

## TITLE 22 - AGRICULTURE AND ANIMALS

### CHAPTER - GUAM HEMP PROGRAM RULES AND REGULATIONS

#### SECTION 1. AUTHORITY AND PURPOSE

These rules are promulgated by the Director of the Guam Department of Agriculture under the authority of Public Law 35-5, in compliance with the Guam Administrative Adjudication Law (5 GCA Chapter 9), to implement and regulate the cultivation, processing, and transportation of hemp in Guam, consistent with the Agricultural Improvement Act of 2018 (2018 Farm Bill) and 7 CFR Part 990.

#### SECTION 2. DEFINITIONS

As used in these rules:

- (a) "Hemp" means the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis.
- (b) "Licensee" means a person or entity licensed by the Department to grow or process hemp.
- (c) "Key Participant" means a sole proprietor, a partner in a partnership, or a person with executive managerial control in a corporation or LLC.
- (d) "CBD" means cannabidiol.

#### SECTION 3. LICENSE REQUIREMENTS

- (a) All persons or entities cultivating or processing hemp in Guam must obtain a license from the Department of Agriculture.
- (b) A separate license is required for each site of cultivation or processing.
- (c) License applications must include:
  - Legal description and map of growing area;
  - Consent to inspections;
  - Background checks for key participants;

- Detailed planting, harvesting, and processing plans.
- (d) Licenses are valid for one year and must be renewed annually.

#### SECTION 4. CRIMINAL BACKGROUND CHECKS

No license shall be issued to any key participant convicted of a felony related to a controlled substance under federal or state law within ten (10) years prior to the date of application.

#### SECTION 5. SAMPLING AND TESTING

- (a) All hemp must be tested for delta-9 THC concentration no more than 30 days before harvest.
- (b) Testing must be conducted by a DEA-registered laboratory.
- (c) Any hemp that exceeds the allowable THC level must be destroyed in accordance with federal and local guidelines.

#### SECTION 6. RECORDKEEPING AND REPORTING

Licensees must:

- (a) Maintain records of all hemp planting, harvesting, and processing activities for at least three years;
- (b) Submit monthly planting reports and annual production reports to the Department;
- (c) Provide documentation upon request during inspections or audits.

#### SECTION 7. INSPECTIONS AND ENFORCEMENT

- (a) The Department shall have the authority to inspect all licensed premises, fields, facilities, and records.
- (b) Any licensee found in violation of these rules may be subject to:
  - Suspension or revocation of license;
  - Civil penalties;
  - Referral to appropriate law enforcement authorities.

## SECTION 8. TRANSPORTATION

- (a) Hemp may only be transported with a valid shipping manifest that includes licensee information, product description, origin and destination, and a copy of the lab test results.
- (b) Transporters must make such documentation available upon request to law enforcement officials.

## SECTION 9. FEES

The Department may establish and collect nonrefundable fees for:

- (a) License application and renewal;
- (b) Site inspections;
- (c) Laboratory testing;
- (d) Other administrative costs.

## SECTION 10. SEVERABILITY

If any provision of these rules is held invalid, the remainder shall not be affected and shall continue in full force and effect.

## SECTION 11. EFFECTIVE DATE

These rules shall take effect in accordance with the Guam Administrative Adjudication Law upon filing with the Legislative Secretary and publication by the Compiler of Laws.

## APPENDIX A – RULEMAKING PACKAGE FOR THE GOVERNOR

Pursuant to 5 GCA § 9302:

(1) A statement of the authority under which the rule is proposed:

- Guam Department of Agriculture, under Public Law 35-5 and 5 GCA Chapter 9.

(2) The terms and substance of the proposed rule or a description of the subjects and issues involved:

- The proposed rules regulate the cultivation, processing, testing, transportation, and enforcement of hemp production in Guam.

(3) A brief explanation of the purpose of the proposed rule:

- To implement Guam's hemp production program consistent with federal standards and to provide a legal framework for safe and lawful hemp commerce.

(4) The time when, the place where, and the manner in which interested persons may present their views:

- The Department shall publish a public hearing notice upon approval by the Governor and provide not less than 10 working days for public comment.

(5) A statement of the manner in which copies of the proposed rule and related information may be obtained:

- Copies shall be made available at the Guam Department of Agriculture, and posted online at [agriculture.guam.gov](http://agriculture.guam.gov).

## APPENDIX B – RULEMAKING SUBMISSION TO THE LEGISLATURE

Pursuant to 5 GCA § 9303:

(1) The Department shall submit these proposed rules to the Legislative Secretary within five (5) working days of approval by the Governor.

(2) A transmittal letter from the Director shall accompany the rules, indicating:

- The statutory authority for promulgation;
- A summary of the rule's purpose and scope;
- A certification that the rule was developed in compliance with 5 GCA Chapter 9;

- A request that the Legislature take no further action, allowing the rule to take effect 90 days after filing.

Prepared by:

Guam Department of Agriculture

DRAFT