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15 **RULES AND REGULATIONS GOVERNING**
16 **JOAQUIN (KC) CONCEPCION II**
17 **COMPASSIONATE CANNABIS USE**
18 **ACT OF 2013**

19 **25 Guam Administrative Rules and Regulations**

20 **Chapter 14**
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Title 5 Guam Code Annotated, Chapter 9, Article 3
ECONOMIC IMPACT STATEMENT
MEDICAL MARIJUANA RULES AND REGULATIONS

The Department of Public Health and Social Services anticipates an economic impact of over \$500,000 as a result of the implementation of the *Rules and Regulations Governing Joaquin (KC) Concepcion Compassionate Cannabis Use Act of 2013*, also known as the Medical Marijuana Rules and Regulations. The factors in making this determination are listed below. It is important to note that the determination of economic impact is strictly confined to the implementation of these regulations, and does not include any regulatory, policy, or operational changes that may need to be made by other entities to accommodate the legal use of marijuana as medication.

I. Purpose and Need

Section 122507 of Article 25, Chapter 12 of Title 10 Guam Code Annotated (GCA) authorizes the Director of the Department of Public Health and Social Services to promulgate rules to govern the implementation of a medical marijuana program, including the issuance of Registry Identification Cards, defining an adequate supply, criteria for medical conditions, petition process, fees, licensure, establishment of dispensaries, and to determine the duties of the Advisory Board in Guam.

Without these regulations, there will not be an effective way to implement or regulate the legal use of marijuana as medication; thus, the demonstrable need to have these regulations in place.

II. Financial Impact

Collectively, the initial total cost to all persons or corporate entities directly affected by the implementation of these regulations, excluding the costs associated directly with establishing their business, is estimated to range from \$616,724 to \$748,174. The figure is based on the following:

- The costs for registration fees for Qualified Patients, Caregivers, Dispensaries, and Cultivation Sites for an estimated target population of 5,002 persons [3,300 eligible patients; 1,650 eligible caregivers; 3 dispensaries with 4 staff each (12 persons); 10 cultivation sites with 4 staff each (40 persons)]: \$483,500 for the registration fees. The estimated number of Qualified Patients is based on a review of health insurance files for diagnosed debilitating conditions, as defined by statute; the estimated number of caregivers is half of the number of Qualified Patients. The estimated number of cultivation sites and dispensaries is based on interest expressed by the public and phone calls.
- The estimated operational costs of administering the program. Staffing costs for a six-person program (four full-time staff, two part-time staff) are estimated at \$116,989 to start. Operational costs (hardware, software, supplies, other equipment) are estimated at \$28,185 to \$147,685. The total estimated minimum cost: \$133,224 for first year. The total estimated maximum cost: \$264,674 for first year.

Costs associated with establishing a dispensary or cultivation site were not factored into this estimate. Not knowing the size or potential location of a facility desired by the cultivator or dispensary made it difficult to estimate rental or purchase costs, estimates of fencing needed, or costs of security systems, as well as equipment and supplies needed to start up their business. It is expected that those costs would be factored into the price of the medical marijuana product, which will ultimately be borne by the patient, not the general public.

The added revenue generated from the fees will enable the Department of Public Health and Social Services to employ additional personnel to implement the Medical Marijuana Program, as well as pay any software development or lease fees, thus making this program self-sustaining, if all potential patients, caregivers, dispensaries, and cultivation sites apply.

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57
58 III. Potential Increase or Decrease to Cost of Living or Price of good or service
59

60 There is an anticipated increase in the cost of living on Guam, specifically in the costs of medical care
61 and pharmaceuticals, as eligible patients either supplement or replace traditional medications with
62 medical marijuana. This increase is incalculable at present. However, as medical marijuana is not
63 currently covered by health insurance programs, and will be an out-of-pocket cost to patients, it is not
64 anticipated to be a major increase in the cost of living for the general public.
65

66 There is also an anticipated increase in the cost of utilities, as power and water will be needed at the
67 cultivation sites for such things as lights, ventilation systems, and watering plants. This will increase
68 the power and water generation needs and place additional demands on the systems, which may result in
69 increased rates. This increase is incalculable at present, as it is not known how much water and power
70 will be needed for the cultivation sites.
71

72 There is not anticipated to be any specific increase or decrease in price of any goods on Guam directly
73 or indirectly attributable to these proposed regulations. There will be an increase in the availability of
74 medical marijuana, a commodity previously legally unavailable on Guam; the amount of that increase is
75 dependent on the number of registered cultivators, and is currently unknown.
76

77 IV. Direct or Indirect Impact of Employment
78

79 There is an anticipated direct impact on general employment in Guam with the creation of anywhere
80 from 24 to 52 jobs. This estimate is derived from the anticipated number of dispensary employees
81 (three dispensaries with 4 employees = 12), and cultivation site employees (three sites with four
82 employees = 12, to a maximum of 10 cultivation sites with four employees = 40). This is not a large
83 number of jobs; the overall impact will also not be large.
84

85 There is anticipated an increase in the number of government jobs needed to implement and regulate the
86 Medical Marijuana Program. It is expected that at least four full-time staff will be needed to operate the
87 program, as part of a larger entity – a program within a bureau, or a bureau within a division, for
88 example.
89

90 V. Increase or decrease in cost of business
91

92 There is no anticipated increase or decrease in the cost of doing business as an enterprise or industry on
93 Guam, or any increase or decrease in doing business in general, which is attributable to these
94 regulations.
95

96 VI. Adverse or beneficial economic impact
97

98 The implementation of these regulations is anticipated to have an overall beneficial economic impact,
99 with increased revenue for the government in the form of fees and taxes, and the creation of a small
100 number of new jobs. There may be an increase in crime attributable to the availability of medical
101 marijuana, but that increase is only indirectly related to these regulations, and is not factored into the
102 calculation of overall economic impact.
103

RULES GOVERNING

JOAQUIN (KC) CONCEPCION II COMPASSIONATE CANNABIS USE ACT OF 2013

Title 25

Chapter 14

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1 **§14001. Short Title.**

2 These rules and regulations may also be cited as the ‘Medical Marijuana Rules and
3 Regulations.’

4 **§14002. Authority.**

5 Section 122507, Article 25, Chapter 12 of Title 10 Guam Code Annotated (GCA),
6 authorizes the Director of the Department of Public Health and Social Services to promulgate
7 rules to govern the implementation of a medical marijuana program, including Registry
8 Identification Cards, define an amount of medical marijuana to be dispensed, criteria for medical
9 conditions, petition process, fees, licensure, establishment of dispensaries and cultivation sites,
10 and to determine the duties of the Advisory Board in Guam.

11 **§14003. Purpose.**

12 These rules and regulations are to establish specific standards and procedures for
13 registering medical marijuana patients, designated caregivers, physicians for humans, producers,
14 dispensaries, and to protect the health, safety, and welfare of the residents and patients of Guam,
15 by prescribing the manner in which medical marijuana is regulated. Nothing in these rules and
16 regulations is intended to address any matters related to requiring a physician to certify the use of
17 medical marijuana for a patient; require the accommodation or protection for any employee for
18 the medical use of marijuana in any place of employment; any matters involving banking and
19 financial services of a medical marijuana facility or business; any matters involving local or
20 federal law enforcement actions; or any matters involving the medical use of marijuana by an
21 immigrant or foreign national. The Department or its employees shall not be liable for any
22 deleterious outcomes from the medical use of marijuana by any Qualifying Patient, or from an
23 individual’s participation as a Designated Caregiver, Responsible Official, Dispensary Agent,
24 Cultivation Site Agent, employee or Physician, or from the operation of a Dispensary,
25 Cultivation Site.

1 **§14100. ARTICLE 1. GENERAL.**

2 **§14101. Definitions.**

3 Wherever in these rules and regulations and following words appear, they shall have the
4 following definition:

5 (a) ‘*Acquire*’ means to obtain through any type of transaction and from any source.

6 (b) ‘*Act*’ means the Joaquin (KC) Concepcion II Compassionate Cannabis Use Act of
7 2013.

8 (c) ‘*Activities of daily living*’ means ambulating, bathing, dressing, grooming, eating,
9 toileting, and getting in and out of bed.

10 (d) ‘*Advisory Board*’ means the medical marijuana advisory board consisting of nine
11 members, as follows:

12 (1) Director of the Department of Public Health and Social Services or designee;

13 (2) Chairperson of the Guam Board of Medical Examiners or designee;

14 (3) Director of the Department of Agriculture or designee;

15 (4) Chairperson of the Legislative Committee on Health and Human Services or
16 designee;

17 (5) Member of the public at large; and

18 (6) Four (4) physicians representing the fields of oncology, neurology, psychiatry,
19 and pain management who shall be:

20 (A) Board-certified in their area of specialty; and

21 (B) Knowledgeable about the medical use of *Cannabis*.

22 (e) ‘*Allowable amount*’ means an amount of *Cannabis*, in any form approved by the
23 Department, possessed by a qualified patient or collectively possessed by a qualified patient and the
24 qualified patient’s primary caregiver that is derived solely from an intrastate source and consists of no
25 more than two and a half (2.5) ounces of dried *Cannabis* flower, or the equivalent in concentrate or

1 topical form. A dispensary may dispense no more than this amount to a qualified patient every
2 fourteen (14) days. The allowable amount may be changed by the Director upon written
3 recommendation by the Advisory Board.

4 (f) ‘*Applicant*’ means any person applying for enrollment or re-enrollment in the medical
5 marijuana program as a qualified patient, designated caregiver, dispensary, dispensary agent,
6 cultivation site, cultivation site agent, or any person(s) who submits an application to the Department
7 pursuant to these rules and regulations.

8 (g) ‘*Batch*’ means a specific lot of medical marijuana grown from one or more seeds
9 or cuttings that are planted and harvested at the same time.

10 (h) ‘*Batch number*’ means a unique numeric or alphanumeric identifier assigned to a
11 batch by a dispensary when the batch is planted.

12 (i) ‘*Cannabis*’ or ‘*Marijuana*’ means all parts of the plant of the genus *Cannabis sp.*,
13 whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and
14 every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seed, or
15 its resin, including marijuana concentrate. *Cannabis sp.* does not include the mature stalks of the
16 plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized
17 seed of the plant which is incapable of germination, or the weight of any other ingredient
18 combined with marijuana to prepare topical or oral administrations, food, drink, or other
19 products.

20 (j) ‘*Cardholder*’ means a qualifying patient, a designated caregiver, dispensary
21 agent, or cultivation site agent who has been issued and possesses a valid Registry Identification
22 Card.

23 (k) ‘*Change*’ or ‘*Amend*’ means adding or deleting information on an individual’s
24 Registry Identification Card that does not affect the individual’s ability to perform or delegate a
25 specific act or function.

1 (l) ‘*Complete*’ means, in reference to an application, that the application contains all
2 of the required information, as determined by the Director, necessary for processing the
3 application.

4 (m) ‘*Compliance plan*’ means a plan which includes a description of how a dispensary
5 and/or cultivation site proposes to comply with all applicable requirements of these rules and
6 regulations, and includes a schedule of compliance and a schedule under which the dispensary
7 and/or cultivation site will submit progress reports to the Department, as determined by the
8 Director.

9 (n) ‘*Cultivation site*’ means a business that:

10 (1) Is approved and registered with the Department; and

11 (2) Acquires, possesses, cultivates, delivers, transfers, transports, supplies or
12 sells marijuana and related supplies to:

13 (A) Medical marijuana dispensaries;

14 (B) Facilities approved by the Department for the production of edible
15 marijuana products or marijuana-infused products; or

16 (C) Other cultivation sites where marijuana may be cultivated, infused,
17 or prepared for sale by and for a dispensary.

18 (o) ‘*Cultivation site agent*’ means a Responsible Official, or employee of a
19 cultivation site who is 21 years of age or older and who has not entered a plea of guilty to, a plea
20 of *nolo contendere* to, been found guilty of, or been convicted of a felony offense as defined in
21 these rules and regulations.

22 (p) ‘*Current photograph*’ means an image of an individual, taken no more than 60
23 calendar days before the submission of the individual’s application, in a Department approved
24 electronic format capable of producing an image that:

- (1) Has a resolution of at least 600 x 600 pixels but not more than 1200 x 1200 pixels;
- (2) Is 2 inches by 2 inches in size;
- (3) Is in natural color;
- (4) Is a front view of the individual's full face, without a hat or headgear that obscures the hair or hairline, or sunglasses, or any other apparatus worn on the face or head that would make identification of the individual difficult as determined by the Department;
- (5) Has a plain white or off-white background; and
- (6) Has between 1 and 1 3/8 inches from the bottom of the chin to the top of the head.
- (q) 'Day' means each calendar day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, government of Guam furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, government of Guam furlough day, or legal holiday, unless otherwise indicated in these rules.
- (r) 'Debilitating medical condition' means one or more of the following:
- (1) Cancer;
- (2) Glaucoma;
- (3) Multiple sclerosis;
- (4) Damage to the nervous tissue of the spinal cord, with objective neurological indication of intractable spasticity;
- (5) Epilepsy;

(6) Positive status for human immunodeficiency virus or acquired immune deficiency syndrome;

(7) Admitted into hospice care;

(8) Post-traumatic stress disorder;

(9) Rheumatoid arthritis or similar chronic autoimmune inflammatory disorders; or

(10) Any other medical condition, medical treatment or disease as approved by the Department.

(s) ‘*Denial*’ means the Department’s final decision not to issue a Registry Identification Card, a Dispensary Registration Certificate, a Cultivation Site Registration Certificate, Permit to Operate, or an approval of a change of dispensary, a dispensary’s cultivation site, or a cultivation site’s location, to an applicant because the applicant or the application does not comply with the applicable requirements in these rules and regulations.

(t) ‘*Department*’ means the Department of Public Health and Social Services.

(u) ‘*Designated caregiver*’ means the same as “primary caregiver,” as defined in the Act and in these rules, and is a person who:

(1) Has been designated as such on the Qualifying Patient’s application for a registry identification card, or in other written notification by the Qualified Patient, and has been approved by the Department;

(2) Is eighteen (18) years of age or older;

(3) Has agreed to assist with a patient’s medical use of marijuana;

(4) Has not entered a plea of guilty to, a plea of *nolo contendere* to, been found guilty of, or been convicted of a felony offense as defined in these rules and regulations;

(5) Assists no more than five qualifying patients with the medical use of marijuana; and

(6) Is a resident of Guam.

(v) ‘*Director*’ means the Director of Department of Public Health and Social Services, or his/her authorized designee.

(w) ‘*Dispensary*’ means an entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies and educational materials to cardholders.

(x) ‘*Dispensary agent*’ means a Responsible Official, or employee of a dispensary who is 21 years of age or older and has not entered a plea of guilty to, a plea of *nolo contendere* to, been found guilty of, or been convicted of a felony offense as defined in these rules and regulations.

(y) ‘*Drug free school zone*’ means any area within one thousand (1,000) feet of a public or private elementary, secondary, or post secondary educational institution or its accompanying grounds; or within the vehicle of any school bus which transports students while in motion; or within two hundred fifty (250) feet of any school bus not in motion or a designated school bus stop or shelter, including any school bus transfer station, as defined in the Guam Drug Free School Zone Act, Title 17, Chapter 48 of the Guam Code Annotated, at §48001, *et seq.* A drug free school zone shall not include private real property which is not a school or the accompanying grounds of a school.

(z) ‘*Edible food product*’ means a substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

(aa) ‘*Emergency*’ means any situation arising from sudden and reasonably unforeseeable events beyond the control of the owner or operator of a dispensary, including *force majeure*, which situation requires immediate corrective action to restore normal operation, and that causes a dispensary to violate these rules and regulations. An emergency shall not include

1 noncompliance to the extent caused by malfunction of equipment, lack of preventive
2 maintenance, careless or improper operation, or human error.

3 (bb) *‘Employee’* means any person, including the owner, operator, manager or other
4 person performing any function or services in a medical marijuana facility, whether for
5 compensation or otherwise.

6 (cc) *‘Enclosed area’* when used in conjunction with “enclosed locked facility” means
7 outdoor space surrounded by solid, 10-foot walls, constructed of metal, concrete, or stone,
8 surrounded by concertina wire that prevents any viewing of the marijuana plants, and a solid 1-
9 inch thick metal gate.

10 (dd) *‘Enclosed locked facility’* means a closet, room, greenhouse, building, or other
11 fully enclosed area where all the space between a floor and ceiling is completely enclosed on all
12 sides by solid walls or windows exclusive of doors and passage ways, equipped with locks or
13 other security devices that permit access only by authorized cardholder(s).

14 (ee) *‘Entity’* means a “person” who includes a corporation, company, partnership,
15 firm, association, or society, as well as a natural person. When the word “person” is used to
16 designate the party whose property may be the subject of a criminal or public offense, the term
17 includes the United States, Guam, or any territory, state or country, or any political subdivision
18 of Guam that may lawfully own any property, or a public or private corporation, or partnership
19 or association. When the word “person” is used to designate the violator or offender of any law,
20 it includes a corporation, partnership, or any association of persons.

21 (ff) *‘FDA’* means the U.S. Food and Drug Administration.

22 (gg) *‘Facility’* means a medical marijuana facility.

23 (hh) *‘Federally enforceable’* means all laws and regulations which are enforceable by
24 the U.S. Federal Government.

25 (ii) *‘Felony offense’* means:

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

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

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

(B) An offense involving conduct that would be immune from arrest, prosecution or penalty under the Act except that the conduct occurred before the effective date of these rules and regulations or was prosecuted by an authority other than Guam.

(3) A crime involving fraud, dishonest dealing, or moral turpitude that is or was formerly classified as a felony in the jurisdiction where the person was convicted.

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

(kk) *‘Generally accepted accounting principles’* means the set of financial reporting standards pursuant to Title 11 GCA and applicable chapters, or another specialized body dealing with accounting and auditing matters.

(ll) *‘Hospice care’* means palliative care for the terminally and seriously ill provided in a hospital, nursing home, or private residence.

(mm) *‘Legal guardian’* means an adult who is responsible for a minor:

(1) Through acceptance of guardianship of the minor through a testamentary appointment or an appointment by a court, or

(2) As a “*custodian*” defined as a person, other than a parent or legal guardian, who stands in *loco parentis* to the child or a person to whom legal custody of the child has been given by order of the juvenile court.

(nn) ‘*Medical record*’ or ‘*Adequate medical records*’ means legible medical records, produced by hand or electronically, containing, at a minimum, sufficient information to identify the patient, support the diagnosis, justify the treatment, accurately document the results, indicate advice and cautionary warnings provided to the patient, informed consent discussions with the patient, and provide sufficient information for another licensed health care practitioner to assume continuity of the patient's care at any point in the course of treatment, and to continue or modify the treatment plan.

(oo) ‘*Medical use*’ means the acquisition, cultivation, possession, processing, (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfer, transportation, sale, distribution, dispensing, or administration of *Cannabis*, as well as the possession of *Cannabis* paraphernalia, for the benefit of qualifying patients in the treatment of debilitating medical conditions, or the symptoms thereof.

(pp) ‘*Ordering*’ means the act of ordering medical marijuana which is dispensed to or for a qualified patient or authorized qualified patient’s designated caregiver.

(qq) ‘*Owner*’ means a person who owns, operates, controls, or supervises a dispensary or cultivation site.

(rr) ‘*Person*’ means any individual, partnership, firm, association, municipality, public or private corporation, subdivision, or agency of Guam, trusts, or instrumentality of the United States and any officer, agent, or employee of such entities; and it shall not be a non-human animal of such entities.

(ss) *'Pesticide'* means any substance or mixture of substances, intended to prevent, destroy, repel, or mitigate a pest.

