tamper-proof manner a similar sample from the same lot or
3 batch, for verification testing as directed by the Department of Public Health.

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

8 (f) The cannabis testing facility shall issue to the cannabis
9 establishment and the Department of Public Health a certificate of analysis for
10 each lot of cannabis or batch of prepared cannabis or cannabis product tested for
11 potency and safety for that cannabis establishment. The certificate of analysis
12 shall include the following:

13 (1) The chemical profile of the batch for the following
14 compounds:

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

16 (B) Tetrahydrocannabinol Acid (THCA)

17 (C) Cannabidiol (CBD)

18 (D) Cannabidiolic Acid (CBDA)

19 (E) Cannabigerol (CBG)

20 (F) Cannabinol (CBN)

21 (2) The presence of the following contaminants, which shall not
22 exceed the following levels:

23 (A) Heavy metals:

24 (i) Arsenic: 10.0 ppm

(ii) Lead: 6.0 ppm

(iii) Cadmium: 4.0 ppm

(iv) Mercury: 2.0 ppm

(B) Pesticides: Thresholds for pesticides authorized by Article 3 of this Chapter to be determined by the Department of Public Health from time to time;

(C) Solvents: Thresholds for each of the solvents named in authorized by Article 3 of this Chapter to be determined by the Department of Public Health from time to time;

(D) Any visible foreign or extraneous material, that is not intended to be part of the product being produced, including but not limited to mold, hair, insects, metal, or plastic;

(E) Moisture content of plant material: < 15%

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

(i) Total Viable Aerobic Bacteria:

(aa) Unprocessed and Processed Materials: 10⁵ Colony Forming Units (CFU)/g

(bb) CO₂ and Solvent Based Extracts: 10⁴ CFU/g

(ii) Total Yeast and Mold:

(aa) Unprocessed and Processed Materials: 10⁴ CFU/g

(bb) CO₂ and Solvent Based Extracts: 103
CFU/g

(iii) Total Coliforms:

(aa) Unprocessed and Processed Materials: 103
CFU/g

(bb) CO₂ and Solvent Based Extracts: 102
CFU/g

(iv) Bile-tolerant Gram-Negative Bacteria:

(aa) Unprocessed and Processed Materials: 103
CFU/g

(bb) CO₂ and Solvent Based Extracts: 102
CFU/g

(v) E. Coli (pathogenic strains) and Salmonella spp: Not
detected in one (1) gram

(vi) Aspergillus fumigatus, Aspergillus flavus,
Aspergillus niger: < 1 CFU/g

(vii) Mycotoxins: < 20 µg (micrograms) of any
mycotoxin per kilogram of material.

(3) Additional testing requested at the discretion of the Department of
Public Health.

(g) If the facility testing results indicate unacceptable amounts of
contaminants in a cannabis, prepared cannabis and cannabis product, the
cannabis testing facility shall provide a written notification to the Department of

1 Public Health and the responsible official of the cannabis establishment from
2 which the sample originated within twenty-four (24) hours.

3 (h) The cannabis testing facility may retest or reanalyze the sample or
4 a different sample from the same batch by following its standard operating
5 procedure to confirm or refute the original result, upon request by the cannabis
6 establishment from which the sample originated or upon request by the
7 Department of Public Health at the expense of the cannabis establishment from
8 which the sample originated. A lot of cannabis or batch of prepared cannabis or
9 cannabis product shall only be tested for potency and safety at the most three (3)
10 times.

11 (i) The cannabis testing facility shall return, to the cannabis
12 establishment from which the sample originated, or destroy in a manner
13 approved by the Department of Public Health any samples or portions of
14 samples of the cannabis, prepared cannabis and cannabis product that remain
15 after testing and analysis are completed.

16 (j) The cannabis testing facility shall create, and maintain for a period
17 of at least five (5) years, records of testing it conducts on cannabis, prepared
18 cannabis and cannabis products, including but not limited to:

19 (1) The time and date the sample was obtained.

20 (2) A description of the sample, including the amount;

21 (3) What tests were conducted on each sample;

22 (4) The results of the tests including the certificate of analysis;
23 and

24 (5) Evidence of the time, date, and method of disposal or
25 destruction of a sample after testing is completed, and the

1 amount of the sample disposed of or destroyed, or the time
2 and date a sample was returned to a retail cannabis store with
3 a description including the amount;

4 (k) The cannabis testing facility shall issue written reports of the full
5 analysis and results for potency and safety of all cannabis-infused products from
6 the tested batch of cannabis to the licensed cannabis establishment that
7 requested the test and to the Department of Public Health.

