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Last-Minute Move to Expand Medicinal Marijuana Law to Include Recreational Use Fails in Senate

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Ernice Gilbert **December 31, 2020**

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During the closing moments of an all-day Senate session Wednesday, some lawmakers attempted to expand the current medicinal marijuana law to include recreational use, a move that would first need to see the waiving of the Senate's rules of preemption, which prevents a bill similar to one already written from being brought to the floor.

Senator Janelle Sarauw has the bill relating to the recreational use of marijuana, but outgoing Senator Stedmann Hodge, Jr., motioned to special order an amended version of the bill and asked that the Senate rules be waived. The action was objected by Sen. Kurt Vialet, which led to a back and forth between Mr. Vialet and outgoing Sen. Alicia Barnes, one of the lengthy amendment's sponsors.

"This is quite a lengthy amendment, and this amendment was just placed on our desk 30 seconds ago that is amending a 90-page bill," Mr. Vialet said, referring to Sen. Sarauw's measure. "I'm honestly not even sure if everyone knows how this is even going to be infused in the bill and the impact it will have on such legislation."

Ms. Barnes named a number of lawmakers who sponsored the amendment and said the changes were long in the making — since May, she said.

"If these amendments were worked on or suggested from May of this year, this is now December," Mr. Vialet countered. "Why were they not submitted to legal counsel and circulated to all the members of the body so we can have the opportunity to read and see the impact of the legislation in front of us."

Following the back and forth, a vote was taken on the measure, and it was supported by Ms. Barnes, Senators Marvin Blyden, Allison DeGazon, Novelle Francis, Donna Frett-Gregory, Stedmann Hodge, Jr., Javan James, Steven Payne, Athneil Thomas and Myron Jackson — essentially passing.

However, after the vote, Mr. Vialet sought and received a point of inquiry and questioned the measure's legality and whether it was in contravention of the Revised Organic Act, which serves as the territory's Constitution. Specifically, Section 16 of the Revised Organic Act makes Section 777 of the Cannabis bill invalid, Mr. Vialet challenged. Legal counsel explained why Mr. Vialet was correct, and the measure — Bill No. 33-0470 to amend Title 19, Chapter 34 of the Virgin Islands Code to expand the legalization of Medicinal Cannabis — was subsequently removed from the agenda.