(tt) *'Physician'* means a person who possesses the degree of Doctor of Medicine or Osteopathy from a medical college or school located in the United States, its territories or possessions, or an equivalent degree as permitted under 12 GCA § 12206, who is licensed in Guam by the Guam Board of Medical Examiners, and is licensed to prescribe and administer drugs that are subject to the Guam Uniform Controlled Substances Act.

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

(vv) *'Primary caregiver'* means a resident of Guam who is at least eighteen (18) years of age, and who has been designated by the qualified patient as being necessary to assist the patient in the medical use of *Cannabis* in accordance with the provisions of the Act, and who so agrees to assist the patient. Primary caregivers are prohibited from consuming *Cannabis* obtained for the personal, medical use of the qualified patient.

(ww) *'Public place'* means any location, facility, or venue that the public is invited or in which the public is permitted, but is not intended for the regular exclusive use of an individual or a specific group of individuals.

(1) *'Public place'* includes, but is not limited to, the following:

(A) Airports;

(B) Banks;

(C) Bars;

(D) Child care facilities;

(E) Child care group homes during hours of operation;

- 1 (F) Common areas of apartment buildings, condominiums, or other
2 multifamily housing facilities;
- 3 (G) Educational facilities;
- 4 (H) Entertainment facilities;
- 5 (I) Government of Guam offices, buildings, and properties;
- 6 (J) Health care institutions; except as provided in subsection (yy)(2);
- 7 (K) Hotel and motel common areas;
- 8 (L) Laundromats;
- 9 (M) Libraries;
- 10 (N) Office buildings;
- 11 (O) Parking lots;
- 12 (P) Parks;
- 13 (Q) Public beaches;
- 14 (R) Public transportation facilities;
- 15 (S) Reception areas;
- 16 (T) Restaurants;
- 17 (U) Retail food production or marketing establishments;
- 18 (V) Retail food establishments;
- 19 (W) Retail stores;
- 20 (X) Schools;
- 21 (Y) Shopping malls;
- 22 (Z) Sidewalks;
- 23 (AA) Sports facilities;
- 24 (BB) Theaters; and
- 25 (CC) Waiting rooms.

(2) 'Public place' does not include the following:

(A) Nursing care institutions, as defined as a health care institution that provides inpatient beds or resident beds and nursing services to persons who need continuous nursing services but who do not require hospital care or direct daily care from a physician;

(B) Hospices, as defined as a hospice service agency or the provision of hospice services in an inpatient facility;

(C) Assisted living centers, as defined as an assisted living facility that provides resident rooms or residential units to eleven or more residents;

(D) Assisted living homes, as defined as an assisted living facility that provides resident rooms to ten or fewer residents;

(E) Adult day health care facilities, as defined means a facility that provides adult day health services during a portion of a continuous twenty-four hour period for compensation on a regular basis for five or more adults who are not related to the proprietor;

(F) Adult foster care homes, as defined as a residential setting that provides room and board and adult foster care services for at least one and no more than four adults in which the sponsor or the manager resides with the residents and integrates the residents who are receiving adult foster care into that person's family; or

(G) Private residences.

(xx) 'Qualified patient' means a resident of Guam who has been diagnosed by a physician as having a debilitating medical condition, has been advised by that physician about the risks and benefits of the medical use of marijuana, has been advised by that physician that they may benefit

1 from the medical use of marijuana, and has received written certification and a Registry Identification
2 Card issued pursuant to the Act and these rules and regulations.

3 (yy) *‘Random sample’* means an amount of usable marijuana taken from a batch in which
4 different fractions of the usable marijuana have an equal probability of being represented.

5 (zz) *‘Registry Identification Card’* means the official card issued by the Department to a
6 qualifying patient, designated caregiver, dispensary agent, or cultivation site agent.

7 (aaa) *‘Registry identification number’* means the random alphanumeric identifier generated
8 by the Department, containing as least four numbers and four letters, issued by the Department to a
9 qualifying patient, designated caregiver, dispensary agent, or cultivation site agent.

10 (bbb) *‘Resident of Guam’* means a person who resides on Guam for a period of time
11 sufficient to be examined in person by a physician in Guam to determine that person’s eligibility as a
12 qualified patient subject to the Act and these rules and regulations.

13 (ccc) *‘Responsible official’* means:

14 (1) For a corporation: A president, secretary, treasurer, or vice-president of the
15 corporation in charge of a principal business function, or any other person who performs
16 similar policy or decision-making functions for the corporation, or an authorized
17 representative of such person if the representative is responsible for the overall operation of
18 one (1) or more of the following: cultivation, manufacturing, production, distribution,
19 dispensing or operating a dispensary applying for or subject to registration;

20 (2) For a partnership or sole proprietorship: A general partner or the proprietor,
21 respectively;

22 (3) For a municipality, state, federal, or other public agency: A principal executive
23 officer, ranking elected official, or an authorized representative as approved by the Director.

24 For the purposes of these rules and regulations, a principal executive officer of a federal

agency includes the chief executive officer, commanding officer, or equivalent rank or position, and has responsibility for the overall operations of a principal unit of the agency;

(4) A Responsible Official may not have been convicted in any state or jurisdiction of the United States, including the Commonwealth of the Northern Marianas Islands, for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years of the date of application.

(ddd) ‘Revocation’ means the Department’s final decision that an individual’s Registry Identification Card, a Dispensary Registration Certificate, or a Cultivation Site Registration Certificate is revoked because the individual, the dispensary, or the cultivation site does not comply with the applicable requirements or violates any condition in the Act or these rules and regulations.

(eee) ‘Safe’ means:

(1) A metal receptacle with a locking mechanism capable of storing all usable marijuana at a registered facility that:

(A) Is rendered immobile by being securely anchored to a permanent structure of the building; or

(B) Weighs more than seven hundred fifty (750) pounds.

(2) A vault; or

(3) A refrigerator or freezer capable of being locked for storing marijuana-infused products, edible products, or other finished products that require cold storage that:

(A) Is rendered immobile by being securely anchored to a permanent structure of the building; or

(B) Weighs more than seven hundred fifty (750) pounds.

(fff) ‘School’ means any public institution or private school established for the purposes of offering instruction to pupils in programs for preschool children with disabilities, pre-kindergarten, kindergarten programs or any combination of elementary grades or secondary

grades one through twelve and any college or university or educational institution of higher learning.

(ggg) ‘*State*’ means the fifty (50) states of the United States (U.S.) of America, the District of Columbia, and four (4) U.S. Territories including Guam, American Samoa, Puerto Rico and the U.S. Virgin Islands.

(hhh) ‘*Usable marijuana*’ means the dried flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink or prepared as other finished products.

(iii) ‘*Vault*’ means an enclosed area that is constructed of steel-enforced or block concrete and has a door that contains a multiple-position combination lock or the equivalent, a relocking device or equivalent, and a steel plate with a thickness of at least one-half inch.

(jjj) ‘*Verification system*’ means a secure system established and maintained by the Department that is available to law enforcement personnel and dispensary agents for verification of Registry Identification Cards.

(kkk) ‘*Violent crime*’ means any criminal act which involves force or threat of force; that includes murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault.

(lll) ‘*Weights and Measures*’ means all weights and measures of every kind, instruments, and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices, to include any weighing, measuring, metering, or counting device that is used to determine the direct cost of things sold or offered or exposed for sale, or used to establish a fee for service if the cost is based on weight, measure or count, except that it does not include those devices used for in-house packaging, inventory control, or law enforcement purposes.

(mmm) ‘*Working day*’ means a Monday, Tuesday, Wednesday, Thursday, or Friday that is not a government of Guam holiday or government of Guam furlough.

(nnn) ‘*Written certification*’ means a statement in a patient’s medical records or a statement signed by a patient’s physician that, in the physician’s professional opinion, the patient has a debilitating medical condition and the physician believes that the potential health benefits of the medical use of *Cannabis* would likely outweigh the health risks for the patient. A written certification is not valid for more than one (1) year from the date of issuance.

§14102. Fees.

The following fees shall be applicable for the purposes of these rules and regulations:

(a) An applicant submitting an application to the Department shall submit the following fees:

(1) Nonrefundable Dispensary Registration Certificate Application Fee.

(A) New Registration Application, except as provided in §14302(d): Five Thousand Dollars (\$5000.00);

(B) Renewal: Five Thousand Dollars (\$5000.00);

(C) Change of Location: Five Thousand Dollars (\$5000.00);

(D) Amendment: One Thousand Dollars (\$1,000.00); and

(E) Duplicate Certificate: Forty Dollars (\$40.00);

(2) Nonrefundable Cultivation Site Registration Certificate Application Fee.

(A) New Registration Application: Five Thousand Dollars (\$5000.00);

(B) Renewal: Five Thousand Dollars (\$5000.00);

(C) Change of Location: Five Thousand Dollars (\$5000.00);

(D) Amendment: One Thousand Dollars (\$1,000.00); and

(E) Duplicate Certificate: Forty Dollars (\$40.00);

(3) Permit to Operate a Dispensary or Cultivation Site.

1 (A) Nonrefundable Permit Application Fee:

2 (i) New: Five Thousand Dollars (\$5,000.00);

3 (ii) Renewal: Five Thousand Dollars (\$5,000.00);

4 (iii) Change of Location: Five Thousand Dollars (\$5,000.00);

5 (B) Nonrefundable Permit Inspection Fee:

6 (i) New: Fifteen Thousand Dollars (\$15,000.00);

7 (ii) Renewal: Fifteen Thousand Dollars (\$15,000.00);

8 (iii) Change of Location: Fifteen Thousand Dollars (\$15,000.00);

9 (C) Permit Fee:

10 (i) New: Five Thousand Dollars (\$5,000.00);

11 (ii) Renewal: Five Thousand Dollars (\$5,000.00);

12 (iii) Change of Location: Five Thousand Dollars (\$5,000.00);

13 (iv) Duplicate Permit: Forty Dollars (\$40.00).

14 (v) If any payment of the New Permit Fee is for a period that is

15 shorter than a year, the Permit Fee due will be calculated on a daily basis for

16 the period from the date the payment is due to the expiration date of the

17 Registration Certificate, at a rate per day equal to 1/365 of the annual Permit

18 Fee.

19 (4) **Registry Identification Card.**

20 (A) New Registry Identification Card.

21 (i) Qualifying patient, except as provided in subsection (b):

22 Fifteen Dollars (\$15.00);

23 (ii) Designated caregiver: Twenty-five Dollars (\$25.00);

24 (iii) Dispensary agent: Fifty Dollars (\$50.00); and

25 (iv) Cultivation site agent: Fifty Dollars (\$50.00);

1 (B) Renewal Registry Identification Card.

2 (i) Qualifying patient, except as provided in subsection (B):
3 Fifteen Dollars (\$15.00);

4 (ii) Designated caregiver: Twenty-five Dollars (\$25.00);

5 (iii) Dispensary agent: Fifty Dollars (\$50.00);

6 (iv) Cultivation site agent: Fifty Dollars (\$50.00);

7 (v) Qualifying patient late fee: Five Dollars (\$5.00);

8 (vi) Designated caregiver late fee: Five Dollars (\$5.00);

9 (vii) Dispensary and/or cultivation site agent late fee: Twenty-Five
10 Dollars (\$25.00);

11 (C) Amendment of Registry Identification Card: Ten Dollars (\$10.00);

12 (D) Duplicate Card: Ten Dollars (\$10.00).

13 (b) A qualifying patient may pay a reduced fee of Eight Dollars (\$8.00) if the qualifying
14 patient submits, with the qualifying patient's application for a new Registry Identification Card or the
15 qualifying patient's application to renew the qualifying patient's Registry Identification Card, a copy
16 of an eligibility notice or electronic benefits transfer card demonstrating current participation in the
17 U.S. Department of Agriculture, Food and Nutrition Services, Supplemental Nutrition Assistance
18 Program.

19 (c) An applicant who fails to submit their application for a dispensary or cultivation site
20 certificate or permit by the established due dates as determined by these rules and regulations shall pay
21 a late processing fee of One Hundred Dollars (\$100.00). Payment of this late processing fee shall not
22 apply to qualified patients and their designated caregivers.

23 (d) An applicant who fails to submit their application for a Registry Identification Card for
24 a qualifying patient or designated caregiver by the established due dates as determined by these rules
25 and regulations shall pay a late processing fee of Five Dollars (\$5.00).

1 **§14103. Application Submission.**

2 (a) An applicant submitting an application for a new and renewal Registry Identification
3 Card, Dispensary Registration Certificate and/or a Cultivation Site Registration Certificate, or to
4 amend, change, or replace a Registry Identification Card for a qualifying patient, designated caregiver,
5 dispensary, dispensary agent, cultivation site, or a cultivation site agent, or replace a Dispensary
6 Registration Certificate and/or a Cultivation Site Registration Certificate, shall submit a complete and
7 accurate application in a form provided by the Department.

8 (b) The Department shall process an application prior to issuing a Registration
9 Identification Card to assure that the application is complete and the information provided has been
10 verified.

11 (1) If an applicant does not provide all the information required and the
12 application is considered incomplete, the Department shall notify the applicant of the
13 information that is missing, and shall allow the applicant 14 days to submit the missing
14 information.

15 (2) If an applicant does not provide the information necessary to declare an
16 application complete, or to complete the verification process within the timelines established
17 in these rules and regulations, the application shall be rejected as incomplete. An applicant
18 whose application is rejected as incomplete may reapply at any time. If an applicant submits
19 an application fee and the application is subsequently denied or rejected, the application fee is
20 non-refundable and shall not be applied toward a new application submitted after an
21 application denial or rejection.

22 (c) The Department may reject an application if the application or supporting documents
23 appear to be altered or tampered. An application shall be denied if an application or supporting
24 documents are determined by the Director to have been falsified.

(d) The Department may verify information on each application and accompanying documentation, including:

(1) Contacting each applicant by telephone, e-mail, facsimile, or by mail. If proof of identity is uncertain, the Department may require a face-to-face meeting and may require the production of additional identification materials to verify applicant identity;

(2) Contacting a minor's parent or legal guardian;

(3) Contacting the Department's Health Professional Licensing Office to verify that an attending physician is licensed to practice in Guam and is in good standing;

(4) Contacting the attending physician to request further documentation to support a finding that the physician is the applicant's attending physician. The Department shall notify the applicant of the intent to review the medical records and request the applicant's authorization to conduct the review. Failure to authorize a review of medical records may result in the application being declared incomplete, or denial of an application.

(e) Once the Department has determined that an application is complete it will review an application to the extent necessary to determine compliance with the Act and these rules and regulations.

(f) The Department may, in its discretion, prior to acting on an application:

(1) Contact the applicant and request additional documentation or information;

(2) Inspect the premises of the proposed facility; and

(3) Verify any information submitted by the applicant.

(g) Prior to making a decision whether to approve, deny or revoke an application the Department must:

(1) Ensure that the criminal background check process has been completed and review the results;

(2) Review documentation submitted by the applicant to determine, based on the information provided by the applicant, whether the proposed Dispensary or Cultivation Site is located within a drug-free school zone;

(3) Review the list of registered facilities to determine whether any registered facilities are within 1,000 feet of the proposed Dispensary or Cultivation Site; and

(4) Verify that the business that operates the Dispensary or Cultivation Site is registered and licensed with the Department of Revenue and Taxation.

(h) If an applicant wishes to challenge the accuracy or completeness of information provided in the background check by those agencies reporting the information, those challenges must be made through the reporting agency and not through the Department.

§14104. Requesting a Replacement Registry Identification Card.

(a) To request a replacement card for a cardholder's Registry Identification Card that has been lost, stolen, or destroyed, the cardholder shall submit to the Department, within 10 working days after the cardholder's Registry Identification Card was lost, stolen, or destroyed, a request for a replacement card that includes:

(1) The cardholder's name and date of birth;

(2) If known, the registry identification number on the cardholder's lost, stolen, or destroyed Registry Identification Card;

(3) If the cardholder cannot provide the registry identification number on the cardholder's lost, stolen, or destroyed Registry Identification Card, a copy of one of the following documents that the cardholder submitted when the cardholder obtained the Registry Identification Card:

(A) A valid Guam driver's license; or

(B) A valid Guam identification card as approved by the Director; or

(C) Guam Registry Identification Card;

(D) Photograph page in the cardholder's U.S. passport; or

(E) Photograph page in the qualifying patient's foreign passport, as approved by the Director; and

(4) The applicable fee in §14102 for requesting a replacement Registry Identification Card.

§14105. Adding a Debilitating Medical Condition.

(a) Any person or entity may request the addition of a medical condition to the list of debilitating medical conditions in §14101(r) by submitting to the Department, at the time specified in subsection (c), the following in writing:

(1) The person or entity's name;

(2) The person or entity's mailing address, name of contact individual, telephone number, and, if applicable, e-mail address;

(3) The name of the medical condition requested to be added;

(4) A description of the symptoms and other physiological effects experienced by an individual suffering from the medical condition or a treatment of the medical condition that may impair the ability of the individual to accomplish activities of daily living;

(5) The availability of conventional medical treatments to provide therapeutic or palliative benefit for the medical condition or a treatment of the medical condition;

(6) A summary of the evidence that the use of marijuana will provide therapeutic or palliative benefit for the medical condition or a treatment of the medical condition; and

(7) Articles, published in peer-reviewed scientific journals, reporting the results of research on the effects of marijuana on the medical condition or a treatment of the medical condition supporting why the medical condition should be added.

(b) The Department shall:

1 (1) Acknowledge in writing the Department's receipt of a request for the addition
2 of a medical condition to the list of debilitating medical conditions listed in §14101(r) within
3 30 days after receiving the request;

4 (2) Transmit the request and the required supporting documents to the Advisory
5 Board for their review to determine if the requester has provided evidence that:

6 (A) The specified medical condition or treatment of the medical condition
7 impairs the ability of the individual to accomplish activities of daily living, and

8 (B) Marijuana usage provides a therapeutic or palliative benefit to an
9 individual suffering from the medical condition or treatment of the medical condition;

10 (3) Within 90 days after receiving the official decision of the Advisory Board,
11 notify the requester that the Department has determined that the information provided by the
12 requester:

13 (A) Meets the requirements in subsection (b)(2) and the date the
14 Department will conduct a public hearing to discuss the request; or

15 (B) Does not meet the requirements in subsection (b)(2), and the specific
16 reason for the determination.

17 (4) If applicable:

18 (A) Public hearing dates shall be held bi-annually in June and
19 December of each calendar year;

20 (B) Schedule a public hearing to discuss the request;

21 (C) Provide public notice of the public hearing by submitting a Notice of
22 Public Hearing for publication in a newspaper of general circulation in Guam at least
23 10 days before the date of the public hearing;

24 (D) Post a copy of the request on the Department's web site for public
25 comment at least 10 days before the date of the public hearing;

(E) Hold the public hearing in accordance to subsection (b)(4)(A) after receiving the request; and

(5) Within 180 days after receiving the request:

(A) Add the medical condition to the list of debilitating medical conditions, or

(B) Provide written notice to the requester of the Department's decision to deny the request that includes the specific reasons for the Department's decision.

(c) The Department shall accept requests for the addition of a medical condition to the list of debilitating medical conditions in §14101(r) in January and July of each calendar year starting in January 2016.

§14106. Expiration of a Registry Identification Card or a Dispensary Registration Certificate.

(a) Except as provided in subsection (b), a Registry Identification Card issued to a qualifying patient, designated caregiver, dispensary agent, or cultivation site agent is valid for one year after the date of issuance.

