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**CANNABIS CONTROL BOARD**  
**[PROPOSED] RULES AND REGULATIONS**

DRAFT

**CHAPTER 9**

**CANNABIS CONTROL BOARD**

**Article 1. General**

**Article 2. Licensing of Cannabis Establishments**

**Article 3. Cannabis Cultivation**

**Article 4. Cannabis Product Manufacturing**

**Article 5. Retail Cannabis Stores**

**Article 6. Cannabis Labeling and Packaging**

**Article 7. Cannabis Testing**

**Article 8. Enforcement and Penalties**

1 **Article 1**

2 **General**

3 **§ 9101. Definitions.**

4 As used in these rules and regulations, “Act” means the Guam Cannabis  
5 Industry Act of 2019.

6 (a) “*Allowable amount*” means

7 (1) one (1) ounce or less of cannabis, eight (8) grams or less of  
8 cannabis concentrate, or any cannabis-infused products containing  
9 eight hundred (800) mg or less of tetrahydrocannabinol;

10 (2) possessing, growing, processing, or transporting no more than six  
11 (6) cannabis plants, with three (3) or fewer being mature flowering  
12 plants, and possession of the cannabis produced by the plants on  
13 the premises where the plants were grown; provided, that the  
14 growing takes place in an enclosed, locked place, is not conducted  
15 openly or publicly, and is not made available for sale;

16 (3) transferring one (1) ounce or less of cannabis and immature  
17 cannabis plants; eight (8) grams or less of cannabis concentrate; or  
18 any cannabis-infused products containing eight hundred (800) mg  
19 or less of tetrahydrocannabinol to a person who is twenty-one (21)  
20 years of age or older without remuneration; [11 GCA Chp 8, §  
21 8103. *Personal Use of Cannabis.*]

22 (b) “*Applicant*” means a Person that has submitted an application for  
23 licensure or registration, or for renewal of licensure or registration, pursuant to  
24 these rules that was accepted by the Department for review but has not been  
25 approved or denied by the Cannabis Control Board.

26 (c) “*Batch*” means a specific processed product produced by a  
27 cannabis product manufacturing facility that is produced at the same time, in the  
28 same facility, using the same method, and the same ingredients or extraction  
29 methods.

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           (II)    “*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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## Fees, Responsible Official, Cannabis Establishment License, and Permit to Operate

- § 9201. Fees
- § 9202. Responsible Official
- § 9203. Applying for a Cannabis Identification Card by a Responsible Official or Designated Transporter.
- § 9204. Denial or Approval of a New Application for a Cannabis Identification Card for a Responsible Official or Designated Transporter.
- § 9205. Revoking the Cannabis Identification Card of a Responsible Official or Designated Transporter.
- § 9206. Changing the Information on a Cannabis Identification Card of a Responsible Official or Designated Transporter.
- § 9207. Types of Cannabis Establishment Licenses.
- § 9208. Requirements for a Cannabis Establishment License.
- § 9209. Application Process for a Cannabis Establishment License.
- § 9210. Applying for a Cannabis Establishment License.
- § 9211. Issuance of a Cannabis Establishment License.
- § 9212. Permit to Operate a Cannabis Establishment.

**§ 9201. Fees.**

(a) The following fees are required to apply for the following Cannabis Identification Cards:

- (1) Responsible Official:
  - a. New: One Thousand Dollars (\$1,000)
  - b. Renewal: Seven Hundred Fifty Dollars (\$750)
- (2) Designated Transporter:

- 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.

