

# Cannabis update

The new regulations and what HR managers need to know

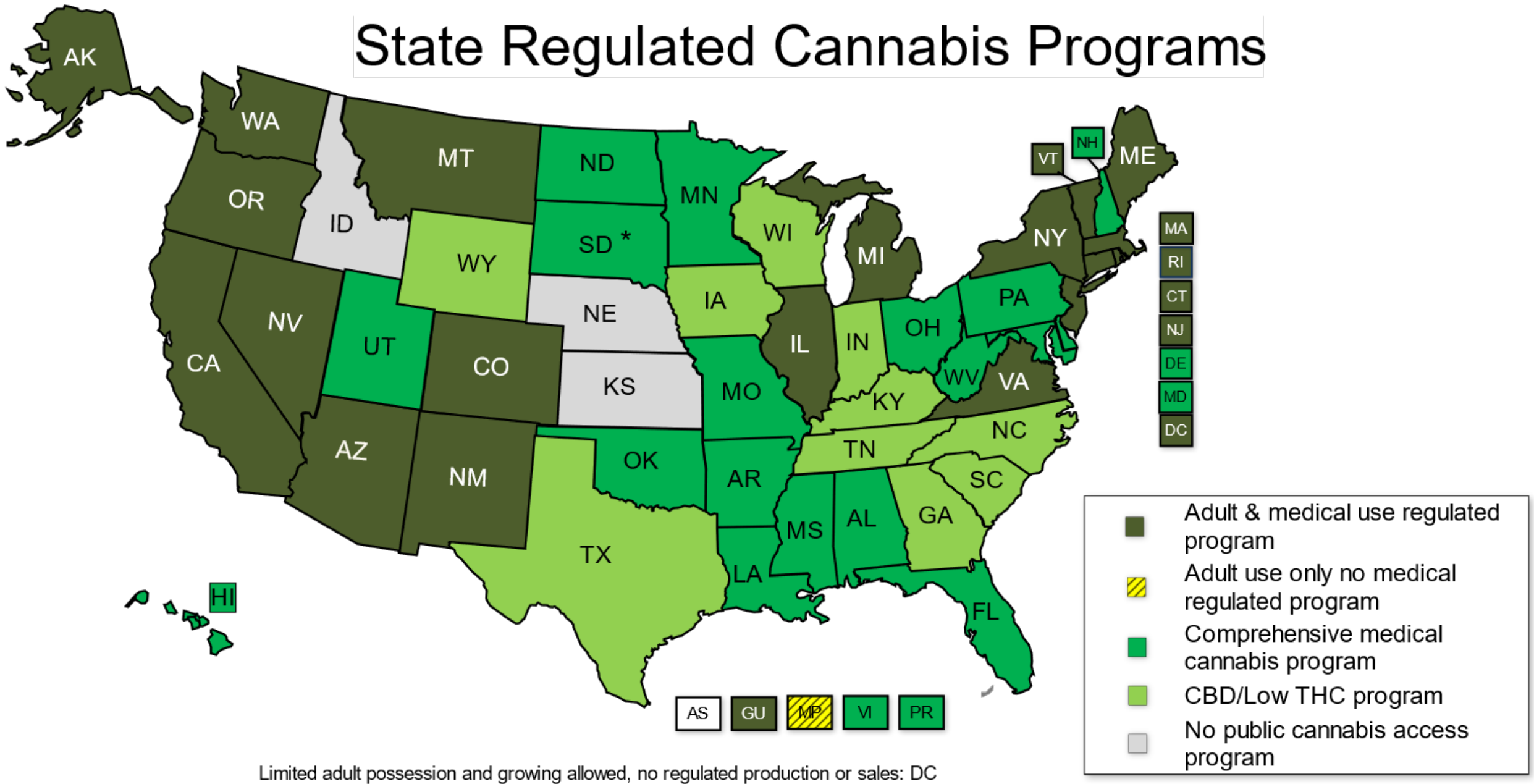
Leevin T. Camacho

# Overview

- How did we get here?
  - Cannabis laws
  - Federal laws
  - Litigation
- Rules and Regs
  - Licensing Structure
  - License Types
  - Enforcement
- Where are we heading?