(b) If the Department issues a Registry Identification Card to a qualifying patient, designated caregiver, dispensary agent, or cultivation site agent based on a request for a replacement Registry Identification Card or an application to change or amend a Registry Identification Card; the replacement, changed, or amended Registry Identification Card shall have the same expiration date as the Registry Identification Card being replaced, changed, or amended.

(c) A Dispensary Registration Certificate or Cultivation Site Registration Certificate is valid for one year after the date of issuance.

(d) A Permit to Operate a Dispensary or Cultivation Site shall have the same expiration date as the Dispensary Registration Certificate or Cultivation Site Registration Certificate associated with the approval to operate the dispensary or cultivation site.

§14107. Department Notifications and Void Registry Identification Cards.

(a) The Department shall provide written notice that a cardholder's Registry Identification Card is void and no longer valid under the Act and these rules and regulations to a:

(1) Qualifying patient when the Department receives notification from:

(A) The qualifying patient that the qualifying patient no longer has a debilitating medical condition; or

(B) The physician who provided the qualifying patient's written certification that the:

(i) Qualifying patient no longer has a debilitating medical condition;

(ii) Physician no longer believes that the qualifying patient would receive therapeutic or palliative benefit from the medical use of marijuana; or

(iii) Physician believes that the qualifying patient is not using the medical marijuana as recommended.

(2) Designated caregiver when:

(A) The Department receives notification from the designated caregiver's qualifying patient that the designated caregiver no longer assists the qualifying patient with the medical use of marijuana;

(B) The Registry Identification Card for the qualifying patient that is listed on the designated caregiver's Registry Identification Card is no longer valid; or

(C) The Department receives notification that the designated caregiver's qualifying patient is deceased.

1 (3) Dispensary agent when:

2 (A) The Department receives the written notification, required in
3 §14318(a)(9), that the dispensary agent:

4 (i) No longer serves as a Responsible Official or medical
5 director for the dispensary; or

6 (ii) Is no longer employed by the dispensary.

7 (B) The Dispensary Registration Certificate for the dispensary that is listed
8 for the dispensary agent's Registry Identification Card is no longer valid.

9 (4) Cultivation site agent when:

10 (A) The Department receives the written notification, required in
11 §14318(a)(9), that the cultivation site agent:

12 (i) No longer serves as a Responsible Official or medical
13 director for the cultivation site; or

14 (ii) Is no longer employed by the cultivation site.

15 (B) The Cultivation Site Registration Certificate for the cultivation site that
16 is listed for the cultivation site agent's Registry Identification Card is no longer valid.

17 (b) The Department shall void a qualifying patient's Registry Identification Card:

18 (1) When the Department receives notification that the qualifying patient is
19 deceased; or

20 (2) For a qualifying patient under 18 years of age, when the qualifying
21 patient's designated caregiver's Registry Identification Card is revoked.

22 (c) The written notice required in subsection (a) that a Registry Identification Card is
23 void is not a revocation and is not considered a final decision of the Department subject to a
24 hearing before the Director.

1 **§14108. Required Reporting for Designated Caregivers.**

2 All designated caregivers shall immediately report the death of a qualified patient for
3 whom they provide care to the Department. Failure to report the death of the qualified patient
4 within ten (10) days of the date of death shall result in the revocation of the designated
5 caregiver's Registry Identification Card.

6 **§14109. Required Reporting for Dispensary and/or Cultivation Site Agents.**

7 A dispensary and/or cultivation site agent who knows or suspects that a person has used
8 or attempted to use the Registry Identification Card of another to obtain marijuana or finished
9 products shall, either personally or through a Responsible Official, submit a report to the
10 Department within twenty-four (24) hours after the use or attempted use of the Registry
11 Identification Card. The report shall be submitted either by telephone; in a document sent by fax,
12 delivery service, or mail; or through an electronic reporting system authorized by the Department
13 and shall include as much of the following information as known by the agent in the report:

14 (a) The following information about the individual whose Registry Identification card
15 was used or presented:

- 16 (1) Name;
17 (2) Address;
18 (3) Telephone number; and
19 (4) Date of birth;

20 (b) The following information about the individual who attempted to use the Registry
21 Identification card of another:

- 22 (1) Name;
23 (2) Address;
24 (3) Telephone number; and
25 (4) Date of birth.

(c) The failure to report a violation or suspected violation under this section may result in the revocation of the Registry Identification card of the agent who witnessed the violation or suspected violation, and/or the revocation of the Registration Certificate of the dispensary.

§14200. ARTICLE 2. QUALIFYING PATIENTS AND DESIGNATED CAREGIVERS.

§14201. Debilitating Medical Conditions.

An individual applying for a qualifying patient Registry Identification Card shall have a diagnosis from a physician of a debilitating medical condition(s) as defined in §14101(r) of these rules and regulations.

§14202. Applying for a Registry Identification Card for a Qualifying Patient or a Designated Caregiver.

(a) Every qualifying patient who is under 18 years of age must have a designated caregiver. Any qualifying patient who is 18 years of age or older is not required to have a designated caregiver.

(b) A qualifying patient shall have only one designated caregiver at any given time.

(c) Except for a qualifying patient who is under 18 years of age, if the information submitted for a qualifying patient complies with the Act and these rules and regulations but the information for the qualifying patient's designated caregiver does not comply with the Act and these rules and regulations, the Department shall issue the Registry Identification Card for the qualifying patient separate from issuing a Registry Identification Card for the qualifying patient's designated caregiver.

(c) The Department shall not issue a designated caregiver's Registry Identification Card before the Department issues the designated caregiver's qualifying patient's Registry Identification Card.

(d) A residence address or mailing address submitted for a qualifying patient or designated caregiver as part of an application for a Registry Identification Card shall be located in Guam.

§14203. Applying for a Registry Identification Card for an Adult Qualifying Patient.

To apply for a Registry Identification Card, a qualifying patient who is 18 years of age or older shall submit to the Department the following:

(a) An application in a form provided by the Department that includes:

(1) The qualifying patient's:

(A) First name; middle name, if applicable; last name; and suffix, if applicable;

(B) Date of birth; and

(C) Gender;

(2) Except as provided in subsection (a)(7), the qualifying patient's residence address and mailing address;

(3) The village where the qualifying patient resides;

(4) The qualifying patient's e-mail address;

(5) The identifying number on the applicable card or document in subsections (a)(2) through (4);

(6) The name, address, and telephone number of the physician providing the written certification for medical marijuana for the qualifying patient;

(7) If the qualifying patient is homeless, an address and/or email where the qualifying patient can receive communication;

1 (8) A declaration that the information provided in the application is true and
2 correct; and

3 (9) The signature of the qualifying patient and date the qualifying patient signed;

4 (b) A copy of the qualifying patient's:

5 (1) Valid Guam driver's license; or

6 (2) Valid Guam identification card as approved by the Director; or

7 (3) Guam Registry Identification Card; or

8 (4) Photograph page in the qualifying patient's U.S. passport; or

9 (5) Photograph page in the qualifying patient's foreign passport, as approved by
10 the Director.

11 (c) A current photograph of the qualifying patient;

12 (d) A declaration in a form provided by the Department signed by the qualifying patient
13 pledging not to divert marijuana to any individual who or entity that is not allowed to possess
14 marijuana pursuant to the Act and these rules and regulations;

15 (e) A physician's written certification on a form provided by the Department, dated
16 within 90 days before the submission of the qualifying patient's application that includes:

17 (1) The physician's:

18 (A) First name; middle name, if applicable; last name; and suffix, if
19 applicable;

20 (B) Guam Board of Medical Examiners license number including an
21 identification of the physician license type;

22 (C) Office address on file with the physician's licensing board,

23 (D) Telephone number on file with the physician's licensing board; and

24 (E) E-mail address;

25 (2) The qualifying patient's name and date of birth;

1 (3) A statement that the physician has made or confirmed a diagnosis of a
2 debilitating medical condition as defined in these rules and regulations for the qualifying
3 patient;

4 (4) An identification, initialed by the physician, of one or more of the debilitating
5 medical conditions in §§14201 and 14101(r), or as subsequently added pursuant to § 14105, as
6 the qualifying patient's specific debilitating medical condition;

7 (5) A statement, initialed by the physician, that the physician:

8 (A) Has established a medical record for the qualifying patient; and

9 (B) Is maintaining the qualifying patient's medical record as required by
10 Guam law.

11 (6) A statement, initialed by the physician, that the physician has conducted an in-
12 person physical examination of the qualifying patient within the previous 90 days appropriate
13 to the qualifying patient's presenting symptoms and the qualifying patient's debilitating
14 medical condition diagnosed or confirmed by the physician;

15 (7) The date the physician conducted the in-person physical examination of the
16 qualifying patient;

17 (8) A statement, initialed by the physician, that the physician reviewed the
18 qualifying patient's:

19 (A) Medical records, including medical records from other treating
20 physicians, if applicable;

21 (B) Response to conventional medications and medical therapies; and

22 (C) Profile on the Department's Prescription Drug Monitoring Program
23 database;

24 (9) A statement, initialed by the physician, that the physician has explained the
25 potential risks and benefits of the medical use of marijuana to the qualifying patient;

1 (10) A statement, initialed by the physician, that in the physician's professional
2 opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the
3 qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's
4 debilitating medical condition;

5 (11) A statement, initialed by the physician, that if the physician has referred the
6 qualifying patient to a dispensary, the physician has disclosed to the qualifying patient any
7 personal or professional relationship the physician has with the dispensary;

8 (12) A declaration that the information provided in the written certification is true
9 and correct; and

10 (13) The physician's signature and the date the physician signed;

11 (f) The applicable fees in §14102 for applying for a qualifying patient Registry
12 Identification Card.

13 **§14204. Applying for a Registry Identification Card for a Designated Caregiver for an**
14 **Adult Qualifying Patient.**

15 If the qualifying patient who is 18 years of age or older is designating a caregiver, the
16 designated caregiver shall submit the following to the Department:

17 (a) An application in a form provided by the Department that includes:

18 (1) The designated caregiver's first name; middle initial, if applicable; last name;
19 and suffix, if applicable;

20 (2) The designated caregiver's date of birth;

21 (3) The designated caregiver's residence address and mailing address;

22 (4) The village where the designated caregiver resides;

23 (5) The identifying number on the applicable card or document in subsection

24 (a)(9)(A) through (E);

25 (6) One of the following:

1 (A) A statement that the designated caregiver does not currently hold a
2 valid Registry Identification Card; or

3 (B) The assigned registry identification number for the designated
4 caregiver for each valid Registry Identification Card currently held by the designated
5 caregiver;

6 (7) A declaration signed and dated by the designated caregiver that the designated
7 caregiver has not entered a plea of guilty to, a plea of *nolo contendere* to, been found guilty of,
8 or been convicted of a felony offense as defined in these rules and regulations at §14101(ii);

9 (8) A declaration signed by the designated caregiver:

10 (A) Agreeing to assist the qualifying patient with the medical use of
11 marijuana; and

12 (B) Pledging not to divert marijuana to any individual or entity that is not
13 allowed to possess marijuana pursuant to the Act or these rules and regulations;

14 (9) A copy of the designated caregiver's:

15 (A) A valid Guam driver's license;

16 (B) A valid Guam identification card as approved by the Director;

17 (C) Guam Registry Identification Card;

18 (D) Photograph page in the designated caregiver's U.S. passport; or

19 (E) A valid photo identification card as approved by the Director, and one
20 of the following for the designated caregiver:

21 (i) Birth certificate verifying U.S. citizenship;

22 (ii) U.S. Certificate of Naturalization; or

23 (iii) U.S. Certificate of Citizenship;

24 (10) A current photograph of the designated caregiver;

(11) The designated caregiver's current court clearance, including clearance through the National Crime Information Center (NCIC); and

(12) A current clearance from the Office of the Attorney General of Guam;

(b) The applicable fees in §14102 for applying for a designated caregiver Registry Identification Card.

§14205. Applying for a Registry Identification Card for a Minor Qualifying Patient and Designated Caregiver.

To apply for a Registry Identification Card for a qualifying patient who is under 18 years of age, the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient shall submit to the Department the following:

(a) An application in a form provided by the Department that includes:

(1) The qualifying patient's:

(A) First name; middle initial, if applicable; last name; and suffix, if applicable;

(B) Date of birth; and

(C) Gender;

(2) The qualifying patient's residence address and mailing address;

(3) The village where the qualifying patient resides;

(4) The qualifying patient's custodial parent's or legal guardian's first name; middle initial, if applicable; last name; and suffix, if applicable;

(5) The identifying number on the applicable card or document in subsection (e)(1) through (5);

(6) The qualifying patient's custodial parent or legal guardian's residence address and mailing address and telephone number;

1 (7) The village where the qualifying patient's custodial parent or legal guardian
2 resides;

3 (8) The qualifying patient's custodial parent's or legal guardian's e-mail address;

4 (9) The name, address, and telephone number of a physician who has a physician-
5 patient relationship with the qualifying patient and is providing the written certification for
6 medical marijuana for the qualifying patient;

7 (10) The name, address, and telephone number of a second physician who has
8 conducted a comprehensive review of the patient's medical record maintained by other
9 treating physicians, and is providing a written certification for medical marijuana for the
10 qualifying patient;

11 (11) The qualifying patient's custodial parent's or legal guardian's date of birth;

12 (12) Whether the individual submitting the application on behalf of the qualifying
13 patient under 18 years of age is the qualifying patient's custodial parent or legal guardian;

14 (13) One of the following:

15 (A) A statement that the qualifying patient's custodial parent or legal
16 guardian does not currently hold a valid Registry Identification Card, or

17 (B) The assigned registry identification number for the qualifying patient's
18 custodial parent or legal guardian for each valid Registry Identification Card currently
19 held by the qualifying patient's custodial parent or legal guardian;

20 (14) A declaration that the information provided in the application is true and
21 correct; and

22 (15) The signature of the qualifying patient's custodial parent or legal guardian and
23 the date the qualifying patient's custodial parent or legal guardian signed;

24 (b) A current photograph of the:

25 (1) Qualifying patient, and

1 (2) Qualifying patient’s custodial parent or legal guardian serving as the
2 qualifying patient’s designated caregiver;

3 (c) A declaration in a form provided by the Department signed and dated by the
4 qualifying patient’s custodial parent or legal guardian that the qualifying patient’s custodial parent or
5 legal guardian has not entered a plea of guilty to, a plea of *nolo contendere* to, been found guilty of, or
6 been convicted of a felony offense as defined in these rules and regulations;

7 (d) A declaration in a form provided by the Department signed by the qualifying patient’s
8 custodial parent or legal guardian who is serving as the qualifying patient’s designated caregiver:

9 (1) Allowing the qualifying patient’s medical use of marijuana;

10 (2) Agreeing to assist the qualifying patient with the medical use of marijuana;

11 and

12 (3) Pledging not to divert marijuana to any individual who or entity that is not
13 allowed to possess marijuana pursuant to the Act;

14 (e) A copy of one of the following for the qualifying patient’s custodial parent or legal
15 guardian:

16 (1) A valid Guam driver’s license; or

17 (2) A valid Guam identification card as approved by the Director; or

18 (3) Guam Registry Identification Card;

19 (4) Photograph page in the qualifying patient’s custodial parent or legal guardian
20 U.S. passport; or

21 (5) A valid photo identification card as approved by the Director.

22 (f) If the individual submitting the application on behalf of a qualifying patient is the
23 qualifying patient’s legal guardian, a copy of documentation establishing the individual as the
24 qualifying patient’s legal guardian;

1 (g) The qualifying patient's custodial parent or legal guardian's current court clearance,
2 including clearance through the National Crime Information Center (NCIC);

3 (h) A current clearance from the Office of the Attorney General of Guam;

4 (i) A written certification from the physician in subsection (a)(9) and a separate written
5 certification from the physician in (a)(10) in a form provided by the Department dated within 90 days
6 before the submission of the qualifying patient's application that includes:

7 (1) The physician's:

8 (A) First name; middle name, if applicable; last name; and suffix, if
9 applicable;

10 (B) Guam Board of Medical Examiners license number including an
11 identification of the physician license type;

12 (C) Office address on file with the physician's licensing board,

13 (D) Telephone number on file with the physician's licensing board; and

14 (E) E-mail address;

15 (2) The qualifying patient's name and date of birth;

16 (3) An identification of one or more of the debilitating medical conditions in
17 §§14201 and 14101(r), or as subsequently added pursuant to § 14105, as the qualifying
18 patient's specific debilitating medical condition;

19 (4) For the physician listed in subsection (a)(9):

20 (A) A statement that the physician has made or confirmed a diagnosis of a
21 debilitating medical condition as defined in the Act and these rules and regulations for
22 the qualifying patient;

23 (B) A statement, initialed by the physician, that the physician:

24 (i) Has established a medical record for the qualifying patient;

25 and

(ii) Is maintaining the qualifying patient's medical record as required by Guam law;

(C) A statement, initialed by the physician, that the physician has conducted an in-person physical examination of the qualifying patient within the previous 90 days appropriate to the qualifying patient's presenting symptoms and the qualifying patient's debilitating medical condition diagnosed or confirmed by the physician;

(D) The date the physician conducted the in-person physical examination of the qualifying patient;

(E) A statement, initialed by the physician, that the physician reviewed the qualifying patient's:

(i) Medical records including medical records from other treating physicians from the previous 12 months;

(ii) Response to conventional medications and medical therapies;

(iii) Profile on the Department's Prescription Drug Monitoring Program database; and

(F) A statement, initialed by the physician, that the physician has explained the potential risks and benefits of the use of medical marijuana to the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient;

(5) For the physician listed in subsection (a)(10), a statement, initialed by the physician, that the physician conducted a comprehensive review of the qualifying patient's medical records from other treating physicians;

(6) A statement, initialed by the physician, that, in the physician's professional opinion, the qualifying patient is likely to receive therapeutic or palliative benefit from the

1 qualifying patient's medical use of marijuana to treat or alleviate the qualifying patient's
2 debilitating medical condition;

3 (7) A statement, initialed by the physician, that if the physician has referred the
4 qualifying patient's custodial parent or legal guardian to a dispensary, the physician has
5 disclosed to the qualifying patient any personal or professional relationship the physician has
6 with the dispensary;

7 (8) A declaration that the information provided in the written certification is true
8 and correct; and

9 (9) The physician's signature and the date the physician signed; and

10 (j) The applicable fees in §14102 for applying for a:

11 (1) Qualifying patient Registry Identification Card; and

12 (2) Designated caregiver Registry Identification Card.

13 (k) For purposes of this Section, "residence address" when used in conjunction with a
14 qualifying patient means:

15 (1) The street address including village and zip code assigned by a local
16 jurisdiction; or

17 (2) For property that does not have a street address assigned by a local
18 jurisdiction, the legal description of the property on the title documents recorded by the
19 assessor of the village in which the property is located.

20 **§14206. Amending a Qualifying Patient's or Designated Caregiver's Registry**
21 **Identification Card.**

22 To add a designated caregiver, request a change of a qualifying patient's name, address, or
23 designated caregiver, or to request a change in the designated caregiver's name or address, the
24 qualifying patient shall comply with the following procedures. Failure to comply or timely submit all

1 required information will result in the imposition of additional administrative late fees as set forth in
2 §14102.

