

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

**CHAPTER 8**  
**GUAM CANNABIS INDUSTRY ACT**

**SOURCE:** Chapter 8 added by P.L. 35-005:2 (April 4, 2019).

**2019 NOTE:** P.L. 35-005, which enacted this chapter, included the following uncodified sections:

**Section 4.** §§(c)(23) and (c)(31) of Appendix A, Chapter 67, Title 9, Guam Code Annotated, are *repealed* and “marijuana is hereby declassified as a Schedule 1 Controlled Substance. Any reference by the Guam Uniform Controlled Substances Act to marijuana, such as ‘marihuana,’ ‘tetrahydrocannabinol,’ ‘cannabis,’ and derivatives thereof, shall be deemed repealed, null, and void upon the passage of this Act.”

...

**Section 16.** Nothing in this Act shall be construed or interpreted to amend, repeal, affect, restrict, or preempt laws pertaining to Guam Public Laws 32-237, 34-124, 34-165, or any other existing statute or public law relative to medical cannabis.

- § 8101. Title.
- § 8102. Definitions.
- § 8103. Personal Use of Cannabis.
- § 8104. Restrictions on Personal Cultivation, Penalty.
- § 8105. Public Consumption Banned, Penalty.
- § 8106. False Identification, Penalty.
- § 8107. Cannabis Accessories Authorized.
- § 8108. Lawful Operation of Cannabis-Related Facilities.
- § 8109. Cannabis Control Board.
- § 8110. Rulemaking.
- § 8111. Cannabis Establishment Registrations.
- § 8112. Employers, Driving, Minors, and Control of Property.
- § 8113. Excise Tax on Cannabis.
- § 8114. Monthly Statements and Payments.
- § 8115. Federal Law, Applicability.
- § 8116. Prior Duties, Penalties, and Proceedings.
- § 8117. Contracts.
- § 8118. Smoking of Cannabis Regulated.
- § 8119. Unlawful Dissemination of Cannabis Odor.
- § 8120. Baseline Data Study Prior to Enactment.

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

**§ 8101. Title.**

This Chapter *shall* be known and may be cited as the “*Guam Cannabis Industry Act of 2019.*”

**§ 8102. Definitions.**

As used in this Chapter:

(a) *Board* means the Cannabis Control Board referenced in § 8109 of this Chapter.

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

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

(d) *Cannabis concentrate* means any cannabis product or subset of cannabis produced by extracting cannabinoids from cannabis.

(e) *Cannabis cultivation facility* means an entity licensed to cultivate, prepare, and package cannabis; and to sell cannabis to retail cannabis stores, cannabis product manufacturing facilities, and other licensed cannabis

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

cultivation facilities, but not to consumers.

(f) *Cannabis establishment* means a cannabis cultivation facility, cannabis testing facility, a cannabis product manufacturing facility, or a retail cannabis store.

(g) *Cannabis flower or flower* means the inflorescence(s) of the mature pistillate (female) cannabis plant.

(h) *Cannabis-infused product* means any product that is comprised of cannabis concentrate or cannabis plant material and other ingredients, and is intended for use or consumption other than by smoking or vaporizing, including ingestible cannabis-infused products, topical cannabis-infused products, transdermal cannabis-infused products, and transmucosal cannabis-infused products.

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

(j) *Cannabis product category* means a defined group of cannabis products that are in the same form. Cannabis flower, cannabis concentrates, and cannabis-infused products are all cannabis product categories, though the latter category may be further broken down into sub-categories such as ingestible cannabis-infused products and non-ingestible cannabis-infused products.

(k) *Cannabis product manufacturing facility* means an entity licensed to purchase cannabis from licensed cannabis cultivation facilities to manufacture, prepare, and package cannabis products; and to sell cannabis and cannabis products to other cannabis product manufacturing facilities and to retail cannabis stores, but not to consumers. Nothing herein shall be construed to prohibit a cannabis product manufacturing facility from purchasing cannabis or cannabis products from other cannabis product manufacturing facilities.