# State Regulated Cannabis Programs



Limited adult possession and growing allowed, no regulated production or sales: DC

May 2022

# Cannabis laws in Guam

- ▶ Joaquin KC Concepcion Compassionate Cannabis Use Act
  - ▶ Passed via voters November 2014 (56% in favor)
  - ▶ Signed into law February 2015
- ▶ Guam Cannabis Industry Act (April 4, 2019)
  - ▶ Lawful to possess 1 ounce or less
  - ▶ Grow up to 6 plants, 3 or fewer flowering plants
  - ▶ Cultivate inside private residences
  - ▶ Established Cannabis Control Board

# U.S. DEA DRUG SCHEDULING

Schedule	Definition	Examples
<b>I</b>	Drugs, substances, or chemicals are defined as <b>drugs with no currently accepted medical use and a high potential for abuse.</b>	Cannabis Heroin LSD
<b>II</b>	Drugs, substances, or chemicals are defined as drugs with <b>a high potential for abuse, with use potentially leading to severe psychological or physical dependence.</b>	Vicodin Cocaine Methamphetamine
<b>III</b>	Drugs, substances, or chemicals are defined as drugs with <b>a moderate to low potential for physical and psychological dependence. Schedule III drug abuse potential is less than Schedule I and Schedule II drugs</b> but more than Schedule IV.	Ketamine Anabolic steroids Testosterone
<b>IV</b>	Drugs, substances, or chemicals are defined as <b>drugs with a low potential for abuse and low risk of dependence.</b>	Xanax Ambien Valium
<b>V</b>	Drugs, substances, or chemicals are defined as <b>drugs with lower potential for abuse than Schedule IV and consist of preparations containing limited quantities of certain narcotics.</b> Schedule V drugs are <b>generally used for antidiarrheal, antitussive, and analgesic purposes.</b>	Robitussin A-C Motofen Lyrica

Source: U.S. Drug Enforcement Administration



# Federal laws

- ▶ Controlled Substances Act (CSA):

No provision of this subchapter shall be construed as indicating an intent on the part of Congress to occupy the field in which that provision operates, including criminal penalties, to the exclusion of any State law on the same subject matter which would otherwise be in the authority of the State, unless there is a *positive conflict* between that provision of this subchapter and that State law so that the two cannot consistently stand together.

21 U.S.C.A § 903 (emphasis added)

# Challenge to Guam Cannabis Act

- ▶ *Linsangan v. Government of Guam* (filed April 4, 2019)
  - ▶ Arguments:
    - ▶ Cannabis Act violates the Controlled Substances Act
    - ▶ Cannabis Act violates the Organic Act
    - ▶ Government officials violating criminal laws for implementation Cannabis Act
- ▶ Lawsuit dismissed by District Court (February 2020)
- ▶ Decision affirmed by Ninth Circuit (December 2021)

# Guam's Cannabis Regulations

- ▶ Cannabis Control Board (made up of 9 members) adopted the Rules and Regulations in February 2022
- ▶ Approved by Attorney General as to form and legality on February 23, 2022
- ▶ Submitted to Legislature on February 28, 2022
- ▶ Lapsed into effect May 29, 2022
- ▶ CCB to begin receiving applications no later than August 29, 2022



# Licensing Structure

## Cultivation License

Grow, prepare, and package cannabis and sell to manufacturers and retail stores

Application fee:  
\$500 - \$5,000

## Manufacturing License

Use cannabis from cultivation facility to manufacture, prepare, and package cannabis products

Application fee:  
\$3,000

## Retail license

Commonly known as “dispensaries,” sell cannabis and cannabis products

Application fee:  
\$5,000

Section 9208: You can only own or have financial interest in one facility at any given time

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graph TD; A[Responsible official] --- B[Cultivator]; A --- C[Manufacturer]; A --- D[Retailer];
```

Responsible  
official

Cultivator

Manufacturer

Retailer

# Notable requirements

- ▶ Each licensed premises/licensee must:
  - ▶ Have a security system at all entry points
  - ▶ Have a 24-hour surveillance system
  - ▶ Track cannabis from seed to sale
  - ▶ Verify a consumer's identity (Retailers)

# Packaging and Labeling

- ▶ Cannot appear marketed to children
- ▶ Child resistant packaging
- ▶ Must have standard warning label



Scale comparison with the Not For Kids™ symbol.



.5" x .75" .75" x .75"





Wait up to 2 hours after eating cannabis to begin to feel the effects before using more.



**START LOW  
AND  
GO SLOW**

 Huron Perth  
**Public Health**

If you choose to use cannabis, know how to reduce your risks.  
Learn more at [www.hpph.ca/cannabis](http://www.hpph.ca/cannabis)

Adapted with permission of North Bay Parry Sound District Health Unit

# Government of Guam Policy

Executive Order 2019-11:

The Government of Guam's Drug Free Workplace Program "shall continue to prohibit the use of marijuana and drug testing will continue to include testing for marijuana use."



Where are we heading?