3 (a) To add a designated caregiver or request a change of designated caregiver, a qualified
4 patient shall submit to the Department, within 10 working days after the addition or the change, the
5 following:

6 (1) An application in a form provided by the Department that includes:

7 (A) The qualifying patient's name and the registry identification number
8 on the qualifying patient's current Registry Identification Card;

9 (B) If applicable, the name of the qualifying patient's current designated
10 caregiver and the date the designated caregiver last provided or will last provide
11 assistance to the qualifying patient;

12 (C) The name of that the individual the qualifying patient is designating as
13 caregiver; and

14 (D) The signature of the qualifying patient and date the qualifying patient
15 signed;

16 (2) For the caregiver the qualifying patient is designating, the proposed designated
17 caregiver shall submit:

18 (A) All information, documents, and declarations required for a designated
19 caregiver under §14204; and

20 (B) One of the following:

21 (i) A statement that the designated caregiver does not currently
22 hold a valid Registry Identification Card; or

23 (ii) The assigned registry identification number for the designated
24 caregiver for each valid Registry Identification Card currently held by the
25 designated caregiver;

- 1 (C) A current photograph of the designated caregiver;
- 2 (D) A current court clearance, including clearance through the National
- 3 Crime Information Center (NCIC); and
- 4 (E) A current clearance from the Office of the Attorney General of Guam;
- 5 (3) The applicable fee in §14102 for applying for a designated caregiver Registry
- 6 Identification Card; and
- 7 (4) Any applicable late fee in §14102.
- 8 (b) To amend a qualifying patient's address on the qualifying patient's Registry
- 9 Identification Card, the qualifying patient shall submit to the Department, within 10 working days
- 10 after the change in address, the following:
- 11 (1) The qualifying patient's name and the registry identification number on the
- 12 qualifying patient's current Registry Identification Card;
- 13 (2) The qualifying patient's new residential and mailing address;
- 14 (3) The name of the qualifying patient's designated caregiver, if applicable;
- 15 (4) The effective date of the qualifying patient's new address;
- 16 (5) The applicable fee in §14102 for applying to amend a qualifying patient's
- 17 Registry Identification Card; and
- 18 (6) Any applicable late fee in §14102.
- 19 (c) To change a qualifying patient's name on the qualifying patient's Registry
- 20 Identification Card, the qualifying patient shall submit to the Department, within 10 days of the
- 21 change of name, the following:
- 22 (1) The qualifying patient's former name and the registry identification number on
- 23 the qualifying patient's current Registry Identification Card;
- 24 (2) The qualifying patient's new name;

(3) Valid documentation of the legal name change, such as a: marriage certificate, final divorce decree, adoption decree, or other valid court order showing a change of legal name;

(4) The applicable fee in §14102 for applying to amend a qualifying patient's Registry Identification Card; and

(5) Any applicable late fee in §14102.

§14207. Renewing a Qualifying Patient's or Designated Caregiver's Registry Identification Card.

Registry Identification Cards for both qualifying patients and designated caregivers shall be renewed on an annual basis. Failure to timely renew a Registry Identification Card will result in the imposition of additional administrative late fees as set forth in §14102.

(a) To renew a Registry Identification Card for a qualifying patient who is 18 years of age or older, the qualifying patient shall submit the following to the Department at least 30 days before the expiration date of the qualifying patient's Registry Identification Card:

(1) An application in a form provided by the Department that includes:

(A) All information, documents, and declarations required under §14203(a), (b), (c), and (d);

(B) The applicable fee in §14102 for applying to renew a qualifying patient's Registry Identification Card;

(C) Any applicable late fee in §14102; and

(D) A physician's written certification in a form provided by the Department dated within 90 days before the submission of the qualifying patient's renewal application that includes all information, documents, and declarations required from the certifying physician under §14203(e).

1 (2) If the qualifying patient is designating a caregiver or if the qualifying patient's
2 designated caregiver's Registry Identification Card has the same expiration date as the
3 qualifying patient's Registry Identification Card, the designated caregiver must submit the
4 following in a form provided by the Department:

5 (A) All information, documents, and declarations required under §14204;

6 (B) The applicable fee in §14102 for applying to renew a designated
7 caregiver's Registry Identification Card;

8 (C) Any applicable late fee in §14102;

9 (D) If the qualifying patient is renewing the designated caregiver's
10 Registry Identification Card, the registry identification number on the designated
11 caregiver's Registry Identification Card associated with the qualifying patient;

12 (E) If the qualifying patient is designating an individual not previously
13 designated as the qualifying patient's designated caregiver:

14 (i) The identification number on the proposed designated
15 caregiver's current Registry Identification Card and the assigned registry
16 identification number for the designated caregiver for each valid Registry
17 Identification Card currently held by the designated caregiver; or

18 (ii) A statement that the designated caregiver does not currently
19 hold a valid Registry Identification Card and all of the information,
20 documents, and declarations required for a new designated caregiver under
21 §14204; and

22 (iii) The qualified patient's Guam Registry Identification Card.

23 (3) If the qualifying patient's designated caregiver's Registry Identification Card
24 has the same expiration date as the qualifying patient's Registry Identification Card and the

designated caregiver's name is not the same name as on the designated caregiver's current Registry Identification Card, one of the following with the designated caregiver's new name:

(A) A valid Guam driver's license; or

(B) A valid Guam identification card as approved by the Director; or

(C) The photograph page in the designated caregiver's U.S. passport; and

(4) The applicable fees in §14102 for applying to:

(A) Renew a qualifying patient's Registry Identification Card; and

(B) If applicable, issue or renew a designated caregiver's Registry Identification Card.

(b) To renew a Registry Identification Card for a qualifying patient who is under 18 years of age, the qualifying patient's custodial parent or legal guardian responsible for health care decisions for the qualifying patient shall submit to the Department the following:

(1) An application in a form provided by the Department that includes:

(A) All information, documents, and declarations required for a minor qualifying patient under §14205;

(B) The registry identification number on the minor qualifying patient's current Registry Identification Card;

(C) All of the information, documents, and declarations required for the minor qualifying patient's custodial parent or legal guardian under §14205;

(D) The registry identification number on the qualifying patient's custodial parent's or legal guardian's current Registry Identification Card;

(E) The name, address, and telephone number of a physician who has a physician-patient relationship with the qualifying patient and is providing the written certification for medical marijuana for the qualifying patient;

1 (F) The name, address, and telephone number of a second physician who
2 has conducted a comprehensive review of the qualifying patient's medical record
3 maintained by other treating physicians, and is providing a written certification for
4 medical marijuana for the qualifying patient;

5 (2) If the qualifying patient's custodial parent's or legal guardian's name is not the
6 same name as on the minor qualifying patient's custodial parent's or legal guardian's current
7 Registry Identification Card, one of the following with the custodial parent's or legal
8 guardian's new name:

9 (A) A valid Guam driver's license; or

10 (B) A valid Guam identification card as approved by the Director; or

11 (C) The photograph page in the qualifying patient's custodial parent's or
12 legal guardian's U.S. passport;

13 (D) A valid photo identification card as approved by the Director; or

14 (E) A valid court order changing the name of the minor qualifying
15 patient's parent or legal guardian.

16 (3) A current photograph of the qualifying patient;

17 (4) A written certification from the physician in subsection (b)(1)(E) and a
18 separate written certification from the physician in subsection (b)(1)(F) in a form provided by
19 the Department dated within 90 days before the submission of the qualifying patient's renewal
20 application that includes all information, documents, and declarations required from the
21 certifying physicians under §14205(a)(9);

22 (5) A current photograph of the qualifying patient's custodial parent or legal
23 guardian;

24 (6) The qualifying patient's custodial parent or legal guardian's current court
25 clearance, including clearance through the National Crime Information Center (NCIC);

(7) A current clearance from the Office of the Attorney General of Guam;

(8) The applicable fees in §14102 for applying to renew a:

(A) Qualifying patient's Registry Identification Card, and

(B) Designated caregiver's Registry Identification Card; and

(C) Any applicable late fee under §14102.

(c) To renew a designated caregiver's Registry Identification Card for a qualifying patient who is 18 years of age or older, the designated caregiver shall submit to the Department, at least 30 days before the expiration date of the designated caregiver's Registry Identification Card, the following:

(1) An application in a form provided by the Department that includes:

(A) The qualifying patient's first name; middle initial, if applicable; last name; and suffix, if applicable;

(B) The registry identification number on the qualifying patient's current Registry Identification Card;

(C) The designated caregiver's first name; middle initial, if applicable; last name; and suffix, if applicable;

(D) The designated caregiver's date of birth;

(E) The designated caregiver's residential address and mailing address;

(F) The village where the designated caregiver resides;

(G) The registry identification number on the designated caregiver's current Registry Identification Card;

(2) If the designated caregiver's name is not the same name as on the designated caregiver's current Registry Identification Card, one of the following with the designated caregiver's new name:

(A) A valid Guam driver's license; or

- 1 (B) A valid Guam identification card as approved by the Director; or
- 2 (C) The photograph page in the designated caregiver's U.S. passport;
- 3 (3) A current photograph of the designated caregiver;
- 4 (4) A declaration in a form provided by the Department signed by the designated
- 5 caregiver:
- 6 (A) Agreeing to assist the qualifying patient with the medical use of
- 7 marijuana; and
- 8 (B) Pledging not to divert marijuana to any individual or person who is not
- 9 allowed to possess marijuana pursuant to the Act; and
- 10 (5) The designated caregiver's current court clearance, including clearance
- 11 through the National Crime Information Center (NCIC);
- 12 (6) A current clearance from the Office of the Attorney General of Guam;
- 13 (7) The applicable fee in §14102 for renewing a designated caregiver's Registry
- 14 Identification Card; and
- 15 (8) Any applicable late fee as provided in §14102.

16 **§14208. Denial of a Qualifying Patient's or Designated Caregiver's Registry**

17 **Identification Card.**

18 (a) The Department shall deny a qualifying patient's application for or renewal of the

19 qualifying patient's Registry Identification Card if the qualifying patient does not have a debilitating

20 medical condition in §14201.

21 (b) The Department shall deny a designated caregiver's application for or renewal of the

22 designated caregiver's Registry Identification Card if the designated caregiver does not meet the

23 definition of "designated caregiver" or "primary caregiver" in the Act and these rules and regulations.

(c) The Department shall deny a qualifying patient's or designated caregiver's application for or renewal of the qualifying patient's or designated caregiver's Registry Identification Card if the qualifying patient or designated caregiver:

(1) Previously had a Registry Identification Card revoked for not complying with the Act and these rules and regulations;

(2) Provides false or misleading information to the Department; or

(3) Has entered a plea of guilty to, a plea of *nolo contendere* to, been found guilty of, or been convicted of any felony offense after obtaining a Registry Identification Card.

(d) If the Department denies a qualifying patient's Registry Identification Card, the Department shall provide written notice to the qualifying patient that includes:

(1) The specific reason or reasons for the denial; and

(2) The process for requesting a hearing of the Department's decision pursuant to the Department's procedures.

(h) If the Department denies a qualifying patient's designated caregiver's Registry Identification Card, the Department shall provide written notice to the qualifying patient and the designated caregiver that includes:

(1) The specific reason or reasons for the denial; and

(2) The process for requesting a hearing of the Department's decision pursuant to the Department's procedures.

§14209. Revocation of a Qualifying Patient's or Designated Caregiver's Registry Identification Card.

(a) The Department shall revoke a qualifying patient's or designated caregiver's Registry Identification Card if the qualifying patient or designated caregiver provides medical marijuana to an individual who is not authorized to possess medical marijuana under the Act.

1 (b) The Department shall revoke a qualifying patient's or designated caregiver's Registry
2 Identification Card if the designated caregiver has entered a plea of guilty to, a plea of *nolo contendere*
3 to, been found guilty of, or been convicted of any felony offense after obtaining a Registry
4 Identification Card.

5 (c) The Department shall revoke a qualifying patient's or designated caregiver's Registry
6 Identification Card if the qualifying patient or designated caregiver knowingly violates the Act or
7 these rules and regulations.

8 (d) If the Department revokes a qualifying patient's Registry Identification Card, the
9 Department shall provide written notice to the qualifying patient that includes:

10 (1) The specific reason or reasons for the revocation; and

11 (2) The process for requesting a hearing of the Department's decision pursuant to
12 the Department's procedures.

13 (e) If the Department revokes a qualifying patient's designated caregiver's Registry
14 Identification Card, the Department shall provide written notice to the qualifying patient and the
15 designated caregiver that includes:

16 (1) The specific reason or reasons for the revocation; and

17 (2) The process for requesting a hearing of the Department's decision pursuant to
18 the Department's procedures.

19 (f) The holder of the revoked qualifying patient's or designated caregiver's Registry
20 Identification Card shall return the said qualifying patient's or designated caregiver's Registry
21 Identification Card to the Department upon receipt of notice.
22

1 **§14300. ARTICLE 3. DISPENSARIES, DISPENSARY AGENTS,**
2 **CULTIVATION SITES, AND CULTIVATION SITE AGENTS.**

3 **§14301. Dispensary and/or Cultivation Site Responsible Officials.**

4 The individual or individuals identified in the dispensary's and/or cultivation site's by-laws as
5 Responsible Officials of the dispensary and/or cultivation site, who own, operate, or otherwise have
6 legal responsibility for a facility and who meet the qualifications established in these rules and
7 regulations and have been approved by the Department, are responsible for submitting all required
8 applications for the dispensary and/or cultivation site. Applications for the registration and permitting
9 of a facility must be submitted by a Responsible Official. In addition, a Responsible Official is
10 accountable for any intentional or unintentional action of its owners, officers, managers, employees or
11 agents, with or without the knowledge of the Responsible Official, who violate the Act or these rules
12 and regulations.

13 (a) When a dispensary or cultivation site is required by these rules and regulations to
14 provide information, sign documents, or ensure actions are taken, the individual(s) in subsection (a)
15 shall comply with the requirement on behalf of the dispensary or cultivation site.

16 (b) A mailing address submitted for a Responsible Official as part of a Dispensary
17 Registration Certificate and/or a Cultivation Site Registration Certificate application or as part of an
18 application for a dispensary agent and/or cultivation site agent Registration Identification Card shall be
19 located in Guam.

20 (c) A Responsible Official applying to register a facility must provide to the Department:

21 (1) An application on a form prescribed by the Department;

22 (2) The applicable fee as specified in §14102;

23 (3) Documentation that demonstrates the facility is registered as a business or has
24 filed an application to register as a business with the Department of Revenue and Taxation. A
25 facility must maintain a current registration or license as a business with the Department of

Revenue and Taxation in order to receive or maintain a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate;

(4) Documentation that shows the current zoning of the location of the proposed facility;

(5) Documentation, on a form prescribed by the Department, with the Responsible Official's affirmation that the proposed facility is not within a drug-free school zone as defined in the Guam Drug Free School Zone Act, Title 17, Chapter 48 of the Guam Code Annotated, and these rules;

(6) Information required for a criminal background check in accordance with these rules and regulations; and

(7) Proof that the Responsible Official is a resident of Guam.

(d) Applications will be reviewed in the order they are received by the Department. An application is considered received as of the date and time that payment of any required registration fee(s) is paid by the entity or the Responsible Official.

(e) The Department shall reject an incomplete application submitted. A Responsible Official may re-submit an application that was returned as incomplete at any time. An application is considered incomplete if:

(1) An application does not contain all the requested information in the form;

(2) The Responsible Official does not submit the required documentation described in these rules and regulations; or

(3) The application and registration fees are not paid.

(f) A Responsible Official who wishes to register more than one location must submit a separate application, registration fees, and all documentation described in these rules and regulations for each location.

(g) At the time of application the Responsible Official may be asked, by the Department, to sign an authorization waiving the confidentiality of the location of the facility and permitting the Department to make the location and name of the facility available to authorized and official personnel, as determined by the Director, if the facility is registered.

(h) The Department shall review the applications and if the Department needs additional information, the Department will provide the Responsible Official a written request for more information that includes the specific requirements in the Act and these rules and regulations.

(i) If a Responsible Official withdraws an application for a specific location, the Department shall process the Responsible Official's remaining Dispensary Registration Certificate and/or Cultivation Site Registration Certificate applications according to these rules and regulations.

(j) If a Responsible Official does not withdraw an application or submit information demonstrating compliance with the Act and these rules and regulations, the Department shall issue a denial of the application according to §14310.

(k) An application fee submitted with a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate application that is later withdrawn is not refunded.

§14302. Applying for a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate.

To apply for a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate, a Responsible Official shall submit to the Department the following:

(a) An application in a form provided by the Department that includes:

- (1) The legal name of the dispensary and/or cultivation site;
- (2) The physical address of the proposed dispensary and/or cultivation site;
- (3) The following information for the entity applying:
 - (A) Name;
 - (B) Type of business organization;

- 1 (C) Mailing address;
- 2 (D) Telephone number;
- 3 (E) E-mail address;
- 4 (F) Vicinity map;
- 5 (G) Floor plan, which includes, but is not limited to the following:
- 6 (i) Security systems;
- 7 (ii) Alarm systems;
- 8 (iii) Video camera surveillance systems;
- 9 (iv) Motion sensors; and
- 10 (v) Location of all means of entry;
- 11 (H) Personnel listing, including positions and responsibilities;
- 12 (I) Type of security and alarm present (including alarm system contract
- 13 agreement and listing of authorized personnel); and
- 14 (J) Stand-by power source;
- 15 (4) The name of the individual designated to submit dispensary agent and/or
- 16 cultivation site agent Registry Identification Card applications on behalf of the dispensary
- 17 and/or cultivation site;
- 18 (5) The name and Guam Board of Medical Examiners license number of the
- 19 dispensary's medical director;
- 20 (6) The name, residential and mailing address, and date of birth of each:
- 21 (A) Responsible official;
- 22 (B) Dispensary agent and/or cultivation site agent; and
- 23 (C) Employee.
- 24 (7) For each Responsible Official, whether the Responsible Official:

(A) Has served as a Responsible Official for a dispensary and/or cultivation site that had the Dispensary Registration Certificate and/or Cultivation Site Registration Certificate revoked;

(B) Is a physician currently providing written certifications for qualifying patients;

(C) Is a law enforcement officer; or

(D) Is employed by or a contractor of the Department;

(8) Whether the entity agrees to allow the Department to submit supplemental requests for information;

(9) A declaration that, if the dispensary and/or cultivation site is issued a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate, the dispensary and/or cultivation site will not operate until the dispensary and/or cultivation site is inspected and obtains a Permit to Operate a Dispensary or Cultivation Site from the Department;

(10) A declaration that the information provided to the Department to apply for a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate is true and correct; and

(11) The signatures of the Responsible Officials of the dispensary and/or cultivation site and the date the Responsible Officials signed;

(b) If the entity applying is a business organization, a copy of the business organization's articles of incorporation, articles of organization, or partnership or joint venture documents that include:

(1) The name of the business organization,

(2) The type of business organization, and

(3) The names and titles of the individuals in §14301(a) and (b);

(c) For each Responsible Official:

(1) A declaration signed and dated by the Responsible Official that the Responsible Official has not entered a plea of guilty to, a plea of *nolo contendere* to, been found guilty of, or been convicted of a felony offense as defined in these rules and regulations;

(2) The Responsible Official's current court clearance, including clearance through the National Crime Information Center (NCIC); and

(3) A current clearance from the Office of the Attorney General of Guam;

(d) Policies and procedures that comply with the requirements in these rules and regulations for:

(1) Inventory control;

(2) Qualifying patient recordkeeping;

(3) Security;

(4) Patient education and support; and

(5) Quality control and assurance;

(e) As required in the Act and these rules and regulations, a declaration signed and dated by the Responsible Official certifying that the dispensary and/or cultivation site is in compliance with any local zoning restrictions;

(f) Verification from the Guam Department of Land Management where the dispensary's and/or cultivation site's proposed physical address is located that:

(1) There are no local zoning restrictions for the dispensary's and/or cultivation site's location, including verification that the facility is not located within a drug-free school zone as defined in these rules; and

(2) The dispensary's and/or cultivation site's location is in compliance with any local zoning restrictions;

(g) Documentation of:

1 (1) Ownership of the physical address of the proposed dispensary and/or
2 cultivation site; or

3 (2) Permission from the owner of the physical address of the proposed dispensary
4 and/or cultivation site for the entity applying for a Dispensary Registration Certificate and/or
5 Cultivation Site Registration Certificate to operate a dispensary and/or cultivation site at the
6 physical address;

7 (h) The dispensary's and/or cultivation site's by-laws including:

8 (1) The names and titles of individuals designated as Responsible Official(s) of
9 the dispensary and/or cultivation site;

10 (2) Whether the dispensary and/or cultivation site plans to:

11 (A) Cultivate marijuana;

12 (B) Acquire marijuana from other dispensaries and/or cultivation sites;

13 (C) Sell or provide marijuana to other dispensaries and/or cultivation sites;

14 (D) Transport marijuana;

15 (E) Prepare, sell, or dispense marijuana-infused edible food products;

16 (F) Prepare, sell, or dispense marijuana-infused non-edible products;

17 (G) Sell or provide marijuana paraphernalia or other supplies related to the
18 administration of marijuana to qualifying patients and designated caregivers;

19 (H) Deliver medical marijuana to qualifying patients; or

20 (I) Provide patient support and related services to qualifying patients; and

21 (3) Provisions for amending the dispensary's and/or cultivation site by-laws;

22 (i) A business plan demonstrating the on-going viability of the dispensary and/or
23 cultivation site that includes:

24 (1) A description and total dollar amount of expenditures already incurred to
25 establish the dispensary and/or cultivation site or to secure a Dispensary Registration

1 Certificate and/or Cultivation Site Registration Certificate by the individual or business
2 organization applying for the Dispensary Registration Certificate and/or Cultivation Site
3 Registration Certificate;

4 (2) A description and total dollar amount of monies or tangible assets received for
5 operating the dispensary and/or cultivation site from entities other than the individual applying
6 for the Dispensary Registration Certificate and/or Cultivation Site Registration Certificate or a
7 Responsible Official associated with the dispensary and/or cultivation site including the
8 entity's name and the interest in the dispensary and/or cultivation site or the benefit the entity
9 obtained;

10 (3) Projected expenditures expected before the dispensary and/or cultivation site is
11 operational;

12 (4) Projected expenditures after the dispensary and/or cultivation site is
13 operational; and

14 (5) Projected revenue; and

15 (j) The applicable fee in §14102 for applying for a Dispensary Registration Certificate
16 and/or Cultivation Site Registration Certificate.