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

(l) *Cannabis testing facility* means an entity licensed to analyze and certify the safety and potency of cannabis. Only a licensed cannabis testing facility may collect and transport cannabis or cannabis samples to and from a cannabis testing facility.

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

(n) *Consumption means* the act of ingesting, inhaling, or otherwise introducing cannabis or marijuana into the human body, including through the use of topicals, ointments, or tinctures.

(o) *Department* means the Guam Department of Revenue and Taxation.

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

(1) *edible cannabis-infused product or edible*, which is an ingestible cannabis-infused product that is intended to be taken by mouth, swallowed, and is primarily absorbed through the gastrointestinal tract. Edible cannabis-infused products may be psychoactive when used as intended. Without limitation, edible cannabis-infused products may be in the form of a food, beverage, capsule, or tablet; or

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

(q) *Marijuana* means cannabis as defined in

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

Subsection (b) of this Section. For purposes of this Chapter, the terms marijuana and cannabis shall carry the same meaning and shall be used interchangeably.

(r) Non-ingestible cannabis-infused product or non-ingestible means a product that contains cannabis and at least one (1) other ingredient, is intended for use or consumption other than by inhalation, is intended for external use only, and is one (1) of the following:

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

(2) *transdermal cannabis-infused product or transdermal*, which is a non-ingestible cannabis-infused product that contains at least one (1) skin-permeation-enhancing ingredient to facilitate absorption through the skin into the bloodstream, and may be psychoactive when used as intended. Transdermal cannabis-infused products include, but are not limited to, cannabis-infused adhesive patches that are applied to the skin surface.

(s) *Retail cannabis store* means an entity licensed to purchase cannabis and to sell cannabis and cannabis products to consumers. Nothing herein shall be construed to prohibit a licensed retail cannabis store to purchase, sell, or transfer cannabis and cannabis products to another licensed retail cannabis store.

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

**§ 8103. Personal Use of Cannabis.**

Notwithstanding any other provision of law, *except as*

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

provided in this Chapter, the following acts by persons twenty-one (21) years of age or older are lawful and *shall not* be a criminal or civil offense under Guam law or be a basis for seizure or forfeiture of assets under Guam law:

(a) possessing, using, displaying, purchasing, or transporting cannabis accessories, one (1) ounce or less of cannabis, eight (8) grams or less of cannabis concentrate, or any cannabis-infused products containing eight hundred (800) mg or less of tetrahydrocannabinol;

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

(c) transferring one (1) ounce or less of cannabis and immature cannabis plants; eight (8) grams or less of cannabis concentrate; or any cannabis-infused products containing eight hundred (800) mg or less of tetrahydrocannabinol to a person who is twenty-one (21) years of age or older without remuneration;

(d) consumption of cannabis, *except* that absent regulations otherwise promulgated by the Cannabis Control Board, nothing in this Chapter shall permit the consumption of marijuana in public; and

(e) assisting another person who is twenty-one (21) years of age or older in any of the acts described in Subsections (a) through (d) of this Section if such assistance is provided for a non-commercial purpose.

(f) The provisions of this § 8103 *do not* apply to cannabis establishments as defined in this Chapter.

**§ 8104. Restrictions on Personal Cultivation, Penalty.**

The personal cultivation of cannabis described in § 8103(b) of this Chapter is subject to the following terms:

(a) Cannabis cultivation for personal use may *only*

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

occur inside a private residence, inside an accessory structure to a private residence located upon the grounds of a private residence, or within a fully enclosed, locked outdoor space on the grounds of a private residence; provided, that:

(1) cultivation takes place within a closet, room, greenhouse, or other fully enclosed area that is equipped with a lock or other security device that allows access only to persons authorized to access the area; and

(2) *no more than* six (6) plants are possessed, cultivated, or processed at a single residence or upon the grounds of that residence, at one (1) time;

(b) cannabis cultivation for personal use may *only* occur on property lawfully possessed by the cultivator or with the consent of the person in lawful possession of the property;

(c) cannabis plants *shall* be cultivated in a location where the plants are not visible from any public location;

(d) a person who cultivates cannabis *shall* take reasonable precautions to ensure the plants are secure from unauthorized access; and

(e) a person who violates this Section while otherwise acting in compliance with § 8103(b) of this Chapter is guilty of a violation punishable by a fine of up to Five Hundred Dollars (\$500).