2. If the application is denied, the Board shall provide a written notification to the applicant of the reason for denial of the application within ten (10) business days.
  3. A person whose application has been denied and given notice of the reason for denial shall have ten (10) business days to appeal or comply. The person, whose application was denied, can file an appeal with the Board.
  4. If the denial is upheld on appeal, the person shall not reapply for six (6) months from the date of the denial unless otherwise authorized by the Board.
- (c) Approval of application:
1. If the application is approved, the Department shall issue a Cannabis Identification Card, within five (5) business days of the Board approving the application.
    - A. The cardholder shall pick up the Cannabis Identification Card in person at the Department.
    - B. The Cannabis Identification Card shall expire one (1) year from the date of issuance.
  2. The Cannabis Identification Card for a Responsible Official or Designated Transporter of a Cannabis Establishment shall contain:
    - A. The identification number;
    - B. The full name of the applicant;
    - C. Date of birth of applicant;
    - D. The date of issuance and expiration date of the Cannabis Identification Card;
    - E. The name and physical address of the licensed Cannabis Establishment;

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

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

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

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

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

1. The Board receives the written notification from the Cannabis Establishment that the responsible official or designated transporter:
  - A. No longer serves as a Responsible Official or Designated Transporter; or
  - 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.

## 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.

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

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

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

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

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

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

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

18 (k) Cannabis Establishment Licenses are *non-transferable*.  
19

## 20 **§ 9210. Applying for a Cannabis Establishment License.**

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

26 (a) The authorized responsible official's:

27 1. Name

28 2. ID Card Number

29 (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.

DRAFT

## Article 3

### Cannabis Cultivation

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

#### **§ 9301. Policy.**

The Guam Department of Agriculture (DOAG) shall duly exercise the powers vested in it as a “Regulatory Agency” in the cultivation, production, green debris management and destruction of cannabis in the Territory of Guam for which the use and/or end product results in either recreational and/or medicinal applications. Only approved naturally derived cultivation practices shall be permitted in the growing of cannabis. The producer is responsible for obtaining the necessary permits and/or certifications required by the regulatory agency and must comply with any specific instructions while engaged in the cultivation and production of cannabis on the island of Guam.

Commercial synthetic pesticides have catastrophic effects on human health and the natural environment. As well as causing significant damage to the 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 sulfite)

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.

## Article 4

### Cannabis Product Manufacturing

- § 9401. General Sanitation
- § 9402. Manufacturer Requirements
- § 9403. Extraction Requirements for Cannabis Product Manufacturing Facilities
- § 9404. Cannabis Concentrate
- § 9405. License requirements for all Food Facilities
- § 9406. Display of Identification Badge
- § 9407. Alarm Systems
- § 9408. Surveillance System
- § 9409. Lock Standards
- § 9410. Traceability
- § 9411. Transportation
- § 9412. Waste Management and Disposal
- § 9413. Employee Training

#### **§ 9401. General Sanitation.**

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

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

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

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

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

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

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

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

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

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

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

**§ 9402. .Manufacturer Requirements.**

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

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

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

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

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

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

- (1) Be homogenized to ensure uniform disbursement of 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

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

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

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

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

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

(2) Cannabis may be returned by a retail licensee in the event a retailer goes out of the business of selling cannabis at retail 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 CO<sub>2</sub> gas extraction system where every vessel is rated to a minimum of six hundred pounds per square inch. The CO<sub>2</sub> must be of at least ninety-nine (99) percent purity.

- (1) Closed loop systems for hydrocarbon or CO<sub>2</sub> 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, CO<sub>2</sub>, 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 CO<sub>2</sub>.

(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 CO<sub>2</sub> is used as solvent at the licensed premises, then  
16 the Industrial Hygienist or Professional Engineer must  
17 determine whether a CO<sub>2</sub> gas monitoring system must  
18 be installed within the room in which cannabis  
19 concentrate are to be produced or CO<sub>2</sub> 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) Commercial dishwasher or a 3-compartment sink large enough to immerse most equipment and utensils.
- (2) Adequate drain boards, racks, or utensil tables for storage and handling of soiled utensils.
- (3) Adequate racks/tables for air drying of sanitized utensils and equipment.
- (c) Hand washing facilities
  - (1) Properly plumbed hot and cold water
  - (2) Hand soap and single-serve towel dispensers
  - (3) Garbage cans with lids
  - (4) Hand sink located to allow convenient use by employees in food prep, food dispensing, and dish washing areas in addition to hand sink identified above.
- (d) Garbage
  - (1) Garbage containers, dumpsters, and compactor systems located outside are on or above a smooth surface of nonabsorbent material that is kept clean and in good repair.
  - (2) Wastewater from these units flows into a sanitary sewer, not into storm drains.
- (e) Floors
  - (1) Easily cleanable, smooth, and of tight construction.
  - (2) Nonabsorbent materials.
  - (3) If subject to flood-type cleaning, floors are sloped to drain with drains compliant with the Guam Building Code.
  - (4) Joints at wall/floor junctions covered and sealed.
- (f) Walls and ceilings
  - (1) Surface of walls and ceilings in all display, storage, and processing/preparation rooms in good repair, of a light color, 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.