17 (k) Upon a satisfactory showing to the Director by a Responsible Official that any
18 records, reports, or information, or particular part thereof, to which the Director has access pursuant to
19 these rules and regulations, contain information of a confidential nature, including information
20 concerning secret processes or methods of manufacture, these records, reports, or information shall be
21 kept confidential except that such records, reports, or information may be disclosed to other local and
22 federal representatives in their official capacity concerned with carrying out these rules and
23 regulations or when relevant in any proceeding pursuant to these rules and regulations. The contents
24 of a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate itself or

1 monitoring data shall not be entitled to confidentiality protection pursuant to the Act and these rules
2 and regulations.

3 **§14303. Issuance of Registration Certificate.**

4 (a) The Department will determine that an application for a Dispensary Registration
5 Certificate and/or Cultivation Site Registration Certificate is complete if it includes all the
6 requested information in the form; all the required documentation described in these rules and
7 regulations; and the application and registration fees are paid.

8 (b) If the Department determines that the application is in compliance with these rules
9 and regulations, the Department must notify the Responsible Official in writing:

10 (1) That the application is approved and the Department shall assign and issue
11 the Dispensary and/or Cultivation Site Registration Certificate that includes a unique
12 Registration Identification Number;

13 (2) That the Responsible Official must apply for a Permit to Operate a
14 Dispensary and/or Cultivation Site from the Department; and

15 (3) That the facility shall not operate until the facility has been issued a Permit
16 to Operate a Dispensary and/or Cultivation Site from the Department.

17 (c) Before an entity with a Dispensary Registration Certificate and/or Cultivation Site
18 Registration Certificate begins operating a dispensary and/or cultivation site, the entity shall apply for
19 and obtain a Permit to Operate a Dispensary or Cultivation Site from the Department.

20 (d) Before an entity with a Dispensary Registration Certificate and/or Cultivation Site
21 Registration Certificate begins operating a dispensary and/or cultivation site, the Responsible Official
22 shall ensure that the proposed dispensary and/or cultivation site are in compliance with these rules and
23 regulations, including but not limited to:

1 (1) Installation of a security system, including a video surveillance system, and
2 alarm system that are all operational, and installation of a safe in accordance with these rules
3 and regulations;

4 (2) Having policies and procedures for training for employees on the its policies
5 and procedures, in accordance with these rules and regulations;

6 (3) Record keeping for employee training;

7 (4) Identification of at least one laboratory that will perform the testing required
8 by the Director;

9 (5) Having a fully operational electronic data management system in accordance
10 with these rules and regulations; and

11 (6) Having packaging and labeling that complies these rules and regulations.

12 (e) A person may not establish, conduct, maintain, manage or operate a facility unless the
13 facility has been registered by the Department under these rules.

14 (f) Nothing in these rules and regulations exempts a Responsible Official, an employee of
15 a registered facility, or a registered facility from complying with these rules and regulations, or any
16 other applicable local, state, or federal laws.

17 (g) Registration and permitting of a facility does not protect a Responsible Official or
18 employees from possible criminal prosecution under federal law, or from possible criminal
19 prosecution for violations of the Act or any other laws of Guam.

20 **§14304. Changes to a Dispensary Registration Certificate and/or Cultivation Site**
21 **Registration Certificate.**

22 (a) A dispensary and/or cultivation site shall not transfer or assign the Dispensary
23 Registration Certificate and/or Cultivation Site Registration Certificate to another location.

24 (b) A dispensary, dispensary cultivation site, or cultivation site shall not cultivate,
25 manufacture, distribute, dispense, or sell medical marijuana at a new location until the dispensary

1 and/or cultivation site submits an application for a change in a dispensary and/or cultivation site
2 location or a change or addition of a cultivation site pursuant to §14306 and the Department issues a
3 new Dispensary Registration Certificate and/or Cultivation Site Registration Certificate for the
4 new location.

5 **§14305. Applying for a Permit to Operate a Dispensary or Cultivation Site.**

6 (a) To apply for approval of a Permit to Operate a Dispensary or Cultivation Site, a
7 person holding a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate
8 shall submit to the Department, at least 60 days before the expiration of the Dispensary Registration
9 Certificate and/or Cultivation Site Registration Certificate, the following:

10 (1) An application in a form provided by the Department that includes:

11 (A) The name and registry identification number of the dispensary and/or
12 cultivation site;

13 (B) The physical address of the dispensary and/or cultivation site;

14 (C) The name, address, and date of birth of each dispensary agent and/or
15 cultivation site agent;

16 (D) The name and Guam Board of Medical Examiners license number of
17 the dispensary's medical director;

18 (E) If applicable, the physical address of the dispensary's cultivation site
19 or cultivation site;

20 (F) The dispensary's and/or cultivation site's Business Privilege Tax
21 Number issued by the Guam Department of Revenue and Taxation;

22 (G) The dispensary's proposed hours of operation during which the
23 dispensary plans to be available to dispense medical marijuana to qualifying patients
24 and designated caregivers;

1 (H) Whether the dispensary and/or cultivation site agrees to allow the
2 Department to submit supplemental requests for information;

3 (I) Whether the dispensary and, if applicable, the dispensary's cultivation
4 site or cultivation site are ready for an inspection by the Department;

5 (J) If the dispensary and, if applicable, the dispensary's cultivation site or
6 cultivation site are not ready for an inspection by the Department, the date the
7 dispensary and, if applicable, the dispensary's cultivation site or cultivation site will be
8 ready for an inspection at a later date as scheduled by the Department;

9 (K) A declaration that the information provided to the Department to apply
10 for approval to operate a dispensary and/or cultivation site is true and correct; and

11 (L) The signatures of the Responsible Official of the dispensary and/or
12 cultivation site according to §14301(a) and the date the Responsible Officials signed;

13 (2) A copy of documentation issued by the applicable government of Guam
14 agency to the dispensary and/or cultivation site authorizing occupancy of the building as a
15 dispensary and, if applicable, as the dispensary's cultivation site or cultivation site, such as a
16 certificate of occupancy, a special use permit, or a conditional use permit;

17 (3) A declaration signed and dated by the Responsible Official certifying that the
18 dispensary and/or cultivation site is in compliance with local zoning restrictions;

19 (4) The distance to the closest school from:

20 (A) The dispensary and/or cultivation site; and

21 (B) If applicable, the dispensary's cultivation site or cultivation site;

22 (5) A site plan drawn to scale of the dispensary and/or cultivation site location
23 showing streets, property lines, buildings, parking areas, outdoor areas if applicable, fences,
24 security features, fire hydrants if applicable, and access to water mains;

(6) A floor plan drawn to scale of the building where the dispensary and/or cultivation site, if applicable, is located showing the:

- (A) Layout and dimensions of each room;
- (B) Name and function of each room;
- (C) Location of each hand washing sink;
- (D) Location of each toilet room;
- (E) Means of egress;
- (F) Location of each video camera, alarm system, motion sensor;
- (G) Location of standby power source;
- (H) Location of each panic button; and
- (I) Location of natural and artificial lighting sources; and

(7) The applicable fee in §14102.

(b) A dispensary's cultivation site or cultivation site may be located anywhere in Guam where a cultivation site is allowed by the Act, these rules and regulations, and other governing government of Guam agencies.

§14306. Applying to Change a Dispensary's and/or Cultivation Site's Location or Change or Add a Dispensary or Cultivation Site.

(a) To change the location of a dispensary, dispensary's cultivation site, or cultivation site, or to add a dispensary or cultivation site, the dispensary and/or cultivation site shall submit an application to the Department that includes:

(1) The following information in a form provided by the Department:

- (A) The legal name of the dispensary and/or cultivation site;
- (B) The registry identification number for the dispensary and/or cultivation site;
- (C) Whether the request is for:

- 1 (i) A change of location for the dispensary and/or cultivation site;
- 2 (ii) A change of location for the dispensary's cultivation site
- 3 and/or cultivation site; or
- 4 (iii) An addition of a cultivation site;
- 5 (D) The current physical address of the dispensary, dispensary's
- 6 cultivation site, and/or cultivation site;
- 7 (E) The physical address of the proposed location for the dispensary,
- 8 dispensary's cultivation site, and/or cultivation site;
- 9 (F) The distance to the closest public or private school from:
- 10 (i) The proposed location for the dispensary and/or cultivation
- 11 site; or
- 12 (ii) The proposed location for the dispensary's cultivation site
- 13 and/or cultivation site;
- 14 (G) The name of the entity applying;
- 15 (H) If applicable, the anticipated date of the change of location;
- 16 (I) Whether the proposed dispensary, dispensary's proposed cultivation
- 17 site, and/or cultivation site is ready for an inspection by the Department;
- 18 (J) If the proposed dispensary, dispensary's proposed cultivation site,
- 19 and/or proposed cultivation site is not ready for an inspection by the Department, the
- 20 date the dispensary, dispensary's cultivation site, and/or cultivation site will be ready
- 21 for an inspection by the Department;
- 22 (K) A declaration that the information provided to the Department to apply
- 23 for a change in location is true and correct; and
- 24 (L) The signature of the Responsible Official and the date the Responsible
- 25 Official signed;

(2) A copy of documentation issued by the local jurisdiction to the dispensary and/or cultivation site authorizing occupancy of the proposed building as a dispensary, dispensary's cultivation site, or cultivation site, such as a certificate of occupancy, a special use permit, or a conditional use permit;

(3) A declaration signed by the Responsible Official certifying that the building where the proposed dispensary, dispensary's proposed cultivation site, or cultivation site will be located is in compliance with local zoning restrictions;

(4) If the change in location is for the dispensary, dispensary's cultivation site, or cultivation site:

(A) A site plan drawn to scale of the proposed dispensary, dispensary's cultivation site, or cultivation site location showing streets, property lines, buildings, parking areas, outdoor areas if applicable, fences, security features, fire hydrants if applicable, and access to water mains; and

(B) A floor plan drawn to scale of the building where the proposed dispensary, dispensary's cultivation site, or cultivation site is located showing the:

- (i) Layout and dimensions of each room;
- (ii) Name and function of each room;
- (iii) Location of each hand washing sink;
- (iv) Location of each toilet room;
- (v) Means of egress;
- (vi) Location of each video camera, alarm system, motion sensor;
- (vii) Location of standby power source;
- (viii) Location of each panic button;
- (viii) Location of natural and artificial lighting sources; and

(5) The applicable fee in §14102 for applying for a change in location or adding a cultivation site.

(b) If the information and documents submitted by the dispensary and/or cultivation site comply with the Act and these rules and regulations, the Department shall issue a new Dispensary Registration Certificate and/or Cultivation Site Registration Certificate that includes the new address of the new location and new expiration date of the issued Dispensary Registration Certificate and/or Cultivation Site Registration Certificate.

(c) An application for a change in location of a dispensary, dispensary's cultivation site, or cultivation site or the addition of a cultivation site may not be combined with an application for renewing a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate. The Department shall process each application separately.

(d) A dispensary and/or cultivation site shall submit written notification to the Department when the dispensary and/or cultivation site no longer uses a previously approved cultivation site within 24 hours or the next business day, whichever comes first, of its intention to cease operations.

§14307. Notification of Changes or Events.

(a) A Responsible Official must notify the Department in writing within ten (10) days of any of the following:

(1) The Responsible Official's entry a plea of guilty to, a plea of *nolo contendere* to, a finding of guilt of, or conviction for any criminal offense;

(2) The issuance of a court order that prohibits the Responsible Official from participating in a medical marijuana facility or its operations;

(3) A decision to change the Responsible Official;

(4) A decision to permanently close the facility at that location;

(5) A decision to move to a new location;

(6) A change in ownership;

- 1 (7) A change in the person's residency;
- 2 (8) The re-location or establishment of a school attended primarily by minors
- 3 within 1,000 feet of the facility or the establishment of a designated school bus stop or
- 4 shelter, including any school bus transfer station within two hundred fifty (250) feet of
- 5 the facility;
- 6 (9) Any structural changes within the facility that will result in a change to the
- 7 secure or restricted areas, or entrances or exits to the facility; and
- 8 (10) The theft of any marijuana, products containing marijuana, or immature
- 9 plants.
- 10 (b) The notification required in section (a) of this rule must include a description of
- 11 what has changed or the event and any documentation necessary for the Department to determine
- 12 whether the facility is still in compliance with these rules and regulations including but not
- 13 limited to, as applicable:
- 14 (1) A copy of the criminal judgment or order;
- 15 (2) A copy of the court order prohibiting the Responsible Official from
- 16 participating in a medical marijuana facility or its operations;
- 17 (3) The location of the school that has been identified as being within 1,000
- 18 feet of the facility;
- 19 (4) The information required to determine the residency of the new
- 20 Responsible Official and to perform the criminal background check; or
- 21 (5) A copy of the police report documenting that the theft of any marijuana,
- 22 products containing marijuana, or immature plants was reported to law enforcement.
- 23 (c) Failure of the Responsible Official to notify the Department in accordance with
- 24 this rule may result in revocation of a facility's registration.

1 **§14308. Application Review.**

2 (a) The Department must determine if the application for a Permit to Operate is
3 complete and contains all the requested information in the form; all the required documentation
4 described in these rules and regulations; and the application fees are paid.

5 (b) Once the Department has determined that an application for a Permit to Operate is
6 complete it will review an application's supporting documentation to the extent necessary to
7 determine compliance with the Act and these rules and regulations.

8 (c) The Department may, in its discretion, prior to acting on an application:

9 (1) Contact the Responsible Official and request additional documentation or
10 information;

11 (2) Inspect the premises of the proposed facility; and

12 (3) Verify any information submitted by the Responsible Official.

13 (d) Prior to making a decision whether to approve or deny an application the
14 Department must:

15 (1) Ensure that the criminal background check process has been completed
16 and review the results;

17 (2) Verify documentation from the Responsible Official whether the location
18 of the facility is the same location as the recorded information with the Department of
19 Land Management;

20 (3) Review documentation submitted by the Responsible Official to
21 determine, based on the information provided by the Responsible Official, whether the
22 proposed facility is located within a drug-free school zone as defined in the Guam Drug Free
23 School Zone Act, Title 17, Chapter 48 of the Guam Code Annotated, and these rules;

24 (4) Verify that the business that operates the facility is registered with the
25 Department of Revenue and Taxation.

1 (e) If during the review process the Department determines that the application or
2 supporting documentation contains intentionally false or misleading information the Department
3 shall deny the application.

4 (f) If the proposed facility is determined to be in compliance and the Responsible
5 Official has passed the criminal background check and resides in Guam, the Department must
6 notify the Responsible Official in writing that the dispensary and/or cultivation site and
7 Responsible Official have met the initial criteria for the issuance of a Permit to Operate. Within
8 thirty (30) days of the Department's notification the Responsible Official must submit a form,
9 prescribed by the Department, declaring that the proposed facility and Responsible Official are in
10 compliance with these rules and the proposed facility is ready for inspection, including but not
11 limited to:

12 (1) Installation of a security system, including a video surveillance system,
13 and alarm system that are all operational, and installation of a safe in accordance with
14 these rules and regulations;

15 (2) Having policies and procedures as required by these rules and regulations,
16 which shall include training for employees on the policies and procedures;

17 (3) Having a fully operational electronic data management system in
18 accordance with these rules and regulations; and

19 (4) Having packaging and labeling that complies with these rules and
20 regulations; and

21 (5) Payment of the Permit Inspection Fee in §14102

22 (g) If the Department does not receive the form described in this section and full
23 payment of the Permit Inspection Fee within thirty (30) days of the Responsible Official being
24 notified that the dispensary and/or cultivation site and Responsible Official met initial criteria for
25 registration, the application may be denied.

1 **§14309. Approval of Application.**

2 (a) The Department will determine that an application is complete, if it includes all
3 the requested information in the form; all the required documentation, declarations and
4 statements described in these rules and regulations; and the application and registration fees are
5 paid.

6 (b) After the Department has determined that the application is complete and receives
7 the form required to be submitted under §14308(f), the Department must perform a site visit and
8 inspection to determine whether the facility is in compliance with these rules and regulations.

9 (c) If, after the site visit and inspection the Department determines that the facility is
10 in compliance with these rules and regulations the Department must notify the Responsible
11 Official in writing, and after payment of the Permit Fee in § 14102, the Department shall assign
12 and issue the Dispensary and/or Cultivation Site Permit to Operate that includes a unique permit
13 identification number.

14 (d) If, after the site visit the Department determines that the facility is not in
15 compliance with these rules and regulations the Department may, at the Director's discretion:

16 (1) Give the Responsible Official ten (10) business days to come into
17 compliance; or

18 (2) Deny the facility's registration in accordance with these rules and
19 regulations.

20 (e) A facility that has been registered shall display proof of Registration Certificate
21 and Permit to Operate in a prominent place inside the facility so that proof of Registration
22 Certificate and Permit to Operate is easily visible to all authorized individuals at all times.

23 (f) A registered facility may not use the Department's name or logo except to the
24 extent that information is contained on an official Department Registration Certificate and/or

1 Permit to Operate and displayed at the facility, a copy of the official Department Registration
2 Certificate and/or Permit to Operate on its website, or in any advertising or social media.

3 (g) A facility's Registration Certificate and/or Permit to Operate is only valid for the
4 location indicated on the Registration Certificate and Permit to Operate. It may not be transferred
5 to a different location and is only issued to the Responsible Official that is listed on the
6 application or subsequently approved by the Department.

