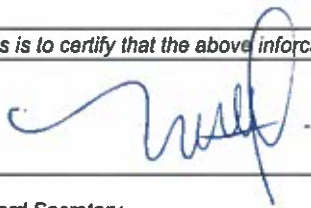


**Guam Department of Revenue and Taxation  
Cannabis Control Board Regular Meeting  
Meeting Date: December 21, 2020 | Time 1:00pm  
Zoom Video Conference Meeting ID: 698 255 5129 - Password: CCBGUAM**

<u>Board Members</u>	<u>Position Title</u>	<u>Signature</u>
Atty. Vanessalee Williams	Board Chairperson - Member	
Dafne Mansapit-Shimizu	Vice Chairperson - Director, Department of Revenue & Taxation	Zoom
Ursula Herrera	Board Secretary - Member	Zoom
Adrian Cruz	Deputy Director, Department of Agriculture	Zoom
Dr. Suzanne S. Kaneshiro	Chief Public Health Officer, Department of Public Health & Social Services	Zoom
Zita Pangelinan		
Theresa Arriola	Director, Guam Behavioral Health & Wellness Center	Zoom
Stephen Ignacio	Chief, Guam Police Department	
Nico Fujikawa	Director of Tourism Research, Guam Visitors Bureau	Zoom
William M. Parkinson	Member	Zoom

This is to certify that the above information is true and correct:



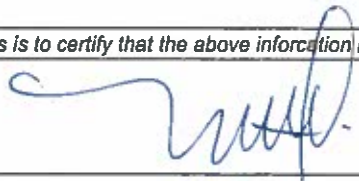
Board Secretary

12/21/2020

**Guam Department of Revenue and Taxation  
Cannabis Control Board Regular Meeting  
Meeting Date: December 30, 2020 | Time 2:00pm  
Zoom Video Conference Meeting ID: 698 255 5129 - Password: CCBGUAM**

<u>Board Members</u>	<u>Position Title</u>	<u>Signature</u>
Atty. Vanessalee Williams	Board Chairperson - Member	Zoom
Dafne Mansapit-Shimizu	Vice Chairperson - Director, Department of Revenue & Taxation	Zoom
Ursula Herrera	Board Secretary - Member	Zoom
Adrian Cruz	Deputy Director, Department of Agriculture	Zoom
Dr. Suzanne S. Kaneshiro	Chief Public Health Officer, Department of Public Health & Social Services	Zoom
Zita Pangelinan		
Theresa Arriola	Director, Guam Behavioral Health & Wellness Center	Zoom
Stephen Ignacio	Chief, Guam Police Department	
Nico Fujikawa	Director of Tourism Research, Guam Visitors Bureau	Zoom
William M. Parkinson	Member	Zoom

This is to certify that the above information is true and correct:



Board Secretary  
12/30/2020

Cannabis Control Board  
Meeting Minutes  
December 21 and 30, 2020

**Opening**

Vice-Chair Shimizu called the regular board meeting of the Cannabis Control Board to order at 1:03 p.m. on December 21, 2020.

Location: Zoom Video Conference  
Meeting ID: 698 255 5129  
Password: CCBGUAM

**Attendees Present:**

Dafne Shimizu (DRT), Vice-Chair  
Adrian Cruz (DOAG)  
Ursula Herrera (Appointee)  
Nico Fujikawa (GVB)  
William Parkinson (Appointee)  
Dr. Kaneshiro (DPHSS)  
Theresa Arriola (GBHWC)  
John Borja, Division Chief of Agricultural  
Development Services (DOAG)  
Steve Ignacio, GPD

**Apologies:**

Vanessa Williams (Appointee), Chair

**Quorum present? Yes**

**Approval of Minutes**

- o The minutes of the December 17, 2020 meeting were tabled.

**Old Business**

a. Review of Public Hearing Testimony, Public Comment and E-mail Testimonies

- Vice-Chair Shimizu noted that the definitions were adopted from the Medicinal Marijuana Board and Medicinal Marijuana rules and regulations.

i. Article 3 – Cannabis Cultivation

Led by the DOAG, the Board reviewed and discussed the following:

- §9305(a)(1) Cannabis Soil Amendments, Pg. 41 – Amended to read: “...treated or commercially purchased animal manure.”
- §Pesticides, Pg. 38 – Director Herrera requested for the following to be added in the last paragraph under §9306: “The use of registered pesticides on marijuana or hemp is prohibited as per the US Environmental Protection Agency.”
- §9305 – Director Herrera requested that this section include language requiring acceptable fertilizers to have a seal or review with the National Organic Program.
- Under the main definitions, Natural Farming was defined as: “Sustainable farming systems employing ecologically sound agricultural practices”.

