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Legal Marijuana Purchases in USVI Still Up to a Year Away, Says Cannabis Legal Advisor

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A marijuana grow operation. By. GETTY IMAGES

People wishing to legally buy cannabis in the territory will have to wait up to a year for the rules and regulations to support its use to be completed, Bryan administration officials said during a hearing Wednesday.

Barring any unforeseen challenges, “I believe you should be able to see a sale within a year,” said Kye Walker, legal adviser to the governor and cannabis legislation said. The timeline, she remarked, will be affected by the level of financial resources that are provided to the Office of Cannabis Regulations (OCR), which is the agency tasked with issuing licenses to sell cannabis. “Right now, we have a bare quorum and we do have a cannabis advisory board,” Richard T.

Evangelista, commissioner of the Department of Licensing & Consumer Affairs, told the Committee on Economic Development and Agriculture.

In December 2022, members of the 34th Legislature passed Act 8680 – the Cannabis Use Act (CUA) of 2023 – which guides the implementation of the medicinal and adult cannabis industry and replaced in its entirety the Medical Cannabis Patient Care Act (MCPCA) of 2019.

On January 18, 2023, Governor Albert Bryan Jr. signed the CUA into law, allowing for the legal use by adults for medicinal, sacramental and other uses. The law also regulates the production, distribution and use of cannabis within the U.S. Virgin Islands and includes a robust social equity program, expanding opportunities for expungement of marijuana-related arrests and convictions. Convictions will be automatically expunged for people convicted of simple possession of up to two ounces of marijuana.

Hannah Carty, executive director of OCR said since the law was recently passed, they have not yet been able to flesh out all the aspects of the legislation that are needed to roll out the new program. “I received the rules and regulations yesterday [Tuesday] – a first draft. I haven’t even gotten a chance to really look at it as of today but hopefully by the end of the day I would have gotten a chance to start reviewing it,” she said.

The preliminary draft of the Rules and Regulations are about 150 pages, according to Ms. Walker. She said that the actual document should be completed “within 60 days,” noting that drafting is the bulk of the work.

The OCR has exclusive authority to create rules and regulations related to the cultivation, manufacture, sale, provision, testing, licensing and use of cannabis. Once OCR analyses and completes those documents, they will then forward it to the Cannabis Advisory Board (CAB) and the Department of Justice for review. Once those bodies have approved it for legal sufficiency and have made any changes that might be necessary, CAB will meet and propose the rules and regulations formally for the public to review.

Ms. Carty explained that “once they’ve proposed it, it will be posted on the OCR website for 30 days. And after they’ve posted and the 30 days are completed, "I will then go in, summarize comments, make any adjustments to the rules and regulations that need to be done. They’ll be forwarded back to the legal team for review and then back to the board for them to finally vote on it and have that be the rules and regulations that are forwarded to the governor for his signature and the Lieutenant Governor’s Office," she said.

The legislation for the legal sale of cannabis within the territory is something that Governor Bryan continues to push through the implementation stage. He anticipates that the cannabis industry could bring in millions of dollars of additional revenue into the USVI each year.