

# The Virgin Islands Consortium

## Senator Nelson Resubmits Medical Marijuana Bill In Face Of Federal Government Crackdown

Business / **Published On July 20, 2017 09:00 PM /**

Ernice Gilbert **July 20, 2017**



Senator Positive Nelson on Thursday announced that he has submitted his medical marijuana bill to the legal counsel of the 32nd Legislature, an important step for a measure that has gone through multiple hearings and public forums, with a majority of Virgin Islanders in favor of it.

But Mr. Nelson's submission comes at a time when the federal government, whose dollars the U.S. Virgin Islands is heavily reliant on, has been cracking down on the drug, with Attorney General Jeff Sessions recently [comparing marijuana to heroin](#).

The veteran senator said the reintroduction of the [marijuana bill](#) was part of a determination to fulfill his obligation as a policymaker to the people of the Virgin Islands, who supported the ballot initiative in November 2014.

"The new measure has been reviewed by policy advisors, industry leaders and others to ensure that we have a solid and comprehensive product," Mr. Nelson said. "We also included the pertinent changes made by various senators that surfaced last year when the measure was heard in the Committee on Health, Hospital and Human Services."

The bill, which has always been deemed controversial, ultimately died in the 31st Legislature after a number of public forums and Senate hearings. One of its staunchest opponents, Attorney General Claude Walker, has long warned that passing a law legalizing medical marijuana in the territory would put the USVI in a precarious position with the federal government.

In November 2015, during a Senate hearing [discussing a hemp industry measure](#), Mr. Walker said that 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." In Mr. Walker's mind, the consequences would be the same -- and even more so -- for medical marijuana.

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 roughly 13 states with hemp legislation that remain on standby, could 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 law.

Like prophecy, Mr. Walker's words have come to pass. Mr. Sessions, a pick of President Donald Trump to lead the U.S. Justice Department, is determined to stop the rise of marijuana use. His views are a clear break from policies established during the Obama administration.

In fact, a task force that Mr. Session is appointed to that in part reviews links between violent crime and marijuana, is scheduled to release its findings by the end of July. But Mr. Sessions has already asked the U.S. Senate to roll back rules that block the Department of Justice from bypassing state laws to enforce a federal ban on the drug.

In February, White House Press Secretary Sean Spicer said the Trump administration would look into enforcing federal law against recreational marijuana businesses. And Mr. Session has received backing from non-governmental groups, too.

"We love Jeff Sessions's position on marijuana because he is thinking about it clearly," said Scott Chipman, Southern California chairman for Citizens Against Legalizing Marijuana, speaking to The New York Times. "'Recreational' is a bike ride, a swim, going to the beach," he said. "Using a drug to put your brain in an altered state is not recreation. That is self-destructive behavior and escapism."

For Mr. Nelson, however, the overall goal of the measure, dubbed the Medical Cannabis Patient Care Act, is to "allow patients access to the beneficial use of medical marijuana in a regulated system for alleviating symptoms caused by debilitating medical conditions. and for their medical treatments."

© Viconsortium 2026