- Director Herrera requested a reference be included to the Code of Federal Regulations 7 CFR, Part 205, which outlines the growing standards and what is allowed, in terms of fertilizers, in organic farming or naturally-derived farming for cannabis cultivation.
  - Director Parkinson asked whether the Board will allow the use of synthetic nutrients. Director Cruz responded that synthetic fertilizers are permitted as long as the product has the OMRI seal to ensure that there will be no adverse effects on the environment when applied.
  - Director Herrera was disconnected from the meeting in the midst of this discussion.
- Due technology issues, the remaining discussion on Article 3 was tabled to the next meeting.
- §9101(r) – Deputy Director Cruz noted that he would like to adjust the definition of Canopy size at next meeting.

**Action Item:**

- DOAG to email their notes regarding Article 3 to the Board for review prior to the next meeting.

*The meeting recessed at 1:40 p.m. and reconvened at 1:56 p.m. on December 21, 2020.*

**a. Review of Public Hearing Testimony, Public Comment and E-mail Testimonies (continued)**

**ii. 39:27 Article 5 – Retail Cannabis Store**

Vice-Chair Shimizu noted that the issues raised in the testimonies that pertained to public consumption and inventory control in Article 5. The Board reviewed and discussed the following:

- Pg. 85 – no comments by the DRT.
- Pg. 86 – Vice-Chair Shimizu identified a correction that needed to be made in section 3, lines 4 to 6, and section 4, from lines 7 to 9, as references to permits or licenses is missing. DRT recommended that the language indicate that retail cannabis stores cannot transfer to or accept any cannabis products from any unlicensed retail cannabis stores without a permit or license.
  - Director Cruz expressed concern that this may prevent the transfer of inventory between retail stores. Vice-Chair Shimizu responded that the addition of the clause, “until the retail cannabis store has a permit to operate from the Department” would not prevent the retail store from transferring to other retailers. The purpose of the language is to ensure that the retail store is licensed.
  - Director Cruz asked whether language can be added to further clarify that once retail stores have the permit to operate, they can transfer or sell their products amongst other retailers. Vice-Chair Shimizu referred Director Cruz to the definition of a retail cannabis store under §9109(ccc), which does not prohibit a licensed retail cannabis store from selling or transfer cannabis or cannabis products to another licensed retail cannabis store. The definition is also consistent with statute.

- Item 5, lines 10-14, Pg. 86 – DRT proposed that at the end of Item 5 on line 14 after the term consumption, the following phrase be added: “as per the Department of Public Health and Social Services”.
  - Director Cruz asked Dr. Kaneshiro whether there are standards regarding an acceptable amount of THC in a cannabis product, such as guidelines from the DPHSS on what is considered low, medium, and high. Director Cruz stated it is important that people to be aware of how much they are taking, in particular with edibles. DPHSS responded that there are no guidelines. Vice-Chair Shimizu stated that safety standards would be addressed under Articles 6 and 7 under Labeling and Packaging as well as the Public Health section under §9605, which will be discussed at a later time.
  - Pg. 86, line 23 – Vice-Chair Shimizu stated that the Compliance Branch will assist to confirm and correct the reference to section 11003, Medicinal Rules and Regulations. Line 23 should reference §9101 on verification of identity.
- Director Cruz raised, for discussion, the possibility of allowing people to consume cannabis on-site on private property or a private business (e.g., cannabis retail facility), with the proper safeguards in place, to discourage people from doing so in public places. Vice-Chair Shimizu shared that the DRT is still working to get clarification on this and that she would get back to him on that.
  - Director Arriola reiterated the tourism industry as well as the GVB’s position that they are seeking an exemption zone. This would have impact on an industry that brings in millions of dollars annually as well as decades of investment on the island. She asked whether this Board has the power to make exemptions regarding zoning. If not, the GVB needs to know where to focus their lobbying efforts to get that. Currently, the CCB is perceived to have that power by the GVB and tourism industry.
  - In response, Vice-Chair Shimizu indicated that there are legislated ratios that prevent a certain number and types of alcohol licenses in certain area; however, this is also something would have to be clarified, including clarity from Legal and Land Management on the H and C zones in Tumon. Director Cruz shared that Mr. Joe Borja from Department of Land Management will prepare a map indicating the types of zones to help guide the Board.
- Director Parkinson raised that there has been a lot of communication as well as a lot of misinterpretation of the rules. The proposed regulations, as is, address a lot of the public's concern but appears to be missing the ability to comingle the sale of cannabis with other products, such as with food and other types of retail products. Director Cruz responded that ATF prohibits the sale of tobacco and alcohol with cannabis. If a restaurant is a licensed cannabis facility, families would not be able to enter as only those over the age of 21 can enter.

