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Senate Inaction Delays Full Implementation of Recreational Marijuana Use Act in U.S. Virgin Islands

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In a recent meeting with the Senate Committee on Economic Development and Agriculture, the Office of Cannabis Regulations (OCR) and the Cannabis Advisory Board expressed concerns over the Senate's inaction on vital amendments, which has stymied the full implementation of [Act 8680](#), particularly hindering the legal status of recreational smoking and other key aspects of cannabis use in the U.S. Virgin Islands.

Regarding the implementation of the provisions of the Virgin Islands Cannabis Use Act, OCR Executive Director Hanna Carty told lawmakers that the officer is prepared to move forward only with the rules and regulations for medicinal cannabis use. “Unfortunately, due to issues in the language of Act 8680, we cannot yet sign up retail programs for adult users or sacramental users.”

Catherine Kean, chair of the Cannabis Advisory Board, put it in plainer terms. “The average Joe on the street who is here visiting and wants to go into the dispensary, based on the current law – the way that it is written – they won’t be able to gain access to the dispensary.” She shredded the legislative omission as nonsensical “because that’s what the whole bill is about: giving the average Joe and Jane access to the dispensary in addition to the medicinal users and sacramental users.”

Under the law, legal cannabis sales will only be able to occur in areas where access can be controlled, or restricted. According to Ms. Carty, the verbiage of the law stipulates that only medicinal patients will be allowed access to these restricted areas. Therefore, as currently written, the Cannabis Use Act has no mechanism by which recreational users can legally purchase the product. Without recreational users, the economics of the industry would collapse, as they are the only category of consumer that would be subject to taxation. “It also would impact tourists who we anticipate would be the largest part of the sector for cannabis. The tourists would not be able to enter [a retail space] unless they had a medicinal card from their home jurisdiction or from the Virgin Islands,” Ms. Carty continued.

Some time after their [last appearance](#) before the Committee on Economic Development and Agriculture in early March, regulators sent requests for several amendments to be made to the legislation, to fix this and a number of other “significant challenges,” Ms. Carty said. Those amendments, which are according to her “quintessential to the access, health, safety, and running of the program,” had been submitted to the office of Senator Donna Frett-Gregory. However, no action has been taken since then to advance the legislative process.

Responding to Senator Frett-Gregory’s query on how the inaction regarding the amendments impacted OCR’s work on the rules and regulations, Ms. Carty explained that the first iteration of the draft regulations assumed that the amendments would already have been in place, and so were written in ways that “conformed to the changes that we were anticipating.” However, with the original, defective law still in place and the clock ticking, Ms. Carty said regulators had to go back to the drawing board and redo the rules and regulations to comply, including barring adult and sacramental users from accessing dispensaries.

Indeed, the [rules published](#) in draft form by OCR dictate maximum allowable amounts for adult users, and also provide for spaces where adult users can consume cannabis and cannabis products, but prohibit sale of cannabis products in those spaces, and also allow only qualified medical patients to purchase from licensed cannabis dispensaries.

Ms. Frett-Gregory admitted that work with attorneys at the Office of the Governor on revising the legislation had stalled “because, of course, we’ve been in the middle of one of the reasons why we’re senators – to deal with the budget of the territory.” She vowed to redouble efforts at the end of the current budget cycle. “We are right at the cusp of moving forward with hearing those amendments,” she promised.

In light of the preliminary nature of the draft rules and regulations, Ms. Carty took pains to remind the public that “legal cannabis cannot begin” until the regulatory framework was in place and dispensaries were open. She noted that the window to submit feedback on the current [draft regulations](#) was open until October 10 at 5:00 p.m. Comments can be emailed to comments@usvi.onmicrosoft.com.