

ACT NO. 9 0 0 1

BILL NO. 36-0043

THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS

Regular Session

2025

An act amending title 19 Virgin Islands Code, part VI, chapter 53, subchapter IV, section 1481 by increasing the penalties for violation of sanitation laws

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Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 19 Virgin Islands Code, part VI, chapter 53 is amended as follows:

(a) Subchapter II:

(1) Section 1433 is amended in the final sentence of the section by adding “along with the inspection grade” after the words “Such health permit”;

(2) In section 1434, strike the existing language and insert the following language:

“(1) A health permit may be suspended by the Commissioner of Health upon violation by the permit holder of any provisions of this chapter or of rules promulgated under this chapter.

(a) A notice letter will be issued to the permit holder from the Environmental Health Division of the Department of Health notifying the permit holder of an imminent health hazard.

(b) A suspension shall remain in effect until conditions cited in the cease-and-desist letter no longer exist and their elimination has been confirmed by the Environmental Health Division through reinspection or other appropriate means.

(c) A written application for the reinstatement of the permit must be made from the permit holder stating that the conditions cited in the letter no longer exist.

(d) Upon receipt of the written application, the Environmental Health Division shall conduct reinspection within two business days.

(e) The suspended permit shall be reinstated immediately if the Environmental Health Division determines that the public health hazard, or unhealthy conditions, or unsanitary conditions, or nuisance no longer exists. A written notice of reinstatement must be provided to the permit holder.

(2) In the event of an imminent health hazard the Commissioner of Health, without prior notice, may issue a permit suspension, or a cease and desist order for certain operations. The Environmental Health Division shall designate which operations must cease because of the imminent health hazard.

(3) For serious or repeated violations, the health permit may be permanently revoked by the Commissioner of Health.

(4) Contesting the Suspension or Revocation

(a) The permit holder must notify the Environmental Health Division in writing within ten business days of receiving the notice of violation, stating his intent to contest the suspension or permit revocation.

(b) The permit holder must submit any relevant evidence or arguments supporting his case within ten business days of the notice of intent to contest.

(c) The Commissioner of Health shall schedule a hearing within ten business days of receiving the contestation request.

(d) The Commissioner of Health shall notify the permit holder of the date, time, and location of the hearing at least five business days before the hearing date.

(e) Both parties shall provide the opposing party with a list of proposed witnesses they intend call or subpoena at the hearing.

(f) The Commissioner of Health, or his designee, shall conduct the hearing as the hearing officer.

(g) A full and complete record must be kept of all proceedings, and all testimony shall be reported but need not be transcribed unless the decision is appealed. A copy or copies of the transcript may be obtained by an interested party upon payment of the cost of preparing such copy or copies.

(h) The hearing officer will issue a written decision within ten business days of the hearing detailing the findings of fact, conclusions of law, and any penalties or corrective actions required.

(i) A copy of the written decision will be provided to the permit holder and will include information on the right to appeal the decision, if applicable.

(b) In section 1435, strike the existing language and insert the following language:

“(a) A permit holder has the right to appeal the decision of the hearing to the Superior Court of the Virgin Islands by an appeal made within 30 days from the issuance of the decision.

(b) The permit holder must file a notice of appeal in writing within ten business days of receiving the decision, stating the grounds for the appeal.”

(c) Strike the existing language in section 1481 and insert the following language:

“§ 1481. Civil Penalties; Risk-Based Enforcement Framework

(a) Definitions

(1) Risk-based inspection means a regulatory framework that transitions from reactive enforcement to proactive risk management grounded in national best practices and public health priorities and designed to optimize resources while strengthening food safety outcomes.

(2) Risk-based framework means:

(A) Classification of violations by their public health risk level from low to high;

(B) Assignment of penalties according to classification;

(C) Encouragement of compliance through structured reductions for good performance; and

(D) Transparency and consistency in enforcement practices.

(b) In accordance with the principles of Risk-Based Inspection, a person who violates any provision of this chapter or any regulation promulgated under it shall attend a mandated food borne prevention educational course provided by the Department of Health's Environmental Division and shall be subject to civil penalties as set forth in this section.

(c) The Commissioner shall assign a risk level to each violation based on (1) the potential for foodborne illness or injury; (2) the type of food or process involved; and (3) whether the violation reflects systemic failure or isolated error.

(d) Risk level classifications; penalties

(1) low-risk violation – maximum \$250 per occurrence

(2) moderate-risk violation – \$251-\$500 per occurrence

(3) high-risk violation – \$501- \$1,000 per occurrence

(e) Repeated violations. In addition to the risk violation fines proscribed in this section:

(1) A second violation within 24 months of the first violation shall be fined an additional \$250, or suspension or revocation pursuant to section 1434 of this chapter, or both.

(2) A third or subsequent violation within 36 months of the first violation shall be fined an additional \$500, or suspension or revocation pursuant to section 1434 of this chapter, or both.

(f) Imminent Health Hazard. Any condition deemed to present an imminent threat to public health shall incur a fine of up to \$2,000 and may result in immediate permit suspension pursuant to section 1434(2) of this chapter.

(g) Compliance-Based Adjustments. Establishments with no priority or priority foundation violations in the past 24 months may qualify for a reduction of up to \$100 in civil penalties for subsequent minor infractions.

(h) Each day a violation continues beyond the identified timeline for compliance constitutes a separate violation.

(i) Civil penalties collected under this section shall be deposited into the Health Revolving Fund and used for inspection services, training, and enforcement efforts of the Environmental Health Division."

Thus passed by the Legislature of the Virgin Islands on June 27, 2025.

Witness our Hands and Seal of the Legislature of the Virgin Islands this 30th day of June, A.D., 2025.



A handwritten signature in blue ink, appearing to read "Milton E. Potter".

Milton E. Potter
President

A handwritten signature in blue ink, appearing to read "Avery L. Lewis".
Avery L. Lewis
Secretary



Bill No. 36- 0043 is hereby approved.

**Witness my hand and the Seal of the Government of
the United States Virgin Islands at Charlotte Amalie,
St. Thomas, this 9th day of July, 2025 A.D.**


Albert Bryan Jr.
Governor