

The Virgin Islands Consortium

Nelson's Hemp Bill Given Death Sentence In Rules Committee

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ST. CROIX -- Senators who make up the Committee on Rules and Judiciary on Wednesday afternoon voted to "indefinitely table" a bill that sought to amend title 7 of Virgin Islands Code, chapter 1, for the cultivation of hemp and other related purposes in the territory. By indefinitely tabling the measure, Senator Terrence Nelson's vision of fostering a thriving hemp industry in the Virgin Islands has come to an abrupt end, as the Senate will no longer entertain meetings or hearings on the now-obsolete bill.

The bill, sponsored by Mr. Nelson, had an array of supporters in its favor at the Fritz E. Lawaetz Legislative Hall here, including Department of Health, Department of Licensing and Consumer Affairs, Bureau of Economic Research and Police Department officials, as

well as Carlos Robles, the Department of Agriculture commissioner. The sole official in opposition -- but the one with the most influence -- was Attorney General Claude Walker, who for the second time raised enough doubt about the measure to cause senators who were on the fence to outright oppose it, and those already in opposition to solidify their stance.

Mr. Walker's testimony today was almost identical to what he told Senators during a Rules Committee hearing in November of last year. The attorney general again stressed that the bill would be in direct violation of federal law, and with the feds having a history of unevenly upholding statutes, Mr. Walker said the territory's farmers, who would have ventured into the industry because of the would-be local hemp law, could have faced federal criminal charges, and the local Department of Justice would be helpless to defend them.

When pressed by non-committee Senator Clifford Graham, a primary sponsor of the bill, about states that had already passed hemp industry, medicinal marijuana and recreational use marijuana laws, and had yet to be harassed by the feds, Mr. Walker said that Mr. Graham's observation should not be a cause for moving forward, and again reverted to his position that the federal government could enforce the law whenever and wherever they wanted. He said just because the feds may allow "hippies in Vermont" to smoke marijuana, doesn't mean that they would allow members of the Rastafarian religion to do the same in the Virgin Islands.

There was confusion in regards to the bill's language. Mr. Walker said he would only support the measure if it clearly stated that before any license could be awarded to anyone or organization, the federal government would have to first give the Virgin Islands a special waiver. But Mr. Robles said from what he understood, the bill would have given the Department of Agriculture the authority, through the Department of Licensing and Consumer Affairs, to grant licenses.

Senator Novelle Francis, another ardent dissenter, said that such confusion was problematic. He also contended that the way the measure was written would allow big businesses to corner the industry while leaving the territory's farmers -- the people that Mr. Francis said he's most concerned about -- out of opportunities.

Senator Nereida Rivera-O'Reilly, a lawmaker who has a history of doing careful research, embarrassed the Bureau of Economic Research Senior Economist, Donnie E. Dorsett, at the hearing. Mrs. Rivera-O'Reilly asked pressing questions that sought to weaken the research that Mr. Dorsett had conducted in support of the bill.

Mr. Dorsett, in his research, listed states like California and Colorado that had either legalized marijuana or have hemp industries, but the senior economist did not research what percentage of the states' gross domestic product (G.D.P.) that marijuana and hemp industries represented. Mr. Dorsett said he was only focused on the "aggregate national sale" of hemp, which amounted to over \$600 million annually.

In light of the narrow research that B.E.R. had conducted, Mrs. Rivera-O'Reilly continued to chastise Mr. Dorsett.

"As the Bureau of Economic Research, part of the reason why we are considering this measure, is because it hinges on the benefits that it would have to the economic development and growth of the territory, and by extension the territory's farmers. One would think that the 22 states or so that this legislation is in place, that there should be some evidence that the G.D.P. of those states is improved or enhanced by the retail sale of hemp. That's how I would approach it, with the finance degree that I have," Mrs. Rivera-O'Reilly said.

Mrs. Rivera-O'Reilly then asked Mr. Dorsett if he had an opportunity to look at a list of states where the most growth in G.D.P. had occurred, and where the states with hemp legislation had placed on said list. Again, Mr. Dorsett said no.

"Well, I did," Mrs. Rivera-O'Reilly declared. "And hemp played absolutely no role in the economic development growth. The only state that is listed in the top ten is Colorado, but we know the reasons for that -- it's not just hemp."

She added: "However, it's not even hemp or marijuana. It's mining, the energy sector, technology, professional services and technical services and scientific research. These are the main reasons why the top 20 states have grown. So I submit to you that we need to be focusing on sectors that actually create economic development and growth."

Mrs. Rivera-O'Reilly's sentiments were backed by senators Janette Millin Young, Kenneth Gittens, Mr. Francis and Justin Harrigan -- the four senators, along with Mrs. O'Reilly, who voted in favor of a motion that she brought to kill the bill. Senator Neville James was absent.

The balance of the hearing -- already tilted against Mr. Nelson's bill, became clearly unbalanced as testimony and questioning continued. Testifiers who had voiced strong support, began wavering. A U.V.I. representative said while the institution would love to experiment with hemp, it did not have the equipment and manpower to do so.

And Mr. Robles, who initially stated his support for the measure, admitted that the department would need to hire new staff with no immediate knowledge of where funds would come from to pay for those costs. The Agriculture commissioner also said that the department has many mandates that it had yet to meet, and with the farm-to-school program topping its list, he did not know where a bill mandating a hemp industry in the territory would fall.

Feature Image: Senator Terrence Nelson.

Image Credit: VI Legislature.

Correction: February 18, 2016

A previous version of this story, because of a text error, incorrectly stated that Attorney General Claude Walker was referring to "Gypsies in Vermont" when giving an example of how the federal government unevenly enforce drug laws. Mr. Walker said hippies, not gypsies. The story has been updated to reflect the correct information.

