

List of Amendments to VICUA

In addition to proposed amendments to fix various scrivener and word usage errors, the following substantive amendments are proposed:

(Note: page numbers refer to the pagination on the signed Act document.)

- 1.) **p. 2, §776.** Adds definition for “Adult Use” or “Adult User”. Needed to define “adult” in the context of this term as over the age of twenty-one.
- 2.) **p. 3, §776.** Expands definition of “Applicant” to include a person who applies “to grow for Sacramental Use.” Needed because the authorization to grow for Sacramental Use will be made only upon application; it would not an automatic right for all sacramental users.
- 3.) **p. 4, §776.** Adds “*Adult-Use Lounge Permittee*” to definition of “Cannabis Business” correcting an oversight.
- 4.) **p. 5, §776.** Adds “Sacramental User authorized to grow for personal sacramental use” to the list of persons defined as “Card holder”.
- 5.) **p. 6, §776.** Definition of “Deliver” expanding to include delivery to “... Qualified Patient or *Designated Caregiver*”
- 6.) **p. 7, §776.** Definition of “Disqualifying Felony Offense” is simplified to remove unnecessary language.
- 7.) **p. 13, §776.** Definition of “Sacramental User” adds clarification language: “*A Sacramental User who desires to personally grow in furtherance of his sacramental use of Cannabis must register with the OCR pursuant to the requirements of this chapter and the rules of the OCR.*”
- 8.) **p. 17, §777(b)(1).** In light of the fact that the VI Cannabis Use Act repealed and replaced the four-year old VI Medical Cannabis Patient Care Act that enabled the Cannabis Advisory Board, it is important to amend the Act to explicitly restart the term length of

existing Cannabis Advisory Board members with the signing of the Act by Governor Bryan on January 18th of this year and to ratify all actions taken by the Board under the Virgin Islands Medicinal Cannabis Patient Care Act.

Specific language added: *“The three (3) year terms of the member appointed under the predecessor, Virgin Islands Medicinal Cannabis Patient Care Act, begin anew on the effective date of this act. Any and all actions taken by the Board prior to the effective dates of this act and under the authority of the predecessor, Virgin Islands Medicinal Cannabis Patient Care Act, are hereby ratified.”*

- 9.) **p. 18, §777(h).** The Act tasks the Director of the OCR with submitting an annual report to various governmental entities. The proposed amendment removes reference to the mislabeled “Legislature of the Virgin Islands, Committee on Health” and replaces it with the “Legislature of the Virgin Islands, Committee on Economic Development and Agriculture” which is the more relevant committee in light of the adult-use nature of this Act.

- 10.) **p. 20, §777(k).** The Act calls for the OCR Enforcement Division to collaborate with the Industrial Hemp Commission on matters of enforcement. The proposed amendment adds language that would ensure that the Industrial Hemp Commission bears the costs of this enforcement division when regulating hemp. **Specific language added:** *“ The Enforcement Division, in collaboration with the Industrial Hemp Commission established under title 7 Virgin Islands Code, chapter 13, subchapter III, section 207, will also be responsible for defining and assisting in the enforcement of the lawful cultivation, manufacture, sale and use of hemp, with the cost of such enforcement, training of peace officers, and all other costs related to providing enforcement services to the Industrial Hemp Commission to be borne by the Industrial Hemp Commission.”*

- 11.) **P.24, §779(d)(4); p. 46, §792(b)(3); p. 48, §793(c); p. 50, §794(i).** The distance requirements from cruise ship ports should be consistent across categories of cannabis businesses. The current language ranges this distance requirement from 250 feet to 1,000

feet depending on the business type. The proposed solution would be to make the premises for all license and permit categories at least 500 feet from cruise ship ports so as to safeguard the family appeal of the most important sector of our tourism economy.