**§ 8105. Public Consumption Banned, Penalty.**

It is unlawful to consume cannabis openly and in public, unless otherwise permitted by regulations duly promulgated and enacted by the Cannabis Control Board. A person who violates this Section is guilty of a violation punishable by a fine of up to One Hundred Dollars (\$100).

**§ 8106. False Identification, Penalty.**

(a) A person who is under twenty-one (21) years of age may not present or offer to a licensed cannabis establishment or the cannabis establishment's agent or employee any written or

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

oral evidence of age that is false, fraudulent, or not actually the person's own, for the purpose of:

(1) purchasing, attempting to purchase, or otherwise procuring or attempting to procure cannabis or cannabis products; or

(2) gaining access or attempting to gain access to a cannabis establishment.

(3) A person who violates this Section is guilty of a violation punishable by a fine of up to Five Hundred Dollars (\$500).

(b) A licensee, or his or her agent or employee, *shall not* sell, give, nor permit to be sold, given, or served any cannabis or cannabis products to any person under twenty-one (21) years of age. For the purpose of preventing any violation of this Section, any licensee, or her or his agent or employee, may refuse to sell or serve cannabis or cannabis products to any person who is unable to produce adequate written evidence that she or he has reached the age of twenty-one (21) years. In any criminal prosecution or proceeding for the suspension or revocation of any license and based upon a violation of this Section, proof that the defendant licensee, or her or his agent or employee, demanded and was shown, before furnishing any cannabis or cannabis product to a minor, an identification card or other bona fide documentary evidence of majority of such person shall be a defense to such prosecution or proceeding for the suspension or revocation of any license, unless it is demonstrated that a reasonable person would have determined that the identification exhibited was altered or did not accurately describe the person to whom the cannabis or cannabis product was sold or served. Every person who violates this Section shall be guilty of a petty misdemeanor.

**§ 8107. Cannabis Accessories Authorized.**

Notwithstanding any other provision of law, it is lawful and *shall* not be an offense under Guam law or be a basis for seizure or forfeiture of assets for persons twenty-one (21) years of age or older to manufacture, possess, or purchase cannabis accessories, or to distribute or sell cannabis accessories to a person who is



11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

twenty-one (21) years of age or older.

**§ 8108. Lawful Operation of Cannabis-Related Facilities.**

(a) Notwithstanding any other provision of law, the following acts, when performed by a retail cannabis store with a current, valid registration or a person twenty-one (21) years of age or older who is acting in his or her capacity as an owner, employee, or agent of a retail cannabis store, are lawful and *shall not* be an offense under Guam law or be a basis for seizure or forfeiture of assets under Guam law:

(1) possessing, displaying, storing, or transporting cannabis, cannabis products, or cannabis accessories, *except* that such items may *not* be displayed in a manner that is visible to the general public from a public right-of-way;

(2) delivering or transferring cannabis or cannabis products to a cannabis testing facility;

(3) receiving cannabis or cannabis products from a cannabis cultivation facility or cannabis product manufacturing facility;

(4) purchasing cannabis from a cannabis cultivation facility;

(5) purchasing cannabis or cannabis products from a cannabis product manufacturing facility; and

(6) delivering, distributing, or selling cannabis, cannabis products, or cannabis accessories to consumers.

(b) Notwithstanding any other provision of law, the following acts, when performed by a cannabis cultivation facility with a current, valid registration or a person twenty-one (21) years of age or older who is acting in his or her capacity as an owner, employee, or agent of a cannabis cultivation facility, are lawful and *shall not* be an offense under Guam law or be a basis for seizure or forfeiture of assets under Guam law:

(1) cultivating, harvesting, processing, packaging, transporting, displaying, storing, or possessing cannabis;

(2) delivering or transferring cannabis to a cannabis

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

testing facility;

(3) delivering, distributing, or selling cannabis to a cannabis cultivation facility, a cannabis product manufacturing facility, or a retail cannabis store;

(4) receiving or purchasing cannabis from a cannabis cultivation facility; and

(5) receiving cannabis seeds or immature cannabis plants from a person twenty-one (21) years of age or older.