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

12 **§ 9730. Facility Testing Protocols for Cultivators, Manufacturers and**
13 **Retail Cannabis Stores.**

14 (a) The cultivation facility must sort cannabis into identical lots
15 according to the cannabis crop and the cannabis product manufacturing testing
16 facility must sort the prepared cannabis and cannabis products into identical
17 batches prior to testing. The cannabis testing facility will take two samples in an
18 amount equivalent to perform three (3) tests from each lot or batch. One (1)
19 sample is for testing and one (1) sample shall be set aside in a secure tamper-
20 proof manner for verification testing as directed by the Department of Public
21 Health.

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

25 (c) The level of contaminants in cannabis, prepared cannabis and
26 cannabis products, shall not exceed the standards provided in § 11217 (f) and if
27 any of the standards are exceeded, the cannabis establishment shall not sell any

1 portion of the cannabis, prepared cannabis and cannabis products that does not
2 conform to the standards and shall be subject to disposal or destruction as
3 specified in § 11233.

4 (d) Once the responsible official of a cannabis establishment is given
5 written notification by the cannabis testing facility that test results indicate
6 unacceptable amounts of contaminants in their sample of cannabis, prepared
7 cannabis or cannabis products, the responsible official of the cannabis
8 establishment shall immediately quarantine the non-conforming cannabis,
9 prepared cannabis or cannabis products.

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

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

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

21 (h) A cannabis establishment shall maintain records of all facility
22 testing results including the certificate of analysis for all their cannabis,
23 prepared cannabis and cannabis products.

24 (i) All records that must be maintained by the cannabis establishment
25 shall be available to the Department of Public Health within seven (7)
26 establishment days upon receipt of written request.

27 (j) A cultivation facility, cannabis product manufacturing testing
28 facility and a retail cannabis store are allowed to operate a facility within their
29 establishment but all cannabis must be facility tested for potency and safety at

1 an independent cannabis testing facility that has been licensed by the
2 Department of Public Health.
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1 **Article 8**

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3
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23
24 **§ 9801. Enforcement Powers.**

25 Every member of the Board, the Department, and every inspector shall
26 have all of the powers of peace officers in the enforcement of the provisions of
27 this Chapter, the regulations of the Board adopted under the provisions of this
28 Chapter and any other penal provision of law prohibiting or regulating the sale,

1 exposing for sale, use, possession, giving away, adulterating, diluting,
2 misbranding, and mislabeling of cannabis products.

3
4 **§ 9802. Inspections.**

5 Every member of the Board, Department and every inspector shall have
6 the right at all times, without notice and without legal process, to visit and have
7 immediate access to every part of the premises of every licensee for the purpose
8 of making an examination or inspection of cannabis products, books and
9 records, the manner of conducting the business and the premises of the licensee.

10
11 **§ 9803. Seizure.**

12 Every member of the Board, the Department and every inspector shall
13 have the power to seize and hold without legal process until an order of
14 disposition is made by the court, the following:

15 (a) Any cannabis products cultivated or manufactured in Guam by any
16 person other than a licensed cultivator or manufacturer regardless of where
17 found.

18 (b) Any cannabis, materials, or supplies capable of and intended for
19 use in cultivation or manufacture of cannabis products without license.

20 (c) Any cannabis products imported, possessed or owned in violation
21 of the provisions in this Chapter.

22 (d) Any cannabis products adulterated, diluted, misbranded or
23 mislabeled.

24 (e) Any vehicles used to carry or conceal any cannabis products which
25 are subject to seizure.

26
27 **§ 9804. Report.**

28 Every person who seizes any cannabis products, vehicles or other
29 property subject to seizure under the provisions of this Article shall file without

1 delay a written report of the seizure with the Attorney General, with notice to
2 the Board.

3
4 **§ 9805. Forfeiture.**

5 Upon receiving a written report of the seizure of cannabis products,
6 vehicles or other property subject to seizure under the provisions of this Article
7 the Attorney General shall institute proceedings in the Superior Court and have
8 the seized property declared forfeited to the government.

9
10 **§ 9806. Same.**

11 Upon a finding by the court that any cannabis products, vehicles or other
12 property were seized in accordance with the provisions of this Article, the court
13 shall adjudge to seized property forfeited to the government. In the event a
14 vehicle or other property subject to seizure is found to have been used without
15 the knowledge or consent of the owner it shall not be forfeited. The burden is on
16 the owner to show lack of knowledge or consent.

17
18 **§ 9807. Release and Return.**

19 Upon a finding that any cannabis products, vehicles or other property
20 were erroneously or illegally seized, the court shall order the seized property
21 released and returned to the person from whom the property was seized.

22
23 **§ 9808. Destruction of Property Forfeited.**

24 The court shall order destroyed all cannabis products forfeited by reason
25 of adulteration, dilution or manufacture in Guam by other than a licensed
26 cannabis establishment.