- 12.) **p. 27, §777(s) & (t).** The Act allows a copy of an application and written certification of need for a Medical Cannabis Patient Card to serve as a temporary valid authorization. The proposed amendment puts a 30-day limit on this temporary validity. Specific language added: “ *... for no more than thirty (30) days or until the application is rejected, whichever is sooner.* ”
- 13.) **p. 28, §781(a) & (b).** Adds “*individuals authorized for personal grow*” to the list of person and categories to be included in a registry-based verification system, making it easier for law enforcement personnel to identify and verify that a person is authorized to grow cannabis on personal property, either as a Qualified Patient or as a Sacramental User.
- 14.) **p. 28, §782.** Adds registered “Sacramental User” to the list of people who must notify the OCR of any change of name or address or if an authorization card has been lost. This will help ensure that the verifiable registry of sacramental growers is accurate and secure.
- 15.) **p. 29, §783.** In the Qualified Patient’s Bill of Rights section, the proposed amendment removes two provisions that apply to all adults over the age of 21: “~~The purchase of Cannabis Items from a Licensed Cannabis Dispensary~~”; and “~~A Qualified Patient may not have any personal property related to Cannabis, including any Cannabis Items and Cannabis Paraphernalia, seized, or forfeited solely for conduct that is permitted under this chapter.~~” Leaving these provisions in as enumerated “rights” to a specific group gives the impression that the general adult population over the age of 21 does not have these rights, which they do.
- 16.) **p. 31, §783(n)** In the Act, the subsection on Qualified Patients in the workplace mistakenly includes language that is overly broad and not always true: “An employer is not required to permit or accommodate conduct otherwise allowed by this chapter in the

~~workplace or on the employer's property.~~” An employer may have to accommodate a Qualified Patient’s documented medical need to take non-intoxicating forms of medicinal cannabis. The Act, in this subsection (n), also mistakenly refers to “employees” instead of “Qualified Patients”. Proposed amendment corrects this and adds clarification on the kind of “discipline” allowed: “... so long as that discipline does not violate any other applicable federal or local law and is not inconsistent with the reasonable accommodation of the Qualified Patient’s certification to use Cannabis for medicinal purposes.”

- 17.) **p. 31, §784.** This section on affirmative defenses for medicinal use of cannabis is edited to change generic “person” to “Qualified Patient” or “patient” so as to limit the application of this section just to Qualified Patients and not to the general public.
- 18.) **p. 37, §787(f).** Adds language to clarify that the OCR must seek legislative authorization in order to issue additional Licenses after January 1, 2025.
- 19.) **p. 51, §794(m).** Allows a Dispensary to deliver to Designated Caregivers in addition to Qualified Patients.
- 20.) **p. 58, §800(f).** Adds language to enable RT Park or Enterprise Zone tax benefits for research and development licensees: *“Unless otherwise prohibited by law, it is the intent of the Legislature of the Virgin Islands that any Cannabis Business or other business enterprise involved in Cannabis Research and Development shall be eligible for the tax and other benefits provided under the University of the Virgin Islands Research and Technology Park Corporation Act, 17 V.I.C. § 480, et. seq. and under the Enterprise Zone Program Act, 29 V.I.C. Chapter 19, provided that such business or enterprise would otherwise qualify for such benefits under the provisions of the University of the Virgin Islands Research and Technology Park Corporation Act, 17 V.I.C. § 480, et. seq. or Enterprise Zone Program Act, 29 V.I.C. Chapter 19, as applicable, and any regulations promulgated thereunder for research and development and technology development and other knowledge-based purposes and uses or activities within an Enterprise Zone.”*

- 21.) **p. 63, §808.** Removes the requirement for public notice and hearing for petitions to add to the list of Qualifying Medical Conditions so as not to streamline the process.

- 22.) **In Act, 8679,** in the last paragraph, replace “Auto-Expungement Task Force” with “Office of the Governor” to allow for the funding of the training, micro-lending and other programs in addition to the Auto-Expungement Task Force.