(c) Notwithstanding any other provision of law, the following acts, when performed by cannabis product manufacturing facility with a current, valid registration or a person twenty-one (21) years of age or older who is acting in his or her capacity as an owner, employee, or agent of a cannabis product manufacturing facility, are lawful and *shall not* be an offense under Guam law or be a basis for seizure or forfeiture of assets under Guam law:

(1) packaging, processing, transporting, manufacturing, displaying, or possessing cannabis or cannabis products;

(2) delivering or transferring cannabis or cannabis products to a cannabis testing facility; and

(3) delivering or selling cannabis or cannabis products to a person or establishment authorized to possess, use, display, purchase, or transport cannabis or cannabis products.

(d) Notwithstanding any other provision of law, possessing, cultivating, processing, repackaging, storing, transporting, displaying, transferring, or delivering cannabis, when performed by a cannabis testing facility with a current, valid registration or a person twenty-one (21) years of age or older who is acting in his or her capacity as an owner, employee or agent of a cannabis testing facility, are lawful and *shall not* be an offense under Guam law or be a basis for seizure or forfeiture of assets under Guam law.

(e) Notwithstanding any other provision of law, it is lawful

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

and *shall not* be an offense under Guam law or be a basis for seizure or forfeiture of assets under Guam law to lease or otherwise allow the use of property owned, occupied, or controlled by any person, corporation or other entity for any of the activities conducted lawfully in accordance with Subsections (a) through (d) of this Section.

(f) Nothing in this Section prevents the imposition of penalties upon cannabis establishments for violating this Chapter or rules adopted by the Cannabis Control Board referenced in § 8109 of this Chapter.

**§ 8109. Cannabis Control Board.**

*I Liheslaturan Guåhan shall* create a Cannabis Control Board which *shall* assume the power, duties, and authority to promulgate rules and regulations necessary to enforce this Chapter.

**§ 8110. Rulemaking.**

(a) *No later than* one (1) year after the effective date of this Act, the Cannabis Control Board *shall* prescribe forms and adopt such rules and regulations necessary for the implementation of this Chapter in accordance with Chapter 9 of Title 5, Guam Code Annotated. Such regulations *shall not* prohibit the operation of cannabis establishments either expressly or through regulations that make their operation unreasonably impracticable. Such regulations *shall* include:

(1) procedures and grounds for the issuance, renewal, suspension, denial, or revocation of a registration to operate a cannabis establishment;

(2) a schedule of application, registration, and renewal fees; provided, that application fees *shall not* exceed Five Thousand Dollars (\$5,000) with this upper limit adjusted annually for inflation, unless the Cannabis Control Board determines a greater fee is necessary to carry out its responsibilities under this Chapter;

(3) qualifications for registration that are directly and demonstrably related to the operation of a cannabis establishment or security requirements for cannabis

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

establishments, including for the transportation and storage of cannabis by cannabis establishments;

(4) requirements to prevent the sale or diversion of cannabis and cannabis products to persons under the age of twenty-one (21);

(5) labeling and packaging requirements for cannabis and cannabis products sold or distributed by a cannabis establishment;

(6) health and safety regulations and standards for the manufacture of cannabis products and the cultivation of cannabis;

(7) reasonable restrictions on the advertising and display of cannabis and cannabis products;

(8) reasonable restrictions on the quantity of cannabis and cannabis products purchased at any one (1) time by a consumer so as to effectually prevent the resale of cannabis items;

(9) implementation of a “seed to sale” tracking system;

(10) civil penalties for the failure to comply with regulations made pursuant to this Chapter; and

(11) any other rules the Cannabis Control Board considers necessary for the administration of the Guam Cannabis Industry Act, and the implementation and enforcement of this Chapter.

