

COMMITTEE ON HEALTH, HOSPITALS AND HUMAN
SERVICES

10/10/2024-REPORTED OUT TO THE FLOOR

09/11/2024-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES AND JUDICIARY

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AGRICULTURE

BILL NO. 35-0283

Thirty-Fifth Legislature of the Virgin Islands

June 20, 2024

An Act amending title 19 Virgin Islands Code, part III, chapter 34, the Virgin Islands Cannabis Use Act

PROPOSED BY: Senators Donna A. Frett-Gregory and Javan E. James, Sr.

1 *Be it enacted by the Legislature of the Virgin Islands:*

2 **SECTION 1.** Title 19 Virgin Islands Code, part III, chapter 34 is amended in the
3 following instances:

4 (a) Section 776 is amended:

5 (1) In subsection (c) by inserting “, Sacramental Use Cultivation” after
6 “Caregiver Card”;

7 (2) In subsection (i) by striking “or” and inserting a comma, and by inserting “,
8 and Adult Use Lounge Permittee” after “Micro-Cultivation Permittee”;

9 (3) In subsection (w) by striking “or a” before “Designated” and inserting a
10 comma, and by inserting “, and Sacramental User authorized to grow for personal
11 sacramental use” after “Caregiver”;

12 (4) In subsection (ee) by inserting “or Designated Caregiver” after “Patient”;

1 (5) In subsection (hh) by striking all language after “means” and inserting “a
2 crime that was classified as a felony in the jurisdiction where the person was convicted,
3 but not including an offense that consisted of conduct that under this chapter would not
4 have resulted in a conviction.”

5 (6) In subsection (aaaa) by inserting at the end of the subsection “A Sacramental
6 User who desires to grow Cannabis in furtherance of the sacramental use of Cannabis
7 must register with the OCR pursuant to the requirements of this chapter and the rules of
8 the OCR.”; and

9 (7) By inserting the following definition in the appropriate alphabetical order:

10 “Adult Use” or “Adult User” means the use of cannabis by persons over the
11 age of 21.”

12 (b) Section 777 is amended:

13 (1) In subsection (b) as follows:

14 (A) Paragraph (1) is amended by striking the existing language and
15 inserting the following:

16 “The Board is comprised of the Commissioner of the Departments of
17 Health, Agriculture, Licensing and Consumer Affairs and Tourism, as ex-
18 officio voting members; one farmer recommended by the Local Food and
19 Farm Council who is unaffiliated with any Cannabis Business Licensees or
20 Permittees or Practitioners; two healthcare practitioners recommended by the
21 Board of Medical Examiners who are knowledgeable in Cannabis medicine;
22 a member of the business community who is unaffiliated with any Cannabis
23 Business Licensees or Permittees or Practitioners; one disability advocate;
24 one representative from the University of the Virgin Islands; one economist
25 or a person with expertise in finance; and the Director of the OCR who serves
26 as an ex officio non-voting member. The term of each member’s appointment

1 is three years and each shall serve and be enabled to vote and be qualified to
2 meet a quorum until a successor is appointed and qualified.

3 (B) By adding paragraphs (6), (7), and (8) to read:

4 “(6) There is no monetary liability, and no cause of action for
5 damages as a result of any act, omission, proceeding, conduct or decision
6 related to duties undertaken or performed in good faith and within the scope
7 of the function of the Board against any current or former member, officer,
8 administrator, staff member, representative, agent, employee, consultant,
9 witness or any other person serving or having served on the Board, either as
10 a part of the Board's operation or as an individual.

11 (7) Any officer, employee, or any other person serving or having
12 served the Board who has to defend against any claim or action arising out of
13 any act or acts that were performed in good faith within the scope of the
14 function of the Board may request in writing, within ten days of service, that
15 the Government defend the action. If the person requesting defense
16 cooperates in good faith in the defense of the claim or action, the Government
17 shall provide and pay for such defense and any resulting judgment,
18 compromise, or settlement.

19 (8) All communication made by or on behalf of any person,
20 institution, agency, or organization to the Board or to any person designated
21 by the Board relating to an investigation or the initiation of an investigation,
22 whether by way of report, complaint or statement, is privileged. No action
23 or proceeding, civil or criminal, is permitted against a person, institution,
24 agency or organization when a good faith communication was made either
25 on its own behalf or on behalf of another. The protections afforded in this
26 section does not abridge a party's right to due process.”;

1 (2) In subsection (c)(4) by striking the first instance of “cannabis” and inserting
2 “Cannabis Business”;

3 (3) In subsection (f) by striking “enactment of” and inserting “promulgation and
4 adoption of Rules pursuant to”.