7 **§14310. Denial of Application.**

8 (a) The Department shall deny an application if:

9 (1) An application, supporting documentation provided by the Responsible
10 Official, or other information obtained by the Department shows that the qualifications
11 for a facility in these rules and regulations have not been met; or

12 (2) The Responsible Official has entered a plea of guilty to, a plea of *nolo*
13 *contendere* to, been found guilty of, or been convicted of a felony offense as defined in
14 these rules and regulations;

15 (3) The Responsible Official is prohibited by a court from participating in a
16 medical marijuana facility or its operations; or

17 (4) If the Responsible Official that is identified in the application is not
18 qualified to be a Responsible Official; or

19 (5) The Department determines that the information provided was falsified.

20 (b) The Department shall deny an application for a Dispensary Registration
21 Certificate and/or Cultivation Site Registration Certificate or a renewal if:

22 (1) The physical address of the dispensary and/or cultivation site is within a
23 drug-free school zone as defined in the Guam Drug Free School Zone Act, Title 17, Chapter
24 48 of the Guam Code Annotated, and these rules or within 250 feet of a school bus stop that
25 existed before the date the dispensary and/or cultivation site submitted the initial

1 Dispensary Registration Certificate and/or Cultivation Site Registration Certificate
2 application;

3 (2) A Responsible Official:

4 (A) Has served as a Responsible Official for a dispensary and/or
5 cultivation site that:

6 (i) Had the Dispensary Registration Certificate and/or
7 Cultivation Site Registration Certificate revoked, or

8 (ii) Did not obtain an approval to operate the dispensary and/or
9 cultivation site within the first year after the Dispensary Registration
10 Certificate and/or Cultivation Site Registration Certificate was issued;

11 (B) Is under 21 years of age;

12 (C) Is a physician currently providing written certifications for medical
13 marijuana for qualifying patients;

14 (D) Is a law enforcement officer; or

15 (E) Is an employee or contractor of the Department; or

16 (3) The application or the dispensary and/or cultivation site does not comply
17 with the requirements in the Act and these rules and regulations.

18 (c) The Department shall deny an application for a Dispensary Registration
19 Certificate and/or Cultivation Site Registration Certificate if a Responsible Official of the
20 dispensary and/or cultivation site provides false or misleading information to the Department.

21 (d) If the Department denies an application for a Registration Certificate or Permit to
22 Operate, the Department must issue a Notice of Denial in accordance with these rules and
23 regulations stating the specific reason(s) for denial.

1 **§14311. Revocation of a Dispensary Registration Certificate and/or Cultivation Site**

2 **Registration Certificate.**

3 (a) The Department shall revoke a Dispensary Registration Certificate and/or
4 Cultivation Site Registration Certificate if:

5 (1) The dispensary and/or cultivation site:

6 (A) Operates before obtaining a Permit to Operate a Dispensary or
7 Cultivation Site from the Department;

8 (B) Delivers or otherwise transfers marijuana to an entity other than
9 another dispensary and/or cultivation site with a valid Dispensary Registration
10 Certificate and/or Cultivation Site Registration Certificate issued by the
11 Department, and, if applicable, a qualifying patient with a valid Registry
12 Identification Card, or a designated caregiver with a valid Registry Identification
13 Card; or

14 (C) Acquires usable marijuana or mature marijuana plants from any
15 entity other than another dispensary and/or cultivation site with a valid
16 Dispensary Registration Certificate and/or Cultivation Site Registration
17 Certificate issued by the Department, and, if applicable, a qualifying patient with
18 a valid Registry Identification Card, or a designated caregiver with a valid
19 Registry Identification Card; or

20 (2) A Responsible Official has entered a plea of guilty to, a plea of *nolo*
21 *contendere* to, been found guilty of, or been convicted of a felony offense as defined in
22 these rules and regulations.

23 (b) The Department shall revoke a Dispensary Registration Certificate and/or
24 Cultivation Site Registration Certificate, or Permit to Operate if the dispensary and/or cultivation
25 site does not:

- 1 (1) Comply with the requirements in the Act and these rules and regulations;
2 or
3 (2) Implement the policies and procedures or comply with the statements
4 provided to the Department with the dispensary's and/or cultivation site's application.

5 (c) If the Department revokes a Dispensary Registration Certificate and/or
6 Cultivation Site Registration Certificate or Permit to Operate, the Department shall provide
7 notice to the dispensary and/or cultivation site that includes:

- 8 (1) The specific reason(s) for the revocation; and
9 (2) The process for requesting a hearing of the Department's decision
10 pursuant to the Department's procedures.

11 (d) The holder of the revoked Dispensary Registration Certificate and/or Cultivation
12 Site Registration Certificate shall return the said Dispensary Registration Certificate and/or
13 Cultivation Site Registration Certificate to the Department within 24 hours upon receipt of
14 notice.

15 (e) If the Department revokes a Dispensary Registration Certificate and/or
16 Cultivation Site Registration Certificate or Permit to Operate, and the facility is the holder of a
17 sanitation permit issued in accordance with 10 GCA § 21109, the sanitation permit is also
18 automatically and immediately revoked.

19 **§14312. Renewing a Dispensary Registration Certificate and/or Cultivation Site**
20 **Registration Certificate and Permit to Operate.**

21 (a) An entity with a Dispensary Registration Certificate and/or Cultivation Site
22 Registration Certificate that has not submitted an application for a Permit to Operate a Dispensary or
23 Cultivation Site to the Department at least 60 days before the expiration date of the Dispensary
24 Registration Certificate and/or Cultivation Site Registration Certificate or has not obtained a

1 Permit to Operate a Dispensary or Cultivation Site issued by the Department is prohibited from
2 renewing the Dispensary Registration Certificate and/or Cultivation Site Registration Certificate.

3 (b) To renew a Dispensary Registration Certificate and/or Cultivation Site
4 Registration Certificate and Permit to Operate, a dispensary and/or cultivation site that has an
5 approved Permit to Operate for a Dispensary or Cultivation Site issued by the Department, shall
6 submit to the Department, at least 30 days before the expiration date of the current Dispensary
7 Registration Certificate and/or Cultivation Site Registration Certificate, the following:

8 (1) An application in a form provided by the Department that includes:

9 (A) The legal name of the dispensary and/or cultivation site;

10 (B) The registry identification number for the dispensary and/or cultivation
11 site;

12 (C) The physical address of the dispensary and/or cultivation site;

13 (D) The name of the entity applying;

14 (E) The name of the individual designated to submit dispensary agent or
15 cultivation site agent Registry Identification Card applications on behalf of the
16 dispensary and/or cultivation site;

17 (F) The name and license number of the dispensary's medical director;

18 (G) The dispensary's hours of operation during which the dispensary is
19 available to dispense medical marijuana to qualifying patients and designated
20 caregivers;

21 (H) The name, address, date of birth, and registry identification number of
22 each:

23 (i) Responsible official;

24 (ii) Dispensary agent and/or cultivation site agent; and

25 (iii) Employee.

(I) The dispensary's and/or cultivation site Business License number issued by the Guam Department of Revenue and Taxation;

(J) A declaration that the information provided to the Department to renew the Dispensary Registration Certificate and/or Cultivation Site Registration Certificate is true and correct; and

(K) The signature of the Responsible Official and the date the Responsible Official signed;

(2) A copy of the dispensary's and/or cultivation site's Permit to Operate a Dispensary or Cultivation Site issued by the Department; and

(3) The applicable fee(s) in §14102 for applying to renew a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate and/or Permit to Operate, including any applicable late fee(s).

§14313. Submitting an Application for a Dispensary Agent or Cultivation Agent Registry Identification Card.

To obtain a dispensary agent or cultivation site agent Registry Identification Card for an individual serving as a Responsible Official for the dispensary or cultivation site, or employed by the dispensary or cultivation site, the dispensary or cultivation site shall submit to the Department the following for each dispensary agent or cultivation site agent:

(a) An application in a form provided by the Department that includes the following information of the dispensary agent or cultivation site agent:

(1) First name; middle initial, if applicable; last name; and suffix, if applicable;

(2) Residential address and mailing address. A mailing address submitted as part of an application for a dispensary agent and/or cultivation site agent Registration Identification Card shall be located in Guam;

(3) The village where the agent resides;

- (4) Date of birth;
- (5) The identifying number on the applicable card or document in subsection (e)(1) through (5);
- (6) The name and registry identification number of the dispensary and/or cultivation site; and
- (7) The signature of the individual designated to submit dispensary agent or cultivation site agent applications on the dispensary's or cultivation site's behalf and the date the individual signed.
- (b) A declaration signed and dated by the dispensary agent or cultivation site agent that the dispensary agent or cultivation site agent has not entered a plea of guilty to, a plea of *nolo contendere* to, been found guilty of, or been convicted of a felony offense as defined in these rules and regulations;
- (c) One of the following:
- (1) A statement that the dispensary agent or cultivation site agent does not currently hold a valid Registry Identification Card; or
- (2) The assigned registry identification number for the dispensary agent or cultivation site agent for each valid Registry Identification Card currently held by the dispensary agent or cultivation site agent;
- (d) A declaration in a form provided by the Department signed by the dispensary agent or cultivation site agent pledging not to divert marijuana to any individual who or entity that is not allowed to possess marijuana pursuant to the Act and these rules and regulations;
- (e) A copy of the dispensary agent's:
- (1) A valid Guam driver's license; or
- (2) A valid Guam identification card as approved by the Director; or
- (3) Guam Registry Identification Card;

- 1 (4) Photograph page in the dispensary agent's U.S. passport; or
- 2 (5) A valid photo identification card as approved by the Director, and one of the
- 3 following for the dispensary agent:
- 4 (A) Birth certificate verifying U.S. citizenship;
- 5 (B) U.S. Certificate of Naturalization; or
- 6 (C) U.S. Certificate of Citizenship;
- 7 (f) A current photograph of the dispensary agent or cultivation site agent;
- 8 (g) The dispensary agent or cultivation site agent's current court clearance, including
- 9 clearance through the National Crime Information Center (NCIC);
- 10 (h) A current clearance from the Office of the Attorney General of Guam; and
- 11 (i) The applicable fee in §14102 for applying for a dispensary agent or cultivation site
- 12 agent Registry Identification Card.

13 **§14314. Denial or Revocation of a Dispensary Agent's and/or Cultivation Site**

14 **Agent's Registry Identification Card.**

15 (a) The Department shall deny a dispensary agent's and/or cultivation site agent's

16 application for or renewal of the dispensary agent's and/or cultivation site agent's Registry

17 Identification Card if the dispensary agent and/or cultivation site agent:

- 18 (1) Does not meet the requirements in the Act or these rules and regulations;
- 19 (2) Previously had a Registry Identification Card revoked for not complying
- 20 with the Act or these rules and regulations; or
- 21 (3) Provides false or misleading information to the Department.

22 (b) The Department shall revoke a dispensary agent's and/or cultivation site agent's

23 Registry Identification Card if the dispensary agent and/or cultivation site agent:

- 24 (1) Uses medical marijuana, if the dispensary agent and/or cultivation site
- 25 agent does not have a qualifying patient Registry Identification Card;

1 (2) Diverts medical marijuana to an individual who is not authorized to
2 possess medical marijuana under the Act and these rules and regulations;

3 (3) Has entered a plea of guilty to, a plea of *nolo contendere* to, been found
4 guilty of, or been convicted of a felony offense as defined in these rules and regulations;
5 or

6 (4) Knowingly violates the Act or these rules and regulations.

7 (d) If the Department denies or revokes a dispensary agent's and/or cultivation site
8 agent's Registry Identification Card, the Department shall provide notice to the dispensary agent
9 and/or cultivation site agent, and to the dispensary and/or cultivation site of their employment
10 that includes:

11 (1) The specific reason(s) for the denial or revocation; and

12 (2) The process for requesting a hearing of the Department's decision
13 pursuant to the Department's procedures.

14 (f) The holder of the revoked dispensary agent's and/or cultivation site agent's
15 Registry Identification Card shall return the said dispensary agent's and/or cultivation site
16 agent's Registry Identification Card to the Department within 24 hours after receipt of notice.

17 **§14315. Submitting an Application to Renew a Dispensary Agent's and/or**
18 **Cultivation Site Agent's Registry Identification Card.**

19 To renew a dispensary agent's and/or cultivation site agent's Registry Identification Card for
20 an individual serving as a Responsible Official for the dispensary and/or cultivation site or employed
21 by the dispensary and/or cultivation site, the dispensary and/or cultivation site shall submit to the
22 Department, at least 30 days before the expiration of the dispensary agent's and/or cultivation site
23 agent's Registry Identification Card, the following:

(a) An application in a form provided by the Department that includes all of the information, documentation, and declarations required under §14313 for dispensary agents and/or cultivation site agents;

(b) A current photograph of the dispensary agent and/or cultivate site agent; and

(c) The dispensary agent and/or cultivation site agent's current court clearance, including clearance through the National Crime Information Center (NCIC);

(d) A current clearance from the Office of the Attorney General of Guam;

(e) The applicable fee in §14102 for applying to renew a dispensary agent's and/or cultivation site agent's Registry Identification Card; and

(f) Any applicable late fee in §14102.

§14316. Changing Information on a Dispensary Agent's or Cultivation Site Agent's Registry Identification Card.

To make an amendment to a dispensary site agent's or cultivation site agent's name or address on the cardholder's Registry Identification Card, the cardholder shall submit to the Department, within 10 working days after the change, a request for the change that includes:

(a) The cardholder's name and the registry identification number on the cardholder's current Registry Identification Card;

(b) The cardholder's new name or address, as applicable;

(c) For a change in the cardholder's name, one of the following with the cardholder's new name:

(1) A valid Guam driver's license; or

(2) A Guam identification card as approved by the Director; or

(3) The photograph page in the cardholder's U.S. passport.

(d) For a change in address, the village where the new address is located;

(e) The effective date of the cardholder's new name or address; and

(f) The applicable fee in §14102 for amending a Registry Identification Card.

§14317. Inspections.

(a) Submission of an application for a Dispensary Registration Certificate and/or Cultivation Site Registration Certificate constitutes permission for entry to and inspection of the dispensary, dispensary's cultivation site, or cultivation site.

(b) The Department may conduct an unannounced inspection of the dispensary, dispensary's cultivation site, or cultivation site at any time during the site's hours of operation.

(c) If the Department receives an allegation of a dispensary, dispensary's cultivation site, or cultivation site's noncompliance with the Act or these rules and regulations, the Department may conduct an unannounced inspection of the dispensary, dispensary's cultivation site, or cultivation site at any time.

(d) If the Department identifies a violation of the Act and these rules and regulations during an inspection of a dispensary, dispensary's cultivation site, or cultivation site, or at any time:

(1) The Department shall provide the dispensary, dispensary's cultivation site, or cultivation site with a written notice that includes the specific rule or statute that was violated and whether the violation is subject to penalty under §14403 or §14404; and

(2) For violations subject to penalty under §14404, correction shall be made within the time limit set by the Director and stated in the notice.

(e) Refusal to permit the Department's inspection by the dispensary, dispensary's cultivation site, or cultivation site shall result in the immediate revocation of the Dispensary Registration Certificate and/or Cultivation Site Registration Certificate.

§14318. Administration.

(a) A dispensary or cultivation site, as applicable, shall:

1 (1) For a dispensary, ensure that the dispensary is operating and available to
2 dispense medical marijuana to qualifying patients and designated caregivers at least 30 hours
3 weekly between the hours of 7:00 a.m. and 10:00 p.m.;

4 (2) For a dispensary or cultivation site, develop, document, and implement
5 policies and procedures regarding:

6 (A) Job descriptions and employment contracts, including:

7 (i) Personnel duties, authority, responsibilities, and qualifications;

8 (ii) Personnel supervision;

9 (iii) Training in and adherence to confidentiality requirements;

10 (iv) Periodic performance evaluations;

11 (v) Disciplinary actions; and

12 (vi) Personnel's adherence to the Act and these rules and
13 regulations;

14 (B) Maintain business records, such as manual or computerized records of
15 assets and liabilities, monetary transactions, journals, ledgers, and supporting
16 documents, including agreements, checks, invoices, and vouchers;

17 (C) Maintain inventory control, including:

18 (i) Tracking;

19 (ii) Packaging;

20 (iii) Acquiring marijuana from other dispensaries; and

21 (iv) Properly disposing of unusable marijuana in compliance with
22 applicable federal and local law, which may include submitting any unusable
23 marijuana to a local law enforcement agency;

24 (D) Maintain qualifying patient records, including purchases, denials of
25 sale, any delivery options, confidentiality, and retention; and

- (E) Provide patient education and support, including:
- (i) Availability of different strains of marijuana and the purported effects of the different strains;
 - (ii) Information about the purported effectiveness of various methods, forms, and routes of medical marijuana administration;
 - (iii) Methods of tracking the effects on a qualifying patient of different strains and forms of marijuana; and
 - (iv) Prohibition on the smoking or use of medical marijuana in public places;
- (3) Maintain copies of the policies and procedures at the dispensary and/or cultivation site and provide copies to the Department for review upon request;
- (4) Review dispensary and/or cultivation site policies and procedures at least once every 12 months from the issue date of the Dispensary Registration Certificate and/or Cultivation Site Registration Certificate and update as needed;
- (5) For a dispensary, employ or contract with a medical director who holds a valid license issued by the Guam Board of Medical Examiners;
- (6) Ensure that each dispensary agent and/or cultivation site agent has the dispensary agent's and/or cultivation agent's Registry Identification Card in the dispensary agent's and/or cultivation agent's immediate possession when the dispensary agent and/or cultivation agent is:
- (A) Working at the dispensary and/or the cultivation site; or
 - (B) Transporting marijuana for the dispensary and/or cultivation site;
- (7) Ensure that a dispensary agent or cultivation site agent accompanies any individual other than another dispensary agent or cultivation site agent associated with the

1 dispensary and/or cultivation site when the individual is present in the enclosed, locked facility
2 where marijuana is cultivated or stored by the dispensary and/or cultivation site;

3 (8) Not allow an individual who does not possess a dispensary agent or cultivation
4 site agent Registry Identification Card issued under the Dispensary Registration Certificate
5 and/or Cultivation Site Registration Certificate to:

6 (A) Serve as a Responsible Official for the dispensary and/or cultivation
7 site,

8 (B) Serve as the medical director for the dispensary, or

9 (C) Be employed by the dispensary and/or cultivation site;

10 (9) Provide written notice to the Department, including the date of the event,
11 within 24 hours or the next business day, whichever comes first, after the date, when a
12 dispensary agent or cultivation site agent no longer:

13 (A) Serves as a Responsible Official for the dispensary and/or cultivation
14 site;

15 (B) Serves as the medical director for the dispensary;

16 (C) Is employed by the dispensary and/or cultivation site.

17 (10) Document and report any loss or theft of marijuana from the dispensary
18 and/or cultivation site to the appropriate law enforcement agency and to the Department upon
19 the immediate discovery of the loss or theft;

20 (11) Maintain copies of any documentation required in these rules and regulations
21 for at least 24 months after the date on the documentation and provide copies of the
22 documentation to the Department for review upon request;

23 (12) Maintain copies of all Registry Identification Cards for all Dispensary Agents
24 or Cultivation Site Agents currently employed at a dispensary and/or cultivation site and
25 provide copies of the documentation to the Department for review upon request;

(13) Post the following information in a place that can be viewed by individuals entering the dispensary and/or cultivation site:

(A) The Permit to Operate a Dispensary or Cultivation Site;

(B) The Dispensary Registration Certificate, or Cultivation Site Registration Certificate;

(C) The name of the dispensary's medical director and the medical director's Guam Board of Medical Examiners license number on a sign at least 8.5 inches by 11 inches; and

(D) The hours of operation during which the dispensary will dispense medical marijuana to a qualifying patient or a designated caregiver.