#### 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

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

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

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

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

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

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

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

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

## **§ 9412. Waste Management and Disposal.**

(a) The licensee must store, manage and dispose of solid and liquid wastes generated during cannabis production and processing in accordance with 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

1 (vi) Other wastes as approved by the DRT.

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

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

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

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

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

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

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

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

1 (D) A Licensee is required to maintain accurate and  
2 comprehensive records regarding any waste material  
3 produced through the trimming or pruning of a  
4 cannabis plant prior to harvest, which must include  
5 weighing and documenting all waste, including  
6 fibrous waste. Unless required by an Inventory  
7 Tracking System procedure, records of waste  
8 produced prior to harvest must be maintained on the  
9 licensed premises. Waste, excluding fibrous waste,  
10 whether produced prior to or subsequent to harvest,  
11 must be disposed of in accordance with this Rule and  
12 be made unusable and unrecognizable.  
13

#### 14 **§ 9413. Employee Training**

15 (a) Cannabis cultivators, cannabis product manufacturing facilities and  
16 dispensaries that create, handle, or sell compliant cannabis products shall adopt  
17 and enforce policies and procedures to ensure employees and volunteers receive  
18 training about the requirements of this Chapter.

19 (b) Nothing in subsection (a) of this section allows any owner,  
20 employee, or volunteer to:

21 (1) Perform the duties of a cannabis consultant or represent  
22 themselves as a cannabis consultant unless the person holds  
23 a valid certificate.

24 (2) Offer or undertake to diagnose or cure any human or animal  
25 disease, ailment, injury, infirmity, deformity, pain, or other  
26 condition, physical or mental, real or imaginary, by use of  
27 cannabis products or any other means or instrumentality.  
28

1 **Article 5**

2 **Retail Cannabis Stores**

3 § 9501. Operation Standards for Retail Cannabis Stores.

4 § 9502. Security.

5 § 9503. Chain of Custody Form

6 § 9504. Transport of Cannabis.

7 § 9505. Loss of Cannabis.

8 § 9506. Inspections.

9 § 9507. Destruction and Disposal of Cannabis.

10  
11 **§ 9501. Operation Standards for Retail Cannabis Stores.**

12 (a) A retail cannabis store shall comply with all local, health, fire, and  
13 zoning requirements and other applicable requirements and shall not be in  
14 violation of Guam's building and zoning laws or any other applicable law, rule  
15 or regulation.

16 (b) A retail cannabis store that stores, sells, distributes or dispenses  
17 cannabis-infused edible food products shall comply with Title 10 GCA,  
18 Chapters 21, 22, 23, 24, and 40 and applicable rules and regulations, to ensure  
19 proper food safety.

20 (c) Only the responsible official and authorized employees, with valid  
21 Cannabis Identification Cards, of the retail cannabis store shall be permitted to  
22 touch or handle any cannabis, cannabis concentrate, cannabis-infused product or  
23 cannabis product.