**Action Items:**

- DRT to confirm whether private business may allow individuals to consume cannabis onsite at their private business.
- Obtain information on H and C zones from Department of Land Management

The Board reiterated its commitment to address concerns and to continue refining the rules and regulations to ensure the public is safe in this emerging industry.

Due to time constraints, it was determined that another Board meeting was required to complete the remaining agenda items. Vice-Chair Shimizu summarized the topics that still require Board discussion, including reviewing the rest of Article 5 and Article 8, preparing for Articles 1, 4, 6, and 7, and reviewing corresponding testimony.

**Recess of Meeting**

*Director Arriola made a motion to recess the meeting and reconvene on December 30, 2020 at 1:00 p.m. Deputy Director Cruz seconded the motion. Motion carried.*

*The Cannabis Control Board meeting recessed at 2:47 p.m. on December 21, 2020.*

**Reconvening – December 30, 2020**

*The CCB regular meeting #24 reconvened on Wednesday, December 30, 2020 at 1:08 p.m.*

Chairperson Williams called the regular board meeting of the Cannabis Control Board (the Board or CCB) to order at 1:08 p.m. on December 30, 2020.

Location: Zoom Video Conference  
 Meeting ID: 698 255 5129  
 Password: CCBGUAM

**Attendees Present:**

Vanessa Williams (Appointee), Chair  
 Dafne Shimizu (DRT), Vice-Chair  
 Adrian Cruz (DOAG)  
 Ursula Herrera (Appointee)  
 Nico Fujikawa (GVB)  
 William Parkinson (Appointee)  
 Dr. Kaneshiro (DPHSS)  
 Theresa Arriola (GBHWC)  
 John Borja, Division Chief of Agricultural  
 Development Services (DOAG)  
 Joe Borja, Department of Land Management

**Apologies:**

Steve Ignacio (GPD)

**Quorum present? Yes**

**Old Business**

a. Review of Public Hearing Testimony, Public Comment and E-mail Testimonies (*continued*)

- Director Cruz noted, for the Board's awareness, that he received a letter and has shared it, as well as the maps from the Department of Land Management, with Craig Camacho from DRT Compliance Branch.
- *Joe Borja from the Department of Land Management joined the meeting.*
- In relation to Article 5, Mr. Borja provided an overview of the maps that detail possible exclusion zones of 1,000 feet from H zone properties in Tumon and responded to questions from the Board. He outlined possible avenues the Board could consider, such as amending the zoning law or the law that authorizes the commission to issue licenses; however, the Board would need to balance the interests of Tumon business owners in H zones as well as owners who commercially use their private property. He stated there are individual lots within H zones that are commercial.
  - The Board requested a detailed map from Mr. Borja showing the nuances of individual lots within Tumon area that are not H zones and the 1,000 feet exclusions based around schools, parks, churches, etc.
- Chair Williams requested confirmation as to whether there have been any property owners who have applied to rezone their property to not be H zoned in Tumon Bay, as the law currently allows.
- Vice-Chair Shimizu asked Mr. Borja about exempting zones and dealing with it in a manner similar to alcohol, by having ratios for licenses or maximum capacities in different municipalities. She asked whether the Board is able to do that in the rules and regulations for cannabis. Mr. Borja's response indicated that making such exemptions would require due process and that it could not be done through the rules and regulations as there are already laws that address that. Instead, the Board could consider doing it through the issuance of licenses in the rules and regulations.
- The Board tabled the discussion for the next meeting to allow Mr. Borja time to prepare the information requested by the Board.
- *Mr. Joe Borja left the meeting.*

**Action Items:**

- Mr. Borja to provide a detailed zoning map of individual commercial lots in Tumon and 1,000 feet exclusions zones, and confirm whether there were any property owners who have applied to change their H zone to another zone.