(14) Not lend any part of the dispensary's income or property without receiving adequate security, written documentation of the transaction, and a reasonable rate of interest; and

(15) Not engage in any other transaction that results in a substantial diversion of the dispensary's or cultivation site's income or property.

(b) If a dispensary cultivates marijuana, the dispensary shall cultivate the marijuana in an enclosed, locked facility as required in the Act and these rules and regulations.

§14319. Medical Director.

(a) A dispensary shall appoint an individual who is a physician to function as a medical director.

(b) During a dispensary's hours of operation, a medical director or an individual, who is a physician and is designated by the medical director to serve as medical director in the medical director's absence, shall be:

(1) Onsite; or

(2) Able to be contacted by any means possible, such as by telephone or mobile device.

(c) A medical director shall:

(1) Develop and provide training to the dispensary's dispensary agents at least once every 12 months from the initial date of the Dispensary's Registration Certificate on the following subjects:

(A) Guidelines for providing information to qualifying patients related to risks, benefits, and side effects associated with medical marijuana;

(B) Guidelines for providing support to qualifying patients related to the qualifying patient's self-assessment of the qualifying patient's symptoms, including a rating scale for pain, cachexia or wasting syndrome, nausea, seizures, muscle spasms, and agitation;

(C) Recognizing signs and symptoms of substance abuse; and

(D) Guidelines for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana.

(2) Assist in the development and implementation of review and improvement processes for patient education and support provided by the dispensary.

(d) A medical director shall provide oversight for the development and dissemination of:

(1) Educational materials for qualifying patients and designated caregivers that include:

(A) Alternative medical options for the qualifying patient's debilitating medical condition;

(B) Information about possible side effects of and contraindications for medical marijuana including possible impairment with use and operation of a motor vehicle or heavy machinery, when caring for children, or of job performance;

1 (C) Guidelines for notifying the physician who provided the written
2 certification for medical marijuana if side effects or contraindications occur;

3 (D) A description of the potential for differing strengths of medical
4 marijuana strains and products;

5 (E) Information about potential drug-to-drug interactions, including
6 interactions with alcohol, prescription drugs, non-prescription drugs, and supplements;

7 (F) Techniques for the use of medical marijuana and marijuana
8 paraphernalia;

9 (G) Information about different methods, forms, and routes of medical
10 marijuana administration;

11 (H) Signs and symptoms of substance abuse, including tolerance,
12 dependency, and withdrawal; and

13 (I) A listing of substance abuse programs and referral information.

14 (2) A system for a qualifying patient or the qualifying patient's designated
15 caregiver to document the qualifying patient's pain, cachexia or wasting syndrome, nausea,
16 seizures, muscle spasms, or agitation that includes:

17 (A) A log book, maintained by the qualifying patient and or the qualifying
18 patient's designated caregiver, in which the qualifying patient or the qualifying
19 patient's designated caregiver may track the use and effects of specific medical
20 marijuana strains and products;

21 (B) A rating scale for pain, cachexia or wasting syndrome, nausea,
22 seizures, muscles spasms, and agitation;

23 (C) Guidelines for the qualifying patient's self-assessment or, if
24 applicable, assessment of the qualifying patient by the qualifying patient's designated
25 caregiver; and

(D) Guidelines for reporting usage and symptoms to the physician providing the written certification for medical marijuana and any other treating physicians; and

(3) Policies and procedures for refusing to provide medical marijuana to an individual who appears to be impaired or abusing medical marijuana.

(e) A medical director for a dispensary shall not provide a written certification for medical marijuana for any qualifying patient.

§14320. Dispensing Medical Marijuana.

Before a dispensary agent dispenses medical marijuana to a qualifying patient or a designated caregiver, the dispensary agent shall:

(a) Verify the qualifying patient's or the designated caregiver's identity through physical examination of a valid photo identification card, in addition to the qualifying patient's or designated caregiver's Registry Identification Card. A dispensary in Guam shall not dispense any marijuana or finished products to any person who does not hold a valid Registry Identification Card or whose identity does not match the identity of the person named on the Registry Identification Card presented. If the identity of the person attempting to obtain marijuana or finished products does not match the identity of the person named on the Registry Identification Card presented, the dispensary agent or Responsible Official shall report the violation under §14109;

(b) Offer any appropriate patient education or support materials;

(c) Enter the qualifying patient's or designated caregiver's registry identification number on the qualifying patient's or designated caregiver's Registry Identification Card into the medical marijuana electronic verification system;

(d) Verify the validity of the qualifying patient's or designated caregiver's Registry Identification Card;

1 (e) Verify that the amount of medical marijuana the qualifying patient or designated
2 caregiver is requesting would not cause the qualifying patient to exceed the allowable amount; and

3 (f) Enter the following information into the medical marijuana electronic verification
4 system for the qualifying patient or designated caregiver:

5 (1) The amount of medical marijuana dispensed;

6 (2) Whether the medical marijuana was dispensed to the qualifying patient or to
7 the qualifying patient's designated caregiver;

8 (3) The date and time the medical marijuana was dispensed;

9 (4) The dispensary agent's registry identification number;

10 (5) The dispensary's registry identification number; and

11 (6) The name of the recommending physician; and

12 (g) Verify that the qualified patient's Registry Identification Card was issued in Guam. A
13 dispensary in Guam shall not dispense any marijuana or finished products to any holder of a medical
14 marijuana identification card issued in any other jurisdiction, State, or foreign country.

15 **§14321. Qualifying Patient Records.**

16 (a) A dispensary shall ensure that:

17 (1) A qualifying patient record is established and maintained for each qualifying
18 patient who obtains medical marijuana from the dispensary;

19 (2) An entry in a qualifying patient record:

20 (A) Is recorded only by a dispensary agent authorized by dispensary
21 policies and procedures to make an entry;

22 (B) Is dated and signed by the dispensary agent;

23 (C) Includes the dispensary agent's registry identification number; and

24 (D) Is not changed to make the initial entry illegible;

(3) If an electronic signature is used to sign an entry, the dispensary agent whose signature the electronic code represents is accountable for the use of the electronic signature;

(4) A qualifying patient record is only accessed by a dispensary agent authorized by dispensary policies and procedures to access the qualifying patient record;

(5) A qualifying patient record is provided to the Department for review upon request;

(6) A qualifying patient record is protected from loss, damage, or unauthorized use; and

(7) A qualifying patient record is maintained for five years from the date of the qualifying patient's or, if applicable, the qualifying patient's designated caregiver's last request for medical marijuana from the dispensary.

(b) If a dispensary maintains qualifying patient records electronically, the dispensary shall ensure that:

(1) There are safeguards to prevent unauthorized access;

(2) The date and time of an entry in a qualifying patient record is recorded electronically by an internal clock; and

(3) The qualifying patient's electronic record is backed up and recoverable at an offsite location in case of disaster;

(c) A dispensary shall ensure that the qualifying patient record for a qualifying patient who requests or whose designated caregiver on behalf of the qualifying patient requests medical marijuana from the dispensary contains:

(1) Qualifying patient information that includes:

(A) The qualifying patient's full name;

(B) The qualifying patient's date of birth;

1 (C) The name and date of birth of the qualifying patient's designated
2 caregiver, if applicable; and

3 (D) The history of medical marijuana dispensed to the qualified patient or
4 qualified patient's designated caregiver;

5 (2) Documentation of any patient education and support materials provided to the
6 qualifying patient or the qualifying patient's designated caregiver, including a description of
7 the materials and the date the materials were provided;

8 (3) For each time the qualifying patient requests and does not obtain medical
9 marijuana or, if applicable, the designated caregiver requests on behalf of the qualifying
10 patient and does not obtain medical marijuana from the dispensary, the following:

11 (A) The date;

12 (B) The name and registry identification number of the individual who
13 requested the medical marijuana;

14 (C) The dispensary's reason for refusing to provide the medical marijuana;
15 and

16 (D) The name of the dispensary agent and dispensary agent's registry
17 identification number who refused to provide the medical marijuana.

18 **§14322. Inventory Control System for Dispensaries and Cultivation Sites.**

19 (a) A dispensary and/or cultivation site shall designate in writing a dispensary agent
20 and/or cultivation site agent who has oversight of the dispensary's and/or cultivation site's medical
21 marijuana inventory control system.

22 (b) A dispensary shall only acquire marijuana from:

23 (1) The dispensary's cultivation site;

24 (2) Another dispensary or another dispensary's cultivation site; and

25 (3) A Department approved cultivation site.

1 (c) A dispensary and/or cultivation site shall establish and implement an inventory control
2 system for the dispensary's and/or cultivation site's medical marijuana that documents:

3 (1) Each day's beginning inventory, acquisitions, harvests, sales, or disbursements
4 of usable marijuana, disposal of unusable marijuana, and ending inventory, including
5 documentation of any amount of the inventoried marijuana used by the dispensary to create
6 any marijuana-infused products or finished products, which documentation shall include the
7 specific amount of marijuana used, the specific amount, weight, and description of each
8 marijuana-infused product or finished product produced, and the amount, weight, and
9 description of every marijuana-infused product or finished product dispensed each day;

10 (2) For acquiring medical marijuana from a dispensary's cultivation site and/or a
11 Department approved cultivation site:

12 (A) A description of the medical marijuana acquired including the amount,
13 strain, and batch number;

14 (B) The name and registry identification number of the dispensary's
15 cultivation site and/or a Department approved cultivation site;

16 (C) The name and registry identification number of the dispensary agent
17 and/or the cultivation agent receiving the medical marijuana on behalf of the
18 dispensary and/or cultivation site; and

19 (D) The date of acquisition;

20 (3) For acquiring medical marijuana from another dispensary:

21 (A) A description of the medical marijuana acquired including the amount,
22 strain, and batch number;

23 (B) The name and registry identification number of the dispensary
24 providing the medical marijuana;

- 1 (C) The name and registry identification number of the dispensary agent
2 providing the medical marijuana;
- 3 (D) The name and registry identification number of the dispensary agent
4 receiving the medical marijuana on behalf of the dispensary; and
- 5 (E) The date of acquisition;
- 6 (4) For each batch of marijuana cultivated:
- 7 (A) The batch number;
- 8 (B) Whether the batch originated from marijuana seeds or marijuana
9 cuttings;
- 10 (C) The origin and strain of the marijuana seeds or marijuana cuttings
11 planted;
- 12 (D) The number of marijuana seeds or marijuana cuttings planted;
- 13 (E) The date the marijuana seeds or cuttings were planted;
- 14 (F) A list of all chemical additives, including nonorganic pesticides,
15 herbicides, and fertilizers used in the cultivation;
- 16 (G) The number of plants grown to maturity;
- 17 (H) Harvest information including:
- 18 (i) Date of harvest;
- 19 (ii) Total weight of harvest, including the following:
- 20 (aa) Final processed usable marijuana yield weight; and
- 21 (bb) Final non-usable marijuana yield weight;
- 22 (iii) Name and registry identification number of the dispensary
23 agent and/or cultivation site agent responsible for the harvest; and
- 24 (I) The disposal of medical marijuana that is not usable marijuana
25 including the:

- (i) Description of (i.e., total amount and weight of disposed marijuana) and reason for the marijuana being disposed of including, if applicable, the number of failed or other unusable plants;
- (ii) Date of disposal;
- (iii) Method of disposal pursuant to federal and local laws; and
- (iv) Name and registry identification number of the dispensary agent and/or cultivation agent responsible for the disposal;
- (5) For providing medical marijuana to another dispensary and/or cultivation site:
- (A) The amount, strain, and batch number of medical marijuana provided;
- (B) The name and registry identification number of the other dispensary and/or cultivation site;
- (C) The name and registry identification number of the dispensary agent and/or cultivation site agent who received the medical marijuana on behalf of the other dispensary and/or cultivation site; and
- (D) The date the medical marijuana was provided; and
- (6) For receiving edible food products or other finished products infused with medical marijuana from another dispensary:
- (A) The product name and description of the edible food products or other finished products received from the dispensary including total weight of each edible food product;
- (B) Total estimated amount, strain, and batch number of medical marijuana infused in the edible food products or other finished products;
- (C) The name and registry identification number of the:
- (i) Dispensary and the dispensary agent providing the edible food products or other finished products to the receiving dispensary; and

- 1 (ii) Dispensary agent receiving the edible food products or other
2 finished products on behalf of the receiving dispensary; and
- 3 (D) The date the edible food products or other finished products were
4 manufactured;
- 5 (E) The use by or expiration date of the edible food products or other
6 finished products; and
- 7 (F) The date the edible food products or other finished products were
8 provided to the dispensary.
- 9 (d) The individual designated in subsection (a) shall conduct and document an audit of the
10 dispensary's and/or cultivation site's inventory that is accounted for according to generally accepted
11 accounting principles at least once every 30 days.
- 12 (e) If the audit identifies a reduction in the amount of medical marijuana in the
13 dispensary's inventory not due to documented causes, the dispensary shall determine where the loss
14 has occurred, take and document corrective action, and report the discrepancy to the Department and
15 to the local law enforcement authorities.
- 16 (f) If the reduction in the amount of medical marijuana in the dispensary's and/or
17 cultivation site's inventory is due to suspected criminal activity by a dispensary agent, cultivation site
18 agent, or employee, the dispensary and/or cultivation site shall report the dispensary agent, cultivation
19 site agent, or employee to the Department and to the local law enforcement authorities.
- 20 (g) If the reduction in the amount of medical marijuana in the dispensary's and/or
21 cultivation site's inventory is due to suspected theft, loss by disaster, or other emergency situation
22 beyond the control of the dispensary and/or cultivation site, the dispensary and/or cultivation site shall
23 report the discrepancy to the Department and to the local law enforcement authorities.
- 24 (h) A dispensary and/or cultivation site shall:

(1) Maintain the documentation required in subsections (c) and (d) at the dispensary for five years from the date on the document; and

(2) Provide the documentation required in subsections (c) and (d) to the Department for review upon request.

§14323. Product Labeling and Analysis.

(a) A dispensary shall ensure that medical marijuana provided by the dispensary to a qualifying patient or a designated caregiver is labeled with:

(1) The dispensary's registry identification number;

(2) The amount, strain, and batch number of medical marijuana;

(3) The following statement in a clear, conspicuous location on the product, in boldface type, in letters of a typesize no smaller than one-sixteenth inch: "GUAM DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES' WARNING: Marijuana use can be addictive and can impair an individual's ability to drive a motor vehicle or operate heavy machinery. Marijuana smoke contains carcinogens and can lead to an increased risk for cancer, tachycardia, hypertension, heart attack, and lung infection. There may be additional health risks associated with consumption of this product for women who are pregnant, breastfeeding, or planning to become pregnant. The intoxicating effects of this product may be delayed by two or more hours. KEEP OUT OF REACH OF CHILDREN.";

(4) The following statement located within a box in a clear, conspicuous location on the product, in boldface type, in letters of a type size no smaller than one-sixteenth inch: "GUAM DEPARTMENT OF PUBLIC HEALTH & SOCIAL SERVICES' WARNING: This product has not been tested or evaluated for safety or effectiveness by any agency of the Government of Guam or any federal agency. Any statements about this product have not been evaluated by any agency of the Government of Guam or any federal agency. This

product was produced without regulatory oversight for health, safety, or efficacy. This product is not intended to diagnose, treat, cure, or prevent any disease.”

(5) If not cultivated by the dispensary, whether the medical marijuana was obtained from another dispensary or cultivation site;

(6) The date of manufacture, harvest, or sale;

(7) A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers, used in the cultivation and production of the medical marijuana;

(8) The full name and registry identification number of the qualifying patient; and

(9) If medical marijuana is provided as part of an edible food product, a dispensary shall comply with Title 10 GCA, Chapters 21, 22, 23, 24, and 40 and applicable rules and regulations for the labeling of the food product.

(b) If a dispensary and/or cultivation site provides medical marijuana cultivated by the dispensary and/or cultivation site to another dispensary and/or cultivation site, the dispensary and/or cultivation site of origin shall ensure that the medical marijuana is labeled with:

(1) The dispensary’s and/or cultivation site’s registry identification number;

(2) The amount, strain, and batch number of the medical marijuana;

(3) The date of harvest or sale; and

(4) A list of all chemical additives, including nonorganic pesticides, herbicides, and fertilizers, used in the cultivation of the medical marijuana.

(c) If medical marijuana is provided as part of an edible food product, a dispensary shall, in addition to the information in subsection (a), include on the label the total weight of the edible food product.

(d) A dispensary and/or cultivation site shall provide to the Department upon request a sample of the dispensary’s and/or cultivation site’s medical marijuana inventory a sufficient quantity to enable the Department to conduct an analysis of the medical marijuana.

1 **§14324. Security.**

2 (a) The Responsible Official is responsible for the security of all usable marijuana,
3 finished products, and immature plants in the Dispensary and Cultivation Site, including providing
4 adequate safeguards against theft or diversion of usable marijuana, finished products, immature plants
5 and records that are required to be kept.

6 (b) The Responsible Official must ensure that commercial grade, non-residential door
7 locks are installed on every external door at a Dispensary or Cultivation Site prior to opening for
8 business.

9 (c) During all hours when the registered facility is open for business, the Responsible
10 Official must ensure that:

11 (1) All usable marijuana, finished products, and immature plants received and all
12 usable marijuana, finished products, and immature plants available for transfer to a qualified
13 patient or a designated caregiver are kept in a locked, secure area that can only be accessed by
14 authorized personnel;

15 (2) All areas where usable marijuana, finished products, or immature plants are
16 received for transfer by a registered facility are identified as a restricted access area by posting
17 a sign not less than 12 inches wide and 12 inches long, composed of letters not less than one-
18 half inch in height that reads, "Restricted Access Area — Authorized Personnel Only";

19 (3) All areas where usable marijuana, finished products, or immature plants are
20 available for transfer to a patient or designated primary caregiver are:

21 (A) Identified as a restricted access area and clearly identified by the
22 posting of a sign not less than 12 inches wide and 12 inches long, composed of letters
23 not less than one-half inch in height that reads "Restricted Access Area — No Minors
24 Allowed";

1 (B) Supervised by the Responsible Official or a dispensary agent or
2 cultivation site agent of the dispensary or cultivation site at all times when a qualified
3 patient, designated caregiver, or any other person is present; and

4 (C) Separate from any area where usable marijuana, finished products, or
5 immature plants are being transferred to a dispensary or cultivation site.

6 (d) During all hours when the dispensary or cultivation site is not open for business the
7 Responsible Official must ensure that:

8 (1) All entrances to and exits from the dispensary or cultivation site are securely
9 locked and any keys or key codes to the dispensary or cultivation site remain in the possession
10 of the Responsible Official or authorized dispensary agent or cultivation site agent;

11 (2) All usable marijuana is kept in a safe; and

12 (3) All immature plants are in a locked room.

13 (e) The Responsible Official must ensure that:

14 (1) Electronic records are encrypted, and securely stored to prevent unauthorized
15 access and to ensure confidentiality;

16 (2) There is an electronic back-up system for all electronic records; and

17 (3) All video recordings and archived required records not stored electronically
18 are kept in a locked storage area. Current records may be kept in a locked cabinet or desk
19 outside the locked storage area during hours when the dispensary or cultivation site is open.

20 (f) Except as provided in §14317, a dispensary and/or cultivation site shall ensure that
21 access to the enclosed, locked facility where marijuana is cultivated is limited to the dispensary's
22 and/or cultivation site's Responsible Officials, authorized dispensary agents and/or cultivation site
23 agents.