24 (d) A retail cannabis store:

- 25 (1) Shall not *possess* cannabis, cannabis concentrate, cannabis-  
26 infused product or cannabis products until the retail cannabis  
27 store has a Cannabis Establishment License;

- (2) Shall not *sell* cannabis, cannabis concentrate, cannabis-infused product or cannabis products until the retail cannabis store has a Permit to Operate from the Department;
  - (3) Shall not transfer any cannabis, cannabis concentrate, cannabis-infused product or cannabis products to any other retail cannabis store;
  - (4) Shall not accept any cannabis, cannabis concentrate, cannabis-infused product or cannabis products to any other retail cannabis store;
  - (5) Shall ensure that all cannabis, cannabis concentrate, cannabis-infused product or cannabis products it sells are tested for potency and safety by a cannabis testing facility licensed by the Department and is safe for use or consumption.
  - (6) Shall remain secured at all times;
  - (7) Shall be located in an enclosed indoor facility;
  - (8) Shall be accessible to authorized individuals only;
  - (9) Shall maintain a twenty-four (24) hour security system pursuant to § 9502;
- (e) When selling cannabis, cannabis concentrate, cannabis-infused product or cannabis products to a consumer, the retail cannabis store:
- (1) shall request verification of identity as defined in § 11003 (mmm) from the consumer. If the identity of the consumer attempting to purchase cannabis, cannabis concentrate, cannabis-infused product or cannabis products does not match the identity of the person presenting the verification, the authorized employee or responsible official shall report

1 the violation to the Department and the Guam Police  
2 Department.

3 (2) Shall verify that the consumer is not receiving more than the  
4 allowable amount as defined in and shall not sell any amount  
5 of cannabis, cannabis concentrate, cannabis-infused product  
6 or cannabis products to the consumer that exceeds the  
7 allowable amount;

8 (3) May sell to a consumer any combination of cannabis,  
9 cannabis concentrate, cannabis-infused product or cannabis  
10 products that shall not exceed the allowable amount as  
11 defined in the Act;

12 (f) The retail cannabis store shall ensure that:

13 (1) There are safeguards to prevent unauthorized access to  
14 cannabis, cannabis concentrate, cannabis-infused product or  
15 cannabis products;

16 (2) There are safeguards to prevent unauthorized access to  
17 consumers; and

18 (3) Sales are backed up and recoverable.  
19

## 20 **§ 9502. Security.**

21 (a) A cannabis establishment shall implement appropriate security  
22 measures to prevent the unauthorized access into areas containing cannabis,  
23 cannabis concentrate, cannabis-infused product or cannabis products and the  
24 theft and diversion of said products.

25 (b) A cannabis establishment is responsible for the security of all  
26 cannabis, cannabis concentrate, cannabis-infused product or cannabis products  
27 on licensed premises or in transit from one cannabis establishment to another  
28 cannabis establishment.

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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**Article 6**  
**Labeling and Packaging**

- § 9601. Purpose**
- § 9602. Authority**
- § 9603. Title**
- § 9604. Definitions**
- § 9605. Labeling**
- § 9606. Packaging**
- § 9607. Labeling and Packaging Colors**
- § 9608. Accompanying Materials**
- § 9609. Upon Request Materials**
- § 9610. Cannabis Warning Symbol Requirement**
- § 9611. Advertising requirements and promotional items—Coupons,  
giveaways, etc.**
- § 9612. Severability**

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

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

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

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

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

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

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

(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.

1    **§ 9607. Labeling and Packaging Colors for all Cannabis Infused Edible**  
2    **Products.**

3           (a)   Only colors and shapes from an approved list on the Department's  
4   website       are       permitted.       Obtain       information       from  
5   [https://lcb.wa.gov/sites/default/files/publications/Marijuana/infused\\_products/W](https://lcb.wa.gov/sites/default/files/publications/Marijuana/infused_products/Webinar%2012.18.2018_Revised.pdf)  
6   [ebinar%2012.18.2018\\_Revised.pdf](https://lcb.wa.gov/sites/default/files/publications/Marijuana/infused_products/Webinar%2012.18.2018_Revised.pdf)

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

13          (c)   Labeling and packaging font color must be one of the approved  
14   colors provided on the Department's website. Font color counts as one of the  
15   three        accent        colors.       Obtain       information       from  
16   [https://lcb.wa.gov/sites/default/files/publications/Marijuana/infused\\_products/W](https://lcb.wa.gov/sites/default/files/publications/Marijuana/infused_products/Webinar%2012.18.2018_Revised.pdf)  
17   [ebinar%2012.18.2018\\_Revised.pdf](https://lcb.wa.gov/sites/default/files/publications/Marijuana/infused_products/Webinar%2012.18.2018_Revised.pdf)

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

20          (e)   Packaging with a clear window is permitted.