(b) In order to ensure that individual privacy is protected, the Cannabis Control Board *shall not* require a consumer to provide a retail cannabis store with personal information other than government-issued identification to determine the consumer’s age, and a retail cannabis store *shall not* be required to acquire or record personal information about consumers.

**§ 8111. Cannabis Establishment Registrations.**

(a) Each application or renewal application for a registration to operate a cannabis establishment *shall* be

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

submitted to the Cannabis Control Board. A renewal application may be submitted up to ninety (90) days prior to the expiration of the cannabis establishment's registration.

(b) The Cannabis Control Board shall begin accepting and processing applications to operate cannabis establishments *no later than* ninety (90) days after the regulations prescribed in § 8110 of this Chapter become effective. Upon receipt of an application for licensure, the Cannabis Control Board *shall not* unreasonably delay the processing, approval, or rejection of the application, or if the application is approved, the issuance of the license.

(c) The Cannabis Control Board *shall* issue an annual registration to the applicant within sixty (60) days after receiving an application, or thirty (30) days after receiving a renewal application, *unless* the Cannabis Control Board finds that the applicant is not in compliance with the regulations established pursuant to § 8110 of this Chapter.

(d) Upon denial of an application, the Board *shall* notify the applicant in writing of the specific reason for its denial and of the applicant's right to seek administrative and judicial review as provided for under the Guam Administrative Adjudication Law.

(e) Every cannabis establishment registration *shall* specify the location where the cannabis establishment will operate, and said location *shall* have defined boundaries. A separate registration is required for each location at which a cannabis establishment operates. The Cannabis Control Board may require reasonable restrictions for the operation of a licensed cannabis establishment.

(f) Cannabis establishments, and books and records maintained and created by cannabis establishments, are subject to inspection by the Cannabis Control Board with reasonable notice to the owner or agent of the business.

**§ 8112. Employers, Driving, Minors, and Control of Property.**

(a) Nothing in this Chapter shall be construed or interpreted to amend, repeal, affect, restrict, or preempt the rights

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

and obligations of public and private employers to maintain a drug and alcohol free workplace; require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growth of cannabis in the workplace; or affect the ability of employers to have policies prohibiting the use of marijuana by employees and prospective employees in the workplace.

(b) Nothing in this Chapter is intended to affect the ability of employers to enact and enforce workplace policies restricting the use or consumption of cannabis by employees in the workplace.

(c) Nothing in this Chapter is intended to impair, restrict, or diminish the ability of a government agency to prohibit or restrict any of the actions or conduct otherwise permitted under this Chapter within a building owned, leased, or occupied by the government agency.

(d) Nothing in this Chapter is intended to allow driving under the influence of cannabis or to supersede laws related to driving under the influence of cannabis.

(e) Nothing in this Chapter is intended to permit the transfer of cannabis, with or without remuneration, to a person under the age of twenty-one (21) years.

(f) Nothing in this Chapter shall prohibit a person, employer, school, hospital, recreation, or youth center, correction facility, corporation, or any other entity who occupies, owns, or controls private property from prohibiting or otherwise regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of cannabis on or in that property.

**§ 8113. Excise Tax on Cannabis.**

(a) A Guam excise tax is imposed on the sale or transfer of cannabis from a cannabis cultivation facility to a retail cannabis store or cannabis product manufacturing facility. Every cannabis cultivation facility *shall* pay a Guam excise tax at the rate of fifteen percent (15%) on the dollar value of cannabis that is sold or transferred from a cannabis cultivation facility to a retail

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

cannabis store or cannabis product manufacturing facility. Provided further, that no such excise tax shall be levied upon cannabis intended for sale as medical cannabis.

(b) The Department of Revenue and Taxation *shall* establish procedures for the collection of all excise taxes levied.

(c) The Cannabis Control Board may exempt certain parts of the cannabis plant from the excise tax described in Subsection (a), or may establish an alternate rate or tax structure in accordance with the rules and regulations promulgated in accordance with this Chapter.