(g) A dispensary agent and/or cultivation site agent may transport marijuana, marijuana plants, finished products, and marijuana paraphernalia between the dispensary and/or cultivation site and:

- (1) The dispensary's cultivation site;
- (2) Another Department approved cultivation site; and
- (3) Another dispensary.

(h) Before transportation, a dispensary agent and/or cultivation site agent shall:

(1) Complete a trip plan that includes:

(A) The name of the dispensary agent and/or cultivation site agent in charge of transporting the marijuana;

(B) The date and start time of the trip;

(C) A description of the marijuana, marijuana plants, finished products, or marijuana paraphernalia being transported; and

(D) The anticipated route of transportation; and

(2) Provide a copy of the trip plan in subsection (h)(1) to the dispensary and/or cultivation site.

(i) During transportation, a dispensary agent and/or cultivation site agent shall:

(1) Carry a copy of the trip plan in subsection (h)(1) with the dispensary agent and/or cultivation site agent for the duration of the trip;

(2) Use a vehicle without any medical marijuana identification;

(3) Have a means of communication with the dispensary and/or cultivation site;

and

(4) Ensure that the marijuana, marijuana plants, finished products, or marijuana paraphernalia are not visible.

1 (j) After transportation, a dispensary agent and/or cultivation site agent shall enter the end
2 time of the trip and any changes to the trip plan on the trip plan required in subsection (h)(1).

3 (k) A dispensary and/or cultivation site shall:

4 (1) Maintain the documents required in subsection (h)(2) and (e); and

5 (2) Provide a copy of the documents required in subsection (h)(2) and (j) to the
6 Department for review upon request.

7 (l) To prevent unauthorized access to medical marijuana at the dispensary and/or
8 cultivation site, the dispensary and/or cultivation site shall have the following:

9 (1) Security equipment to deter and prevent unauthorized entrance into limited
10 access areas that include:

11 (A) Devices or a series of devices to detect unauthorized intrusion and
12 movement inside the dispensary or cultivation site, which may include a signal
13 system interconnected with a radio frequency method, such as cellular, private radio
14 signals, or other mechanical or electronic device;

15 (B) Exterior lighting to facilitate surveillance;

16 (C) Electronic monitoring including:

17 (i) At least one 19-inch or greater call-up monitor;

18 (ii) A video printer capable of immediately producing a clear still
19 photo from any video camera image;

20 (iii) Video cameras:

21 (aa) Providing coverage of all entrances to and exits from
22 limited access areas and all entrances to and exits from the building,
23 capable of identifying any activity occurring in or adjacent to the
24 building; and

- 1 (bb) Having a recording resolution of at least 704 x 480 or
2 the equivalent;
- 3 (iv) A video camera at each point of sale location allowing for the
4 identification of any qualifying patient or designated caregiver purchasing
5 medical marijuana;
- 6 (v) A video camera in each grow room capable of identifying any
7 activity occurring within the grow room in low light conditions;
- 8 (vi) Storage of video recordings from the video cameras for at least
9 30 days,
- 10 (vii) A failure notification system that provides an audible and
11 visual notification of any failure in the electronic monitoring system;
- 12 (viii) Sufficient battery backup for video cameras and recording
13 equipment to support at least five minutes of recording in the event of a power
14 outage; and
- 15 (ix) In the event of suspected criminal activity, theft, damage or
16 loss, or unexplained reduction in the amount of medical marijuana inventory,
17 the dispensary and/or cultivation site shall maintain the video recordings from
18 the video cameras for a period no less than three years from the date the
19 incident is reported to the Department and to local law enforcement
20 authorities; and
- 21 (D) Have at least two operational "panic buttons" located inside the
22 dispensary or cultivation site that are linked with the alarm system that notifies a
23 security company; and
- 24 (E) Be programmed to notify a security company that will notify the
25 Responsible Officer or his/her designee in the event of a breach.

(2) Policies and procedures:

(A) That restrict access to the areas of the dispensary and/or cultivation site that contain marijuana to authorized individuals only;

(B) That provide for the identification of authorized individuals;

(C) That prevent loitering;

(D) For conducting electronic monitoring; and

(E) For the use of a panic button.

§14325. Edible Food Products.

(a) A dispensary that prepares, packages, sells, or dispenses marijuana-infused edible food products shall:

(1) Before preparing, packaging, selling, or dispensing marijuana-infused edible food products obtain a Sanitary Permit and Health Certificate(s) from the Division of Environmental Health at the Department to prepare, package, store, sell, distribute, or dispense marijuana-infused edible food products;

(2) If the dispensary prepares, packages, stores, sells, distributes, or dispenses the marijuana-infused edible food products, ensure that the marijuana-infused edible food products are prepared, packaged, stored, sold, distributed, or dispensed according to the applicable requirements in Title 10 GCA Chapter 21, 22, 23, 24, and 40 and applicable rules and regulations.

(3) If the marijuana-infused edible food products are not prepared at the dispensary, obtain and maintain at the dispensary a copy of the current Sanitary Permit from the dispensary that prepared the marijuana-infused edible products; and

(b) A dispensary is responsible for the safety, content, and quality of any edible food product sold or dispensed by the dispensary.

1 **§14326. Cleaning and Sanitation.**

2 (a) A dispensary and/or cultivation site shall ensure that any building or equipment used
3 by a dispensary and/or cultivation site for the cultivation, harvest, preparation, packaging, storage,
4 infusion, or sale of medical marijuana is maintained in a clean and sanitary condition.

5 (b) Medical marijuana in the process of production, preparation, manufacture, packing,
6 storage, sale, distribution, or transportation is protected from pests, dust, dirt, mold, mildew, and all
7 other contamination.

8 (c) Refuse or waste products incident to the manufacture, preparation, packing, selling,
9 distributing, or transportation of medical marijuana are removed from the building used as a
10 dispensary and/or cultivation site at least once daily or more often as necessary to maintain a clean,
11 sanitary condition.

12 (d) All trucks, trays, buckets, other receptacles, platforms, racks, tables, shelves, knives,
13 saws, cleavers, other utensils, or the machinery used in moving, handling, cutting, chopping, mixing,
14 canning, packaging, or other processes are cleaned and sanitized, if applicable, daily or as often as
15 needed.

16 (e) All dispensaries that prepare, package, store, sell, distribute, or dispense marijuana-
17 infused edible food products shall comply with Title 10 GCA, Chapters 21, 22, 23, 24 and 40 and
18 applicable rules and regulations to ensure proper food safety.

19 (f) A dispensary and/or cultivation site shall ensure that a dispensary agent at the
20 dispensary or the dispensary's cultivation site and/or cultivation site agent at the cultivation site:

21 (1) Conducts proper hand-washing, including exposed portions of the arms, in a
22 dedicated hand-washing sink equipped with hot and cold running water, liquid hand soap, and
23 disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer:

24 (A) Before preparing medical marijuana including working with food,
25 equipment, and utensils;

1 (B) During preparation, as often as necessary to remove soil and
2 contamination and to prevent cross-contamination when changing tasks;

3 (C) After handling soiled equipment or utensils;

4 (D) After touching bare human body parts other than the dispensary
5 agent's and/or cultivation agent's clean hands and exposed portions of arms; and

6 (E) After using the toilet room;

7 (2) If working directly with the preparation of medical marijuana or the infusion
8 of marijuana into non-edible products:

9 (A) Keeps the dispensary agent's and/or cultivation site agent's fingernails
10 trimmed, filed, and maintained so that the edges and surfaces are cleanable;

11 (B) Unless wearing intact gloves in good repair, does not have fingernail
12 polish or artificial fingernails on the dispensary agent's and/or cultivation site agent's
13 fingernails; and

14 (C) Wears protective apparel such as coats, aprons, gowns, or gloves to
15 prevent contamination;

16 (3) Wears clean clothing appropriate to assigned tasks;

17 (4) Reports to the medical director any health condition experienced by the
18 dispensary agent that may adversely affect the safety or quality of any medical marijuana with
19 which the dispensary agent may come into contact;

20 (5) If the medical director determines that a dispensary agent has a health
21 condition that may adversely affect the safety or quality of the medical marijuana, is
22 prohibited from direct contact with any medical marijuana or equipment or materials for
23 processing medical marijuana until the medical director determines that the dispensary agent's
24 health condition will not adversely affect the medical marijuana;

(6) For a cultivation site, the cultivation site agent shall report to the cultivation site's Responsible Official any health condition experienced by the cultivation site agent that may adversely affect the safety or quality of any medical marijuana with which the cultivation site agent may come into contact; and

(7) If the cultivation site's Responsible Official determines that a cultivation site agent has a health condition that may adversely affect the safety or quality of the medical marijuana, the agent is prohibited from direct contact with any medical marijuana or equipment or materials for processing medical marijuana until the cultivation site's Responsible Official determines that the cultivation site agent's health condition will not adversely affect the medical marijuana.

§14327. Physical Location.

(a) A dispensary and/or a cultivation site shall not be located within a drug free school zone that existed before the date the dispensary and/or a cultivation site submitted the initial Dispensary Registration Certificate and/or Cultivation Site Registration Certificate application. The Responsible Official shall provide a written declaration attesting to the compliance with the Guam Drug Free School Zone Act.

(b) A dispensary and/or a cultivation site shall provide onsite parking or parking adjacent to the building used as the dispensary and/or a cultivation site.

(c) A dispensary and/or a cultivation site shall comply with all local statutes, rules and regulations pertaining to zoning, land use and signage.

(d) A building used as a dispensary and/or a cultivation site and/or the location used as cultivation site shall have:

(1) At least one toilet room per gender;

(2) Each toilet room shall contain:

(A) A flushable toilet;

- (B) Mounted toilet tissue;
- (C) A sink with hot and cold running water;
- (D) Liquid soap contained in a dispenser; and
- (E) Disposable, single-use paper towels in a mounted dispenser or a mechanical air hand dryer;
- (3) At least one hand washing sink not located in a toilet room;
- (4) Designated storage areas for medical marijuana or materials used in direct contact with medical marijuana separate from storage areas for toxic or flammable materials; and
- (5) If preparation or packaging of medical marijuana is done in the building, a designated area for the preparation or packaging that:
- (A) Includes work space that can be easily cleaned and sanitized; and
- (B) Is only used for the preparation or packaging of medical marijuana.
- (e) For each weights and measures used at a dispensary and/or cultivation site, the dispensary and/or cultivation site shall:
- (1) Ensure that the weights and measures is licensed or certified pursuant to applicable Department of Revenue and Taxation law and applicable rules and regulations;
- (2) Maintain documentation of the Department of Revenue and Taxation's weights and measures license or certification; and
- (3) Provide a copy of the Department of Revenue and Taxation's weights and measures license or certification to the Department for review upon request.
- (f) For each cultivation site, the Responsible Official and any cultivation site agents shall not knowingly cultivate, grow, or produce a marijuana plant or knowingly allow a marijuana plant to be cultivated, grown, or produced outdoors and/or in the soil of land that the cultivation site owns,

occupies, or controls. All marijuana plants must be cultivated, grown, or produced in movable pots, planters, or containers inside of an enclosed locked facility at the cultivation site.

§14400. ARTICLE 4. ADMINISTRATIVE REQUIREMENTS.

§14401. Record Keeping.

(a) The Responsible Official must ensure that the following information is documented and maintained electronically in a manner that can easily be shared with the Department or accessed by the Department:

(1) All Authorization to Transfer forms, including the date on which a form was received;

(2) Any written notifications from a patient with regard to any change in status as required by these rules and regulations;

(3) Any revocation of an Authorization to Transfer form;

(4) All transfer information required in by these rules and regulations;

(5) Documentation of the costs of doing normal and customary business used to establish the reimbursement amounts for transfers of usable marijuana or immature plants, including costs related to transferring, handling, securing, insuring, testing, packaging and processing usable marijuana and immature marijuana plants and the cost of supplies, utilities and rent or mortgage;

(6) The amount of money paid by a registered facility for each transfer of usable marijuana or immature plants;

(7) The amount of money paid by each patient or designated caregiver for a transfer of usable marijuana, finished product, or an immature plant;

(8) The laboratory reports of all testing and other information required to be documented by these rules and regulations; and

1 (9) All other information required to be documented and retained by these
2 rules and regulations.

3 (b) The Responsible Official must ensure that information required to be documented
4 pursuant these rules and regulations is maintained in a safe and secure manner that protects the
5 information from unauthorized access, theft, fire, or other destructive forces, and is easily
6 retrievable for inspection by the Department upon request, either at the registered facility or
7 online.

8 (c) The Responsible Official must ensure that a registered facility uses an electronic
9 data management system for the recording of transfers of usable marijuana, finished products,
10 and immature plants. The system must meet the following minimum requirements:

11 (1) Record the information required to be documented in these rules and
12 regulations;

13 (2) Provide for off-site or secondary backup system;

14 (3) Assign a unique transaction number for each transfer to or from the
15 registered facility;

16 (4) Monitor date of testing and testing results;

17 (5) Track products by unique transaction number through the transfer in,
18 testing and transfer out processes;

19 (6) Generate transaction and other reports requested by the Department
20 viewable in PDF format;

21 (7) Produce reports, including but not limited to inventory reports; and

22 (8) Provide security measures to ensure patient and grower records are kept
23 confidential.

24 (d) Documents and information required to be maintained in these rules and
25 regulations must be retained by the Responsible Official for at least three (3) years.

(e) The Responsible Official must provide the Department with any documentation required to be maintained in these rules and regulations upon request, in the format requested by the Department, or permit the Department access to such documentation on-site.

§14402. Physician Responsibility.

(a) The physician caring for the qualified patient must fulfill the following criteria and responsibilities:

(1) Possess a Guam Board of Medical Examiners license number to practice medicine in Guam. This license must be in good standing;

(2) Take responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or certification of the applicant as a qualified patient;

(3) Perform an in-person medical examination of the applicant as a qualified patient;

(4) As a result of the in-person medical examination, document in the patient's medical record that the patient has a debilitating medical condition listed in §§ 14201 and 14101(r) or subsequently added pursuant to §14105, and that the medical use of marijuana is appropriate;

(5) Have the patient sign an authorized medical release of information. The Department cannot process the patient's application without the appropriate authorization for release of medical information;

(6) Provide to the patient copies of the medical records stating that he or she has been diagnosed with a debilitating medical condition listed in §§ 14201 and 14101(r) or subsequently added pursuant to §14105, and that the medical use of marijuana is appropriate;

(b) The physician caring for the qualified patient shall not assist the qualified patient in obtaining medical marijuana.

(c) The physician caring for the qualified patient shall not engage in the production, cultivating, distribution or sales of medical marijuana.

§14403. Cessation of Business Operations.

The Department shall order a dispensary and/or cultivation site to immediately cease acquisition, sales, exchange, distribution, dispensing, and business operations whenever the Director finds that the operation jeopardizes the health, safety, or welfare of the People of Guam. Additionally, the dispensary and/or cultivation site shall cease acquisition, sales, exchange, distribution, dispensing, and business operations immediately for any of the following violations:

(a) Conditions deemed a public nuisance pursuant to Title 10 GCA, Chapter 20 exist that require the immediate abatement of the public nuisance;

(b) Adulterated medical marijuana;

(c) Adulterated medical marijuana food product;

(d) Any adulterated medical marijuana product;

(e) Operating without a valid Dispensary or Cultivation Site Registration Certificate or Permit to Operate;

(f) The failure to correct any violation within the time frame set by the Director in a written notice of violation issued by the Department; or

(g) The failure to pay any penalty imposed by the Department.

§14404. Violations Not Requiring Immediate Cessation of Business Operations.

(a) The following are violations of these rules, and are not limited to:

(1) A Responsible Official or an employee of a facility failing to cooperate with an inspection;

(2) The submission by a Responsible Official, employee, or owner of a facility of false or misleading information to the Department;

(3) Transferring or dispensing usable marijuana, marijuana products or immature plants to an individual who is not a qualifying patient or a designated caregiver;

(4) Failing to document and maintain information in the manner required by these rules;

(5) Failing to account for flowers or other usable marijuana plant material in accordance with these rules and regulations;

(6) Failing to submit a plan of correction in accordance with these rules and regulations;

(7) Failing to comply with an emergency suspension order or final order of the Department, including failing to pay a civil penalty; or

(8) Failing to comply with the Act or any of these rules or regulations.

§14405. Administrative Penalties.

(a) The Director may impose a fine for any dispensary, dispensary agent, cultivation site, cultivation site agent, qualified patient, designated caregiver, or certifying physician that violates any provisions of these rules and regulations. The monetary fine for the administrative violation shall be:

(1) A fine not exceeding Ten Thousand Dollars (\$10,000.00) for a first violation per day of continuing violation; and

(2) A fine not exceeding Fifteen Thousand Dollars (\$15,000.00) for an additional violation per day of continuing violation within 1 year, however, if second violation is a repeat violation, a fine not exceeding Twenty Thousand Dollars (\$20,000.00) shall be imposed.

(b) Before imposing an administrative penalty against a dispensary, dispensary agent, cultivation site, cultivation site agent, qualified patient, designated caregiver, or certifying physician, the Director shall issue a notice of intent to impose the penalty and provide the dispensary, dispensary agent, cultivation site, cultivation site agent, qualified patient, designated caregiver, or certifying physician being penalized an opportunity to request a hearing on the proposed penalty.

§14406. Confidentiality.

(a) The Department shall create and maintain either paper or computer data files of Qualified Patients, Designated Caregivers, Dispensaries, Dispensary Agents, Cultivation Sites, and Cultivation Site Agents. The data files shall include all information collected on the application forms or equivalent information from other written documentation, plus a copy of Department issued Registration Identification Cards, effective date, date of issue, and expiration date. Except as provided in section (b) of this rule, the names and identifying information of registry identification cardholders and the name and identifying information of a pending applicant for a Qualified Patients, Designated Caregivers, Dispensaries, Dispensary Agents, Cultivation Sites, and Cultivation Site Agents and a Cultivation Site location, shall be confidential and not subject to public disclosure.

(b) Names and other identifying information made confidential under section (1) of this rule may be released to:

(1) Authorized employees of the Department as necessary to perform official duties of the Department, including the production of any reports of aggregate (i.e., non-identifying) data or statistics;

(2) Authorized employees of local or federal law enforcement agencies when they provide a specific name or address. Information will be supplied only as necessary to verify:

1 (A) That a person is or was a lawful possessor of a Registration
2 Identification Card;

3 (B) That a person is or was a person responsible for a registered
4 Dispensary or Cultivation Site;

5 (C) That the address is or was a documented Dispensary or Cultivation
6 Site; or

7 (D) That an address is or was the location of a registered Dispensary or
8 Cultivation Site.

9 (3) Other persons (such as, but not limited to, employers, lawyers, family
10 members) upon receipt of a properly executed release of information, as determined by
11 the Director, signed by the patient, the patient's parent or legal guardian, or designated
12 caregiver. The release of information must specify what information the Department is
13 authorized to release and to whom.

14 (c) The Department may allow the release of reports or data related to verification or
15 statistics if it is for a legitimate governmental purpose and does not contain personal identifying
16 data.

17 **§14407. Effective Date.**

18 These rules and regulations shall be immediately effective after the ninety (90) days have elapsed
19 from the date of filing with the Legislative Secretary, pursuant to the Act. At the time, all other
20 rules and regulations or parts of other rules and regulations that conflict with these rules and
21 regulations are repealed. The adoption of these rules and regulations shall not prohibit the
22 Department from delaying the implementation of all or certain sections of these rules and
23 regulations if the Department believes doing so would better effectuate its purpose; provided,
24 such delay shall not exceed 365 days of its effective date.

1 **§14408. Severability.**

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