5 (4) In subsection (h) by striking “Committee on Health;”

6 (5) In subsection (k) by striking the second sentence;

7 (c) Section 779 is amended:

8 (1) In subsection (c)(1) by striking “ there may be no more than” and inserting “
9 not more than”; and inserting “are permitted” after “12 Immature Cannabis Plants” and

10 (2) In subsection (d)(4) by striking “1,000” and inserting “250”, “by striking
11 ‘500’ where it appears and inserting ‘250’”, and by striking “not less than” wherever it
12 appears and inserting “within”.

13 (d) Section 780 is amended:

14 (1) In subsection (h) by striking “six months” and inserting “thirty days”, by
15 striking “more than” and inserting “or more” after “45 days”, and by striking “45” and
16 inserting “30”;

17 (2) In subsection (i)(3) is amended by striking “Patient Registry” and inserting
18 “Certification”;

19 (3) In subsection (s) by striking “a” before “copy” and inserting “an OCR
20 stamped”, and by inserting “for not more than 30 days or until the application is rejected,
21 whichever is sooner” at the end of the subsection; and

22 (4) In subsection (t) by striking “a” before “copy” and inserting “an OCR
23 stamped”; by inserting “for not more than 30 days or until the application is rejected,
24 whichever is sooner” at the end of the subsection.

25 (e) Section 783 is amended:

26 (1) In subsection (b) by striking “18” and inserting “21”;

1 (2) In subsection (b)(1) by inserting “or” after “Items”;

2 (3) In subsection (b) by striking paragraph (2) and renumbering the remaining
3 paragraphs accordingly;

4 (4) By striking subsection (c) and redesignating the remaining subsections
5 accordingly;

6 (5) In subsection (i) by striking “valid” and inserting “Medical”; and

7 (6) By striking “a privileged license” and inserting “the Qualified Patient’s
8 Medical Cannabis Certification”.

9 (f) Section 784 is amended:

10 (1) In subsection (a), and paragraphs (1), (2), and (3) by striking each instance
11 of “person” and inserting “qualified patient”, in paragraph (1) by striking “person’s” and
12 inserting “Qualified Patient’s”, and in paragraph (3) by striking each instance of
13 “individual’s” and inserting “Qualified Patient’s”;

14 (2) In subsection (b), paragraph (1) by striking “person” and inserting “qualified
15 patient”, and in paragraph (2) by striking each instance of “individual” and inserting
16 “qualified patient”; and

17 (3) In subsection (c) by striking “an” and inserting “a” and by striking each
18 instance of “individual” and inserting “qualified patient”.

19 (g) Section 787 is amended as follows:

20 (1) In subsection (f) by inserting “, subject to the authorization of the Legislature
21 and approval of the Governor” at the end of the subsection; and

22 (2) In subsection (g)(1) by inserting “than” after the word “later”, and by
23 inserting “for scoring applications using the Merit-Based Application Process” after
24 “criteria”.

25 (h) Section 790(b)(2) by stricken and new section 790(b)(2) is inserted that reads:

26 “The ownership of a Micro-Cultivation Permit is not transferable.”

1 (i) Section 791, subsection (c) in paragraph (9) is amended by inserting “OCR
2 Enforcement Officer, Law Enforcement Officer on official business,” before the word
3 “Consultant”; subsections (e) and (f) are amended by capitalizing “licensees” where it appears
4 at the beginning of each subsection; and in subsection (f) by striking “shall not be” and inserting
5 “are not”.

6 (j) Section 792 is amended:

7 (1) In subsection (b), paragraphs (1) and (3) by striking “may not be” and
8 inserting “is not”, and by striking “not less than” and inserting “within”; and

9 (2) In subsection (b) paragraph (3) is amended by striking the last sentence.

10 (k) Section 793 is amended:

11 (1) In subsection (a) by striking “may” and inserting “shall”;

12 (2) In subsection (b) by striking “less than” and inserting “within”;

13 (3) In subsection (b)(1) by striking “may not be” and inserting “is not” and by
14 striking “not located less than” and inserting “within”;

15 (4) In subsection (c) by striking “less than” and inserting “within”, and by
16 striking the last sentence in the subsection;

17 (5) In subsection (k) by inserting “, with the authorization of the Legislature and
18 approval of the Governor” at the end of the subsection.

19 (l) Section 794 is amended:

20 (1) In subsection (a)(2) by by striking “must” and inserting “shall” and inserting
21 “Designated” before the word “Caregiver”;

22 (2) In subsection (a)(3) is amended by striking “and”, and by inserting “,
23 Designated Caregiver or, ” after the word “Patient”;

24 (3) In subsection (d) by striking “and” after “Consultant” and after the second
25 instance of “Patients” by inserting “Designated Caregiver, Adult Users, OCR
26 Enforcement Personnel, and other law enforcement officers on official business”;

1 (4) In subsection (h) by striking “less than”;

2 (5) In subsection (h)(1) by striking “less than” and inserting “within”, and by
3 striking “and 100 feet of a school”;

4 (6) In subsection (i) by striking “less than” and inserting “within”, and by striking
5 the last sentence of the subsection;

6 (7) In subsection (l) by striking “individual” and inserting “Cannabis Business
7 Representative”;

8 (8) In subsection (m) by inserting “and Qualified Caregivers” after “Patients”;
9 and

10 (9) In subsection (o)(2) by adding an “s” to “Licensee”.

