

The Virgin Islands Consortium

Recreational Marijuana Legalization, Criminal Expungement Bills Expected to Pass Senate Today

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Ernice Gilbert **December 29, 2022**



The legalization of recreational marijuana and an accompanying measure to expunge the records of those charged for simple possession of the drug are expected to be approved today during what is expected to be an all-day Senate session at the Earl B. Ottley Legislature in St. Thomas.

Following two working meetings held Friday and Tuesday where senators agreed to several changes, the measures now have a majority of lawmakers on board for approval in the Senate before heading to Governor Albert Bryan.

The following are some of the changes made during the working meetings to the recreational cannabis proposed law.

- 1) Legal age to participate in recreational cannabis use was changed from 18 to 21.
- 2) There will be no less than three certified cannabis labs territory-wide, one on each of the major islands.
- 3) There will be no more than 17 cannabis retail licenses: 7 on St. Croix, 7 on St. Thomas and 3 on St. John.
- 4) Lawmakers will add a new definition of 'domicile': a person's fixed home where he has an intention of returning when he is absent. A person has only one domicile. Factors to consider when determining a person's domicile, are a person's address reported on income tax returns; a person's physical mailing address; a person's address on driver's license or other identification issued by the Bureau of Motor Vehicles; a person's address on legal and financial documents; a person's address utilized for educational purposes, such as determination of tuition at institutions of higher education; a person's address on an automobile registration; a person's address utilized for membership in clubs and organizations; the location of a person's personal property; and residence of a parent's parents, spouse, and children.
- 5) Senators will also add a new definition of 'resident':
 - (a) Any United States citizen currently domiciled in the Virgin Islands for one (1) year or more; or
 - (b) The holder of an alien registration receipt card (United States Department of Justice Form No. 1-151) domiciled in the Virgin Islands for one (1) year or more.
 - ○ (i) A person shall demonstrate that he has been a resident for one (1) year or more for the purposes of this chapter using the date of issuance information from a W-2 form, a voter registration card, a permanent resident card, a Virgin Islands driver's license or other methods as provided by the Office of Cannabis Regulation pursuant to its authority under section §798.04 of this section.
 - (c) A person who has attended a school in the Virgin Islands for at least five years or more, or is a graduate of a Virgin Islands high school, or of the University of the Virgin Islands, and is registered to vote in the Virgin Islands.

The above are just some of the changes that came as a result of the working meetings, and Ms. Sarauw thanked her colleagues for the hourslong effort to reach consensus ahead of today's session.

"It has been a very cumbersome process to get these bills to where they are today," Ms. Sarauw said in October. According to the senator, the adult use legislation now contains provisions for opportunities "for those that have been ostracized by cannabis for so long, as well as those who may have otherwise been overlooked for inclusion in the industry for one reason or the other."

