

The Virgin Islands Consortium

Lack of Collaboration Foils Attempt to Move Marijuana Legalization Bill Forward; Effort Will Reconvene Dec. 29

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The Committee on the Whole stands in Recess until December 29 at 9.30 a.m. when senators and testifiers will reconvene to discuss changes that may move the cannabis legalization bill forward.

Tuesday's meeting of the committee came to an abrupt sojourn after Senate President Donna Frett-Gregory verbally scolded her colleagues for not working together on the bill and thereby further delaying its passage.

Despite having previously committed to collaborating on drafting the bill, Ms. Frett-Gregory said, "That did not happen and that's why we're here today having amendment here, amendment there."

"I have sent emails asking for us to collaborate but this legislation was a dark secret" ... "we find ourselves in this situation, high December, because of individualism," she insisted.

Bill No. 34-0345 is an Act to amend title 19 Virgin Islands Code by adding chapter 34A to expand the legalization of cannabis from medicinal use to include adult use cannabis.

The bill was sponsored by Senator Janelle Sarauw and finally made its way to the Legislature after two years.

But when discussions began to consider the bill, testifiers sought to compare it with another proposed bill drafted by Governor Albert Bryan Jr.

Attorney Kye Walker, legal advisor to the governor on cannabis legislation said Ms. Sarauw's bill creates a "disjointed regulatory structure" by creating two separate regulatory frameworks for medicinal use and adult use.

She said the senator's bill failed to address the issues with the current medicinal use statute and created "a regulatory morass that would be difficult for the OCR [Office of Cannabis Regulations] to implement."

The bill requires the establishment of a regulated system for the cultivation, manufacture, and distribution of cannabis for adult use and would provide oversight of the cannabis industry to protect public safety and create economic opportunities for Virgin Islanders.

But Ms. Walker said Ms. Sarauw's framework would be "almost impossible to enforce" and would be "expensive to administer."

"A more sensible approach would be to incorporate and harmonize medicinal use and adult use into one comprehensive regulatory scheme by replacing in its entirety the Virgin Islands Medical Cannabis Patient Care Act," she offered.

Ms. Walker also did not agree with provisions in the senator's bill that called for two separate advisory boards whose members would be in charge of regulating cannabis laws, and argued that limited government resources would not allow for the creation of these two boards.

According to Ms. Walker, the governor's proposed bill "fixed these problems" in the senator's legislation by adding an Enforcement Division for medicinal and non-medicinal use and by aligning the residency requirements for both the medicinal use statute and the adult use program.

The absence of uniformed residency requirements, she said, exposes the adult use program to litigation from medicinal use licensees.

She said Ms. Sarauw's bill also did not adequately define who would be considered as a resident in the Virgin Islands and therefore be eligible to own a cannabis business.

In Ms. Sarauw's bill, to qualify to obtain a recreational use license, a person must have lived in the USVI for 10 out of that last 15 years.

To be specific, to qualify as a resident that person must have attended a USVI school for at least five years, is a graduate of a Virgin Islands high school or the University of the Virgin Islands or is registered to vote.

Meanwhile, compared to the medicinal cannabis bill, people who have lived in the territory for just two years can obtain a medicinal cannabis business license under the current law.

Attorney Russell Pate of the V.I. Justice Initiative also spoke in favor of Mr. Bryan's proposal, which offered automatic expungement of cannabis-related arrests or convictions.

"My personal belief is that upon the recommendation of the OCR, the legislature can pass legislation expunging cannabis arrests and/or convictions that will target effectively the most marginalized Virgin Islands citizens," he said.

V.I. Dept. of Licensing and Consumer Affairs Commissioner, Richard Evangelista, said Governor Bryan's draft legislation "brings forth a more sensible and workable approach" to legalize the use of both medicinal and non-medicinal cannabis.

He was adamant, in his testimony, that the governor had a better drafted bill in comparison to Ms. Sarauw's.

It was a position that Senator Kurt Violet took umbrage to, accusing Mr. Evangelista of not wanting to give credit to Ms. Sarauw for the legislation.

Senator Alma Francis Heyliger said the testifiers' comparative approach created an "undue bias" and was "unfair" to the sponsor of the bill.

Meanwhile, the bill's sponsor attempted to debunk talks which implied that she had been delaying the bill, telling the Legislature of the months of effort she put into drafting it.

"We came here with the intent of killing the legislation to move the one on the hill because every single testimony before us was a comparison between the two and that's not fair," she said.

Key testifiers Ray Martinez, commissioner of the V.I. Police Department and Health Commissioner Justa Encarnacion were not present at the committee hearing.