*The meeting recessed for 5 minutes.*

**iii. Article 3 – Cannabis Cultivation (continued)**

- *Mr. John Borja (DOAG) joined the meeting.*
- Director Cruz advised that the proposed changes by the DOAG under Article 3 considers public comments and reflects discussions with other jurisdictions.
- §9305 – As a result of public concerns regarding the use of pesticides and fertilizers, "soil" was changed to "cultivation".
- With regards to the seed-to-sale software, Dr. Kaneshiro indicated that it was still under review by the Attorney General. Dr. Kaneshiro will follow up the Attorney General on the status.
- Director Herrera provided an overview of the DOAG's changes:
  - § 9301 "naturally derived non synthetic" was struck out to reflect the DOAG's approved cultivation practices.

- §9301 “commercial synthetic” was struck out to reflect the DOAG’s approved cultivation practices.
- §9301 Struck out last line.
- Corrections to spelling on “Bona Fide” throughout Article 3.
- §9303 Acceptable Cannabis Growing Conditions – Added: “with only the allowed cultivation amendments listed in §9305”.
- Struck out the entire section regarding non-liquid or synthetic liquid fertilizers, based on their study and consideration of people’s comments.
- §9303 Added to Cannabis Production, section b, (4) that: “Monitoring devices must be implemented at all cultivation sites.” The federal government requires that each state have regulations regarding video surveillance. Director Herrera and Director Cruz explained that this was added to err on the side of caution, as cannabis is still a federally prohibited substance. He also stated that the added clause is in line with other states. The Board discussed defining what would be acceptable monitoring devices in the definitions at a future meeting.
- §9303 Expanded on the Boundary and Buffer Zone in (d) to state: “sufficient in size, or other features. (e.g., wind breaks or a diversion ditch to prevent the possibility of unintended contact by prohibited substances applied to adjacent land areas with an area that is part of a certified operation and within the specified GPS coordinates.”
- §9303 Added line (e): “A producer shall select suitable cultivation practices that maintain and promotes the improvement of the physical, chemical and biological condition of soil and minimize soil erosion.”
- §9303 Added line (f): “Potting soil crop production aids, soil amendments, and other growing media approved by the Department may be used in cannabis cultivation.”
- Regarding the changes in (d) and (f), Director Cruz explained that the intent of the DOAG in prohibiting synthetic substances is to protect the environment. Further, the federal EPA does not have any approved chemical additives for cannabis as it is a prohibited substance under federal law. DOAG developed recommendations on what is acceptable to fill that gap.
- §9304 Cultivation site, line (a) struck out “plant and animal materials”, to read: “Producer must manage the allowed cultivation amendment materials to maintain or improve soil organic matter content, biological diversity, nutrient cycling, microbial activity in a manner that does not contribute to the contamination of crops, air, water or any adverse impacts to the environment by plant nutrients, pathogenic organisms, heavy metals or residues of substances. Only the following specified soil amendments, fertilizers, other crop production aides and pesticides may be used in the production of cannabis. The allowed cultivation amendments include...”
  - Additions to (i) –
    - (i) Raw animal manure, which shall be composted, unless it is:
      - (a) Incorporated into the soil not less than 120 days prior to the harvest of cannabis whose consumable portion has direct contact with the soil surface or soil particles; or <sup>§9304</sup>§9304
      - (b) Incorporated into the soil not less than 90 days prior to the



harvest of cannabis whose consumable portion does not have direct contact with the soil surface or soil particles.

