

The Virgin Islands Consortium

Nelson's Hemp Industry Bill Goes Before Rules Committee Again On Wednesday

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ST. CROIX -- The last time Senator Terrence Nelson's hemp bill -- a measure that seeks to amend title 7 of Virgin Islands Code, chapter 1, for the cultivation of hemp and other related purposes -- was heard at a Committee on Rules and Judiciary hearing, it was held in committee following strong opposition from Attorney General Claude Walker. The bill had received strong support and [cleared a critical hurdle](#) during a Committee on Economic Development, Agriculture and Planning hearing in June, 2015.

But Mr. Walker's unflinching opposing stance [caused senators to take a second look at the measure](#). According to Mr. Walker, 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policies that are in place that encourage law enforcement not to prosecute those in violation of federal law, can be rescinded without notice, as policy is not a law.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 Mr. 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, held in November, 2015, also gave insight into what a medical marijuana — and further down a marijuana legalization — debate would look like.

The Rules and Judiciary Committee, chaired by Senator Kenneth Gittens, will again hear testimony on the bill on Wednesday at the Fritz E. Lawaetz Legislative Hall.