1 **§ 9809. Disposition of Property Seized.**

2 The court shall order the disposition of all cannabis products other than
3 those specified in § 3607 by transfer to a government agency, department or
4 institution requesting such cannabis products for industrial, medicinal or
5 scientific use, or by destruction. A government agency, department or institution
6 may file with the court a request for any forfeited cannabis products and the
7 court shall not order other disposition of the cannabis products requested until
8 the request has been filled.

9
10 **§ 9810. Supplies.**

11 The court shall order the disposition of any forfeited materials and
12 supplies by public sale or destruction.

13
14 **§ 9811. Vehicles.**

15 The court shall order the disposition of any forfeited vehicles by transfer
16 to any government agency, department or institution requesting such vehicles
17 and in the absence of any such request, by public sale.

18
19 **§ 9812. Revocation or Suspension of License: Grounds.**

20 A license of any class may be suspended or revoked on any of the
21 following grounds:

22 (a) The continuation of a license would be contrary to the public
23 interest.

24 (b) The violation, causing or permitting of a violation of, or failure or
25 refusal by a licensee to comply with:

26 (1) Any provision of this Chapter.

27 (2) Any regulation of the Board adopted under the provisions of this
28 Chapter.

1 (3) Any other penal provisions of the laws of Guam or of the United
2 States applicable to Guam prohibiting or regulating the sale,
3 exposing for sale, use, possession, giving away, adulterating,
4 diluting, misbranding or mislabeling of cannabis products.

5 (4) The misrepresentation of a material fact by any applicant in
6 obtaining or renewing any

7 (5) license.

8 (6) The plea, verdict or judgment of guilty to any public offense
9 involving moral turpitude.

10 **§ 9813. Temporary.**

11 Upon the filing of a sworn written report with the Department by an
12 inspector setting forth grounds for the suspension or revocation of a license, the
13 Department may temporarily suspend any license and/or identification card
14 pending a regular hearing by the Board. No temporary suspension by the
15 Department shall exceed forty-eight (48) hours. The Department shall upon
16 temporarily suspending a license and/or identification card immediately notify
17 the Board in writing of his/her action and transmit to the Board the report of the
18 inspector, including the names of all the witnesses.

19
20 **§ 9814. Same: Hearing.**

21 (a) The Board, upon receipt of the report required in § 9813, shall, as
22 soon as practicable, hold a hearing on such report.

23 (b) The Board shall impose a penalty on a Cannabis Establishment
24 licensee found in violation of any of the provisions of this Chapter in an amount
25 equal to the licensee's New License Fee for the first offense; double the
26 licensee's New License Fee for the second offense; and triple the licensee's
27 New License Fee for the third offense. Any violations after the third offense
28 will result in the automatic termination of the violator's license. Contingent on
29 the severity of any violation, the Board may use its discretion and suspend or

1 revoke the license of any licensee found in violation of any of the provisions of
2 this Chapter.

3 (c) In addition to the fines in Subsection (b) of this Section, the Board
4 shall suspend, for a period of not less than thirty days and no more than ninety
5 days, the license of any licensee found in violation of any provision of this
6 Chapter as a second offense. The Board shall revoke the license of any licensee
7 found in violation of any provision of this Chapter as a third offense.

8 (d) The Board shall suspend a Cannabis Identification Card for seven
9 days for a first offense in violation of any provision of this Chapter; a
10 suspension of a Cannabis Identification Card for fourteen days and a One
11 Hundred Fifty Dollar (\$150) fine for a second offense; and revocation of a
12 Cannabis Identification Card for the third offense.

13
14 **§ 9815. Same.**

15 In the event the Department fails or refuses to suspend or revoke a license
16 within five (5) days after the filing of a written report with the Department, the
17 Board may hold a hearing on such report and may suspend or revoke any
18 license.

19
20 **§ 9816. Accusation.**

21 Without reference to the Department, any person may file an accusation
22 with the Board against any licensee setting forth a ground for suspending or
23 revoking a license.

24
25 **§ 9817. Criminal Prosecution.**

26 The criminal prosecution of any person under the provisions of this
27 Chapter shall be in addition to, and independent of the power of the Board and
28 Department, to suspend or revoke any license.

1 **§ 9818. Penalty.**

2 Every person who violates, causes or permits to be violated, or fails or
3 refuses to comply with any provision of this Chapter or any order or regulation
4 of the Board not inconsistent with the provisions of this Chapter, for which a
5 specific penalty is not otherwise provided, is guilty of a misdemeanor.

6
7 **§ 9819. Officials.**

8 Any member or employee of the Board, the Department or any employee
9 of the Department or any member of the police who disposes of any cannabis
10 products or other property seized under this Chapter in any manner other than as
11 directed by an order of the court on the provisions of this Chapter, is guilty of a
12 misdemeanor. In addition, he/she shall be liable to the government in a civil
13 action.

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