

The Virgin Islands Consortium

With Strong Opposition From Department Of Justice, Hemp Bill Held In Committee

Business / **Published On November 17, 2015 10:46 AM /**

Ernice Gilbert **November 17, 2015**



ST. THOMAS -- Senator Terrence "Positive" Nelson, although expecting rigorous debate at the Earl B. Ottley Legislative Hall on Monday, had hoped his hemp industry measure -- that seeks amend title 7 of Virgin Islands Code, chapter 1, for the cultivation of hemp and other related purposes -- would win the Committee on Rules and Judiciary, chaired by second-term Democrat Sen. Kenneth Gittens, approval.

It received strong support from many testifiers.

Department of Agriculture Commissioner Carlos Robles said the updated bill presented fewer challenges [than its previous version](#), and said while issues for DOA regarding the

measure lingers, including manpower and lab space, such challenges could be remedied through funding.

Department of Licensing and Consumer Affairs Commissioner Devin Carrington, although later asking that the measure be held in committee, originally said that DLCA was in full support of the bill. Even the Bureau of Economic Research, citing lack of local data to give testimony on the measure's impact if signed into law, spoke of potential benefits through information gleaned from various sources.

Other testifiers displayed little worry about what some had deemed a harmless measure. But Acting Attorney General Claude Walker threw a monkey wrench into the otherwise smooth sailing hearing, when he said that the bill, if passed, would stand in complete conflict with federal law, more pointedly the Controlled Substances Act. He said the Department of Justice would not support the measure "namely because it would violate the federal Control Substances Act; Section 7606 of the Agricultural Act of 2014; as well as the supremacy clause of the United States Constitution."

The supremacy clause is the provision in Article Six, Clause 2 of the United States Constitution that establishes the United States Constitution, federal statutes, and treaties as "the supreme law of the land," standing over any and all state laws. Mr. Walker argued that states that have legalized marijuana, and the 13 states with hemp legislation that remain on standby, can face prosecution anytime and especially when administrations change, because policies that are in place that encourage law enforcement not to prosecute those in violation of federal law, can be rescinded without notice, as policy is not a law.

Mr. Walker added that the hemp bill -- it's chief sponsor being Senator Terrence "Positive" Nelson, who is also [championing a medical marijuana measure](#) and has said his ultimate goal is to see the full legalization of marijuana in the territory -- would put citizens at risk of prosecution.

"It would not protect private growers from being arrested by DEA" and other federal agencies, Mr. Walker said. His testimony forced senators to think hard on the measure, most of whom, while showing some support, voted to hold the bill in committee.

Mr. Nelson said he was disappointed that his colleagues, who he said told him that they were prepared to support the measure, had apparently not done research. He confronted Mr. Walker on many occasions and passionately defended his stance. The hearing also gave insight into what a medical marijuana -- and further down a marijuana legalization -- debate would look like.

Senators voting in favor of a motion by Mr. Francis to hold the bill in committee were Francis, Jean Forde, Justin Harrigan and Gittens. Senators Nereida Rivera-O'Reilly, Janet Milling Young and Neville James were absent.