21          (f)   Company logos are permitted. Examples of allowable logo displays  
22   are available on the Department's website. Obtain information from  
23   [https://www.doh.wa.gov/YouandYourFamily/Marijuana/MedicalMarijuana/Pro](https://www.doh.wa.gov/YouandYourFamily/Marijuana/MedicalMarijuana/ProductCompliance/ComplianceLogos)  
24   [ductCompliance/ComplianceLogos](https://www.doh.wa.gov/YouandYourFamily/Marijuana/MedicalMarijuana/ProductCompliance/ComplianceLogos)

25  
26    **§ 9608. Accompanying materials.**

27           The following accompanying materials must be provided with a cannabis  
28   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

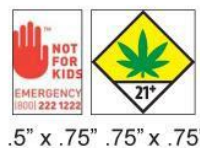
If any provision or the application of any provision of these rules and regulations is held invalid, that invalidity shall not affect other provisions or applications of these rules and regulations.

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

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

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

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

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

(c) The Department of Public Health will give the cannabis establishment twenty-four (24) hour written notice of when authorized agents from the cannabis testing facility plan to go to the cannabis facility to obtain 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



1 (ii) Lead: 6.0 ppm

2 (iii) Cadmium: 4.0 ppm

3 (iv) Mercury: 2.0 ppm

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

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

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

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

14 (F) Microbiological impurities, including but not limited  
15 to:

16 (i) Total Viable Aerobic Bacteria:

17 (aa) Unprocessed and Processed Materials: 105  
18 Colony Forming Units (CFU)/g

19 (bb) CO<sub>2</sub> and Solvent Based Extracts: 104  
20 CFU/g

21 (ii) Total Yeast and Mold:

22 (aa) Unprocessed and Processed Materials:  
23 104 CFU/g

(bb) CO<sub>2</sub> and Solvent Based Extracts: 103  
CFU/g

(iii) Total Coliforms:

(aa) Unprocessed and Processed Materials: 103  
CFU/g

(bb) CO<sub>2</sub> and Solvent Based Extracts: 102  
CFU/g

(iv) Bile-tolerant Gram-Negative Bacteria:

(aa) Unprocessed and Processed Materials: 103  
CFU/g

(bb) CO<sub>2</sub> 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

Public Health and the responsible official of the cannabis establishment from which the sample originated within twenty-four (24) hours.

(h) The cannabis testing facility may retest or reanalyze the sample or a different sample from the same batch by following its standard operating procedure to confirm or refute the original result, upon request by the cannabis establishment from which the sample originated or upon request by the Department of Public Health at the expense of the cannabis establishment from which the sample originated. A lot of cannabis or batch of prepared cannabis or cannabis product shall only be tested for potency and safety at the most three (3) times.

(i) The cannabis testing facility shall return, to the cannabis establishment from which the sample originated, or destroy in a manner approved by the Department of Public Health any samples or portions of samples of the cannabis, prepared cannabis and cannabis product that remain after testing and analysis are completed.

(j) The cannabis testing facility shall create, and maintain for a period of at least five (5) years, records of testing it conducts on cannabis, prepared cannabis and cannabis products, including but not limited to:

(1) The time and date the sample was obtained.

(2) A description of the sample, including the amount;

(3) What tests were conducted on each sample;

(4) The results of the tests including the certificate of analysis;  
and

(5) Evidence of the time, date, and method of disposal or 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.

3

DRAFT

1 **Article 8**

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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.

#### 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.

#### 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.

#### 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.