- Synthetic and non-synthetic amendments that can be used in cannabis cultivation are listed:
  - (ii) Aquatic plants (alkali extracted)
  - (iii) Blood Meal
  - (iv) Boron
  - (v) Calcium carbonate/limestone (mined)
  - (vi) Humic acid (alkali extracted)
  - (vii) Iron phosphate (molluscicide use only)
  - (viii) Feather meal
  - (ix) Fulvic acid
  - (x) Fish/shrimp meal
  - (xi) Guano (mined)
  - (xii) Gypsum (mined)
  - (xiii) Humates/ Leonardite (mined)
  - (xiv) Peat
  - (xv) Coco coir
  - (xvi) Rockwool (without fiberglass, metals)
  - (xviii) Potassium magnesium sulfate, potassium sulfate (mined)
  - (xix) Worm castings (vermiculture)
  - (xx) Fish emulsion
  - (xxi) Compost tea
  - (xxii) Green waste compost
  - (xxiii) Seaweed/Kelp
  - (xxiv) Beneficial Microorganisms
  - (xxv) Beneficial bacteria
- Regarding the above changes, Mr. John Borja explained that the above changes were made again to fill the gap in the federal EPA, and to ensure safe use of the application and that there are no adverse, long-lasting effects or residue in the plant and the community.
  - Added (c) – “The producer shall not use any fertilizer or composted plant and animal material that contains a synthetic substance not included on The National List of Allowed and Prohibited Substances 7 C.F.R. section 205.601.”
- Change of lettering in (d) – “Genetic modification of cannabis is prohibited.”
- § 9306 Changes to (a) –Struck out “soil fertilizers” and “amendments” added.
- § 9306 Changes to (a), line 1- “The substance(s) for consideration of use in the production of cannabis shall only be derived from Cannabis cultivation amendments listed in §9305.”
- Clarification that “if these substances are commercially purchased from an off island source, proper clearances and permits must be obtained prior to the importation from the Guam Environmental Protection Agency (GEPA).”
- Added (2): “The pesticides, herbicides, fungicides and repellants, fertilizers manufacture, use and disposal of the like, must not have adverse effects on Guam’s environment and use must be carried out in a manner according to the

manufacturer's label instructions." A list of allowed pesticides, herbicides, fungicides and repellants was shown to the Board.

- Administrative/housekeeping corrections and edits:
  - i. "producer to be applied in the cultivation system in practice".
  - ii. "contain no residue of heavy metals".
  - iii. Examples of prohibited products.
  - iv. Clarity about the dangers of vitamin hormone products and insecticides.
  - v. Soil amendments – details how it will be stored. Replaced "naturally derived" with "cannabis cultivation system and practice plan".
- Changes to #6 – "A producer may substitute a plan prepared to meet the requirements of the Department, or the cannabis cultivation system and practices", provided that they submit a plan.
- Amendments to Cannabis Seed Selection – "Cannabis seeds may be locally sourced. Federal law regulates the importation of cannabis vegetative material, which includes seeds. Cannabis tissue cultures may be locally sourced."
- Added language that details what is allowed and prohibited in controlling weeds (i.e., pests and undesirable plants).
  - vi. Added that weed problems may be controlled through mulching with fully biodegradable materials, mowing and livestock grazing.
  - vii. Listed disease control problems.
  - viii. Added (e), "a biological or botanical substance, or a substance included on the national list of synthetic substances allowed for use in organic crop reduction."
  - ix. "Conditions for using substances must be on record as part of the Bona Fide Farmer's Certification Program."
  - x. Struck out extra (e).
- *Director Shimizu made a motion to accept the proposed amendments to Article 3. Director Nico Fujikawa seconded the motion. Motion carries. Director Cruz recused himself from the vote.*
- *The Board debriefed on earlier discussions regarding zoning and discussing its earlier request for map of commercial zones, including M1 and M2 lot zones, in Tumon.*

#### Action Items:

- Dr. Kaneshiro to follow up with the AG's office on the status of the review of seed-to-sale submission, and provide an update to the Board.
- The Board to clarify "monitoring devices" in the definitions at a future meeting.

#### Adjournment

*Director Cruz made a motion to adjourn the meeting. Director Fujikawa seconded. Motion carried.*

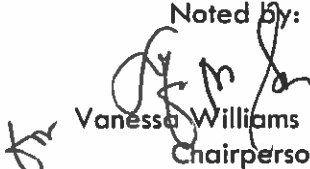
The Cannabis Control Board meeting was adjourned at 3:00 p.m.

The next meeting shall be held on Wednesday, January 6, 2021 at 1:00 p.m.

Prepared by:

  
Ursula Herrera  
Secretary

Noted by:

  
for Vanessa Williams  
Chairperson

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**CANNABIS CONTROL BOARD**

Regular Meeting #24| December 21, 2020 | 1:00 pm

Zoom Video Conference Meeting ID: 698 255 5129 - Password: CCBGUAM

- I. Call to Order
- II. Roll Call of Members/Quorum
- III. Secretary's Report – December 17, 2020, Meeting #23 Minutes
- IV. Old Business
  - a. Review of Public Hearing Testimony, Public Comment and E-mail Testimonies
    - i. Article 3 - Cannabis Cultivation
    - ii. Article 5 - Retail Cannabis Stores
    - iii. Article 8 - Enforcement and Penalties
- V. Next CCB Board Meeting
- VI. Open Forum/Public Comment
- VII. Adjournment