(d) There is hereby established a fund to be known as the *Cannabis Fund* which *shall* be maintained separate and apart from any other fund of the government of Guam and shall be administered by the Department of Administration. Fifty percent (50%) of the excise tax collected or received pursuant to § 8113(a) *shall* be deposited in the Cannabis Fund, and shall be annually allocated, and is hereby appropriated and shall be continued to be deemed appropriated as follows:

(1) twenty-five percent (25%) of the Fund to the Department of Public Health and Social Services; and

(2) twenty-five percent (25%) of the Fund for the following:

(A) fifteen percent (15%) to the Guam Police Department for the purposes of recruiting or maintaining police officers and purchasing equipment and detection devices;

(B) fifteen percent (15%) to the Guam Customs and Quarantine Agency for the purposes of recruiting or maintaining customs and quarantine officers and purchasing equipment and detection devices;

(C) twenty percent (20%) to the Department of Revenue and Taxation for operations consistent with the implementation of this Act;

(D) forty percent (40%) to the Guam Behavioral Health and Wellness Center substance abuse treatment,

11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

prevention, and education; and

(E) ten percent (10%) to the Department of Agriculture's Conservation Officer Law Enforcement Section for the purposes of recruiting or maintaining conservation officers and purchasing equipment and detection devices.

**§ 8114. Monthly Statements and Payments.**

(a) Each cannabis cultivation facility *shall* send a statement by mail or electronically to the Department on or before the last day of each calendar month. The statement must contain an account of the amount of cannabis sold or transferred to retail cannabis stores and cannabis product manufacturing facilities in Guam during the preceding month, setting out:

- (1) the total number of ounces, including fractional ounces sold or transferred;
- (2) the names and addresses of each buyer and transferee; and
- (3) the weight of cannabis sold or transferred to the respective buyers or transferees.

**§ 8115. Federal Law, Applicability.**

Nothing in this Chapter proposes or intends to require any individual or entity to engage in any conduct that violates federal law, exempt any individual or entity from any requirement of federal law, or pose any obstacle to federal enforcement of federal law.

**§ 8116. Prior Duties, Penalties, and Proceedings.**

This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

**§ 8117. Contracts.**

No contract shall be void or unenforceable on the basis that manufacturing, distributing, dispensing, possessing, or using cannabis or marijuana products is prohibited by federal law.



11 GCA FINANCE & TAXATION  
CH. 8 GUAM CANNABIS INDUSTRY ACT

**§ 8118. Smoking of Cannabis Regulated.**

Smoking of cannabis products *shall* be regulated and enforced in accordance with the requirements of Chapter 90 of Title 10, Guam Code Annotated, known as the “Natasha Protection Act of 2005.”

**§ 8119. Unlawful Dissemination of Cannabis Odor.**

No person or business shall permit or cause the smoke or noxious odor from cannabis cultivation or consumption to emanate from its point of generation onto another real property that is not in its possession. Violations in this Section *shall* be deemed a nuisance in accordance with Part 3 of Chapter 10, Title 20, Guam Code Annotated and § 23101 of Chapter 23, Title 21, Guam Code Annotated. Violations of this Section and the resulting penalties herein are in addition to other violations and penalties of law.

**§ 8120. Baseline Data Study Prior to Enactment.**

Prior to enactment of the rules and regulations by the Cannabis Control Board, the Office of the Governor, in collaboration with the Bureau of Statistics and Plans, Department of Public Health and Social Services, Guam Behavioral Health and Wellness Center, Guam Police Department, the Judiciary of Guam, and other relevant government of Guam agencies, *shall* conduct a baseline study which consists of a collection of baseline data on cannabis use through population based surveys before enactment, and baseline data measuring various public safety and public health issues related to cannabis use in order to measure the impact of this Act. This study *shall* be reviewed annually by the Cannabis Control Board and used as a monitoring and comparison tool with public health and public safety data relative to cannabis use going forward.

-----