11 (m) Section 795 is amended:

12 (1) In subsection (a) by striking “to and from other Cannabis Licensees” and
13 inserting “between sites that are specified on the license”;

14 (2) In subsection (c) by inserting “, including live plants, fresh and dried plant
15 material, seeds, wax, oil, and manufactured items such as edibles and topicals” at the end
16 of the subsection;

17 (3) In subsection (h) by inserting “sell any Cannabis Items as described in
18 subsection (f) of this section, and may not” after “may not”;

19 (4) By adding a subsection (i) that reads:

20 “(i) A Cannabis Research and Development Licensee may not give access
21 to the cannabis or sell to the general public any cannabis items that it grows, is
22 working with, or researching.”

23 (n) Section 796 is amended:

24 (1) In subsections (c) and (g) by striking “may” and inserting “shall”; and

25 (2) In subsection (n) by striking “medical”.

26 (o) Section 797 is amended:

- 1 (1) In subsection (k) by striking “congregate” and inserting “may be present”;
- 2 (2) In subsection (m) and paragraph (1) by striking “less than 500” and inserting
3 “within 250”;
- 4 (3) In subsection (m)(2) by striking “may” and inserting “shall”;
- 5 (4) In subsection (m)(3) by striking “less than 1,000” and inserting “within 250”,
6 and by inserting “the” before “primary”; and
- 7 (5) In subsection (n) by striking “may” and inserting “does”.
- 8 (p) Section 798 is amended in subsection (c) by adding two paragraphs that read:
- 9 “(1) The OCR shall maintain a confidential list of the persons to whom the OCR
10 has issued Sacramental User Cards that includes their addresses, phone numbers, and
11 registry identification numbers. This confidential list may not be combined or linked in
12 any manner with any other list or database, nor may it be used for any purpose not
13 provided for in this chapter.
- 14 (2) The OCR shall establish a secure phone or web-based verification system.
15 The verification system must allow law enforcement personnel and Cannabis Businesses
16 to enter a registry identification number and determine whether the number corresponds
17 with a current, valid Sacramental User Card. The system must disclose only:
- 18 (a) whether the identification card is valid;
- 19 (b) the name of the cardholder;
- 20 (c) whether the cardholder is a Sacramental User; and
- 21 (d) whether the cardholder is permitted to cultivate Cannabis plants.
- 22 (q) Section 800 is amended by adding a subsection (f) that reads:
- 23 “(f) Unless prohibited by law, it is the intent of the Legislature that Cannabis
24 Research and Development Licensees are eligible for tax and other benefits provided
25 under the University of the Virgin Islands Research and Technology Park Corporation
26 Act, 17 V.I.C. 480, et. seq., and under the Enterprise Zone Program Act, 29 V.I.C.,

1 chapter 19, provided that the business or enterprise would otherwise qualify for these
2 benefits under the provisions of the University of the Virgin Islands Research and
3 Technology Park Corporation Act, 17 V.I.C. 480, et. seq., or Enterprise Zone Program
4 Act, 29 V.I.C., chapter 19, as applicable, and any regulations promulgated thereunder for
5 research and development and technology development and other knowledge-based
6 purposes and uses or activities within an Enterprise Zone.”

7 (r) Section 800a is amended:

8 (1) In subsection (a), paragraphs (3) and (4) by striking the periods at the end of
9 the paragraphs and inserting semicolons; and

10 (2) In subsection (a)(5) by inserting “and” after “issues;”

11 (s) Section 800b is amended:

12 (1) In subsection (b) by striking “more than” and inserting “or more” after
13 “days”;

14 (2) In subsection (d) by redesignating paragraph (5) as subsection (e), and
15 redesignating the remaining subsection accordingly.

16 (t) Section 800e is amended by striking subsection (e) and inserting a new subsection
17 (e) to read:

18 “(e) All fines described in this section, must be deposited into the Cannabis Fund
19 for use by the OCR as set forth in § 801.”

20 (u) Section 800f is amended in subsection (c) by striking “\$1,500” and inserting
21 “\$100”.

22 (v) Section 800h is amended by striking “more than” and inserting “or more” after
23 “days”, and by striking “, including public notice and hearing” at the end of the third sentence.

24 **SECTION 2.** (a) Sections 788(b)(3), 788(b)(4), 788(b)(5), 788(b)(6), 790(b)(2), and are
25 amended by striking the word “may” and inserting “shall”.

