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Congress of the United States
House of Representatives
Washington, DC 20515-990

Mrs. Linda DeNorcey
Director
Department of Public Health and Social Services
123 Chalan Kareta
Mangilao, Guam 96913

Dear Director DeNorcey,

I write to memorialize two conversations we have had, to share with you details of other conversations I have been involved with, and to seek official clarification in writing with respect to these conversations to document for constituent purposes. The issue herein concerns my office as it relates to constituent civil rights under federal law.

On two occasions we have discussed the recent seizure of Cannabidiol (CBD) product by Guam Customs and Quarantine (GCQ). With recent federal law legalizing hemp products containing 0.3% or less of the compound commonly known as THC, there is no federal basis for the seizure of any hemp sourced CBD products that fall within that threshold.

In our most recent conversation we discussed product labeling and clarified that if products were properly labeled with necessary disclaimers (i.e. not representing to cure or treat disease or illness) and did not violate any specific Food and Drug Administration (FDA) mandate, there would be no federal FDA basis to seize the product. However, it has recently been brought to my attention that you are requesting GCQ maintain its seizure of these CBD products with >0.3%THC in accordance with "guidelines from the FDA."

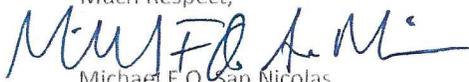
Director DeNorcey, please be advised that NO FDA DIRECTIVE has been issued to seize CBD products with >0.3%THC in ANY U.S. jurisdiction. There is no federal FDA basis to seize these products that comply with labeling requirements and other guidelines.

Constituents have approached me with lab tested documentation proving compliance of their products within the >0.3%THC threshold, sourced from U.S. suppliers doing business in many other U.S. jurisdictions, and have further presented labeling that clearly meets FDA guidelines not unlike the dozens of ingestible herbal supplements you can find on the shelves of vitamin and supplement shops on Guam.

Our opinions of cannabis notwithstanding, the months-long seizure of these constituent's goods by GCQ have no federal basis. Recent and existing local law further provides no basis. As such I am deeply concerned about the potential violation of civil rights these seizures represent. The last thing the Department of Public Health, GCQ, and the Government of Guam needs is a lawsuit.

Please be advised that I have communicated the aforementioned with the Director of GCQ who stands ready to release said products pending your office. I look forward to your reply, or more preferably an amicable resolution to this situation.

Much Respect,



Michael F.Q. San Nicolas
Member of Congress
Guam

Cc – Honorable Lourdes Leon Guerrero, Governor
Mr. Ike Peredo, Director, Guam Customs and Quarantine
Honorable Leevin Camacho, Attorney General
Ms. Vanessa Williams, Chairwoman, Guam Cannabis Control Board

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