

The Virgin Islands Consortium

Medical Marijuana Bill Faces Fierce Opposition At First Hearing

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ST. CROIX -- When the Senate [killed an industrial hemp](#) bill (which was later resurrected, tapered, [passed](#) and [signed into law](#) by Governor Kenneth Mapp), it served as a precursor to what a medical marijuana industry hearing -- the first being heard today at the Fritz Lawaetz Legislative Hall here -- would look like: fierce debates for and against the measure.

Today, the opposing forces came ready to dismantle the legislation, painting a picture of a drug that may cause the territory irreversible harm and places the islands -- which are heavily dependent on federal dollars -- in the cross hairs of the federal government.

A myriad of testifiers came in opposition, including the Juan F. Luis Hospital and the Schneider Regional Medical Center, whose officials contended that being involved in the medical marijuana industry would be detrimental to their operations, and could even cause them to lose Centers for Medicare and Medicare Services, a federally administered program which, for J.F.L. at least, accounts for some 60 percent of the hospital's account receivables.

Other testifiers piled on, including local doctors and other groups, pummeling the measure as bad for the Virgin Islands, its youth and future.

But advocates helped balance the early, one-sided nature of the debate after the testimonies of Dr. Suzanne A. Sisley of Medicinal Plant Science of Heliospectra in Arizona, and Attorney Ken Sobel, principle drafter of the legislation. Both proponents gave convincing testimonies on why the medical marijuana industry would be good for the territory in multiple ways, with Mr. Sobel -- whose father was a veteran and used marijuana as medicine -- stating that the drug would help veterans currently living in the territory who suffer with post traumatic stress disorder (P.T.S.D.), citing studies that suggest use of the drug as an effective alternative to fighting the disease.

Yet, the testimony that dealt one of the hardest blows to the bill today was that of Kevin A. Sabet, Ph.D., president of SAM, Inc. (Smart Approaches to Marijuana), and director at the University of Florida Drug Policy Institute, Department of Psychiatry, Division of Addiction Medicine. Mr. Sabet did not focus on the effects of marijuana like other testifiers, instead, he honed in on the measure itself, deeming it "one of the most egregious assaults on public health and the future prosperity of these islands than I have ever seen."

"Bill No. 31-0348 clearly has little to do with science and much more to do with a pot-for-all scheme that will enrich some out-of-territory lobbyists and get-rich-quick businessmen," Mr. Sabet said. "In short, this is a pot tourism law. Its overarching objective is to set up a very permissive "medical" marijuana regime that allows free and easy access to pot by residents and nonresidents alike. It is the most irresponsible "medical" marijuana law I have seen to date."

Mr. Sabet listed the following as some of the outcomes of the bill if enacted as is:

1. It allows the pot industry – the people who will profit from more use – on the oversight board making the rules for the entire policy. This is like Philip Morris being on the board of tobacco control efforts.
2. It allows cardholders to grow and sell up to four pounds of homegrown pot per year to "medical" dispensaries – which ensures a glut of cheap pot and vitiates the claimed "seed-to-sale" oversight.
3. It allows cardholders to "gift" pot to other cardholders, including nonresident cardholders who will basically be tourists, given how easy it is to get a non-resident card and how permissive the qualifying medical conditions are.
4. Cardholders can petition the oversight board to add additional conditions to the qualifying conditions list – the board, which includes medical "experts" like a pot farmer, reviews and rules on the petitions.

5. Almost anyone can “recommend” pot to someone else, including “naturopaths” and “homeopaths.”

6. It is an assault on drug-free and safe workplaces: The law would allow an employee to go on break, leave the workplace, use pot, and come back, and leave the burden on the employer to prove intoxication.

7. The law appears to restrict a landlord’s right to ban marijuana use on his/her property.

8. The bill unequivocally promotes the idea of people coming to the USVI to get high on vacation.

The first set of testimonies lasted for about three hours, and Senator Kurt Vialet, chairman of the Committee on Hospitals and Human Services, in which today’s hearing (still ongoing) is being heard, went into a round of questioning, allocating 6 minutes for each senator.

Senator Marvin Blyden’s support for a medical marijuana industry in the Virgin Islands was apparent. He immediately sidelined the testimonies of the dissenters, bar that of Mr. Sabet, as speaking on recreational marijuana, and reminded that the bill is attempting to create a medical marijuana industry. He did, however, take issue with Mr. Sabet’s assertion that medical marijuana cards should not be given to tourists, as the Virgin Islands is a foremost tourism destination. And he said marijuana was not responsible for young men who get high and conduct themselves unlawfully. Rather, these men smoke marijuana “laced with all kinds of things,” he said.

Senator Liburd said he would support anything that could bring relief to ill residents, but expressed concern that the bill’s language would allow anybody to grow marijuana in their backyards as if it were free for all. And he pressed Mr. Sobel on whether the measure was created to facilitate medical tourism. (Mr. Sobel said medical tourism was indeed considered when the bill was being crafted).

Senator Jean Forde said he was leaning towards supporting a medical marijuana measure, but he too was concerned about enforcement following the testimony of Mr. Sabet.

And Senator Nereida Rivera-O’Reilly, who’s always well researched, pointed to a study conducted at the Yale Medical School in 2015, [concluding that marijuana worsens P.T.S.D. in soldiers](#). Mrs. Rivera-O’Reilly also pointed to comments made by the bill’s sponsor, Senator Positive Nelson, who said in a 2014 article that he did not think marijuana had medicinal benefits, but rather it served as a drug that brings peace to its users.

“I’m talking about working professionals, not juvenile delinquents. I’m talking about hard-working surgeons, lawyers and even politicians. When they come to the islands, they walk around some very unkind places looking for weed,” Mr. Nelson [said in Travel Pulse](#). “I don’t think it’s necessarily medicinal except for the sake of relaxation. We have something going on and we need to capture it.” Mr. Nelson said today that his words were misconstrued.

Attorney General Claude Walker also piled on: "The Department of Justice is absolutely, categorically, and unequivocally opposed to this measure. We, at Justice, stand by the majority of the nation's leading medical communities which believe that more research needs to be conducted on marijuana, and that whatever medical treatments can be derived from cannabis must first go through the rigorous screening process by the Food and Drug Administration—as all drugs should," he said.

"The department also believes, if implemented, this Bill would adversely affect the Virgin Islands population— especially children and young adults—and could prove as a precursor for the creation of breeding grounds for illicit criminal activity. Additionally, the Department believes that the \$500,000 allocation would, in the end, be quickly exhausted with little to nothing to show for it," Mr. Walker added.

The attorney general, in his 23-page testimony, looked at various portions of the bill and how they conflict with federal and local statutes. His opposition places even more pressure on lawmakers considering giving their support to Mr. Nelson's bill.

At time of publishing, the protracted hearing was still ongoing, and is set to continue Monday at the Earl B. Ottley Legislative Hall.