



TESTIMONY BEFORE THE 36TH LEGISLATURE

Government of the Virgin Islands

Department of Licensing and Consumer Affairs

Serving Businesses & Assisting, Educating and Protecting Consumers

H. Nathalie Hodge

Commissioner

Hon. Clifford Joseph (Chair)

Committee on Homeland Security, Justice, and Public Safety

September 4, 2025

1 Good day Honorable Senator Clifford Joseph, Chair of the Committee on Homeland
2 Security, Justice, and Public Safety, esteemed members of the 36th Legislature of the Virgin
3 Islands, committee members, non-committee members present, and the listening and viewing
4 audience. I am Horace Graham, Assistant Commissioner of the Department of Licensing and
5 Consumer Affairs (DLCA). I am accompanied today by Wilbur Francis, Director of Enforcement.

6 We are appearing before the committee today to offer testimony in support of Bill No. 36-
7 0105, an Act amending Title 7 Virgin Islands Code, Chapter 13, Subchapter III by prohibiting the
8 possession, sale or manufacture of tetrahydrocannabinolic acid, delta-6 THC, delta-8 THC and
9 delta-10 THC products in the Virgin Islands and for other related purposes. We commend the
10 sponsor's leadership in prioritizing consumer protection and public health, and we recognize the
11 importance of establishing a coordinated regulatory framework for emerging hemp-derived
12 compounds such as delta-8 THC, delta-10 THC, and THCA. To support the legislative intent and
13 improve legal clarity, enforceability, and interagency collaboration, we respectfully recommend
14 the following amendments to the bill:

15 **Clarify Legal Definitions**

16 Bill No. 36-0105 attempts to strengthen the regulatory framework by addressing
17 intoxicating hemp products. However, the definitions included in the current draft require greater
18 precision to ensure consistent application by regulators, law enforcement, and industry
19 stakeholders. We recommend replacing the bill's definitional edits with a comprehensive
20 framework, including a clear definition of hemp as follows:

- 21 a. **Chemically-Converted Cannabinoid** should be defined as any cannabinoid produced
22 by chemical reaction outside the plant, including isomerization of CBD.

b. **Intoxicating Cannabinoid** should be defined as any cannabinoid, whether naturally derived, chemically modified, or synthetically produced, that when introduced into the human or animal body 1) is reasonably likely to cause intoxication or impairment, based on known effects on perception, cognition, or behavior; or 2) has a psychoactive effect comparable to or greater than delta-9 THC at customary use levels; or 3) is marketed or labelled as having euphoric, intoxicating, or psychotropic effects. This includes but is not limited to delta-8 THC, delta-10 THC, delta-6 THC, THCA (when decarboxylated), and any analogs, isomers, or synthetic derivatives with similar effects.

Establish Shared Enforcement Authority

Enforcement authority under the current draft of the bill is vested primarily in the Industrial Hemp Commission. However, the Commission does not have adequate staffing, budget, or enforcement personnel to ensure effective oversight. To provide robust and sustained enforcement, the authority should be explicitly shared with existing agencies such as DLCA, DOH, VIPD who already possess enforcement capacity.

Establishing joint jurisdiction among these agencies will ensure comprehensive oversight, prompt action against violators, and promote seamless interagency coordination in protecting public health and consumer safety.

Seizure and Safe Disposal of Non-Compliant Products

To prevent illegal or hazardous products from remaining in circulation, the bill should empower DLCA and DOH, in coordination with the Hemp Commission, to seize and safely dispose of non-compliant products. A documented chain of custody should be required for all

seizures, and disposal must be conducted in compliance with environmental and public health standards.

Include Standards for Product Testing, Labelling, and Packaging

To uphold consumer safety, informed use and decision-making it is critical that the bill establish clear standards for testing, labelling, and packaging of hemp-derived products. We recommend that the bill require mandatory third-party testing conducted by laboratories duly registered in the where they are manufactured. Theses laboratories must be compliant with applicable federal accreditation standards, such as ISO/IEC 17025. Testing must be supported by including valid Certificates of Analysis (COAs) which should be made easily accessible to consumers, for example, through scannable QR codes placed on product labels. Additionally, labelling should provide consumers with accurate and transparent information, including cannabinoid content, dosage information, batch identification, health warnings, and clear age restrictions. Such information is essential to ensure safe and informed use, particularly for new or inexperienced consumers.

Packaging must adhere to strong safeguards to protect public health and prevent unintended use. Specifically, products should be sealed in packaging that is both child-resistant and tamper-evident. Packaging should also be designed in a responsible manner that does not appeal to minors - avoiding the use of cartoon imagery, bright or flashy colors, or designs that mimic snacks, candy, or cereal. By embedding these safeguards into the law, the Legislature will promote consumer safety, support responsible business practices, and guard against the marketing of products to vulnerable populations.

Appeals Process for License or Permit Revocation

To promote procedural fairness, the bill should establish 1) a formal administrative hearing process for permit or license revocation and 2) with input from DOH or DLCA depending on the nature of the violation.

Age Restriction

The regulation of hemp products must include strong age controls including for online sales. These products should never be accessible to youth, and the law must make that clear. Bill No. 36-0105 should prohibit the sale, marketing, or delivery of hemp-derived products to anyone under 21. This rule should apply to all areas of access—stores, deliveries, and special events—to protect young people and ensure consistent enforcement.

The bill should also require government-issued ID checks for every purchase, whether in-person or online, to close any loopholes that might allow underage access.

Finally, retailers and distributors must be held accountable. They should be required to keep records showing that they followed age verification and delivery rules. This will strengthen enforcement, prevent negligence, and support the bill’s goal of protecting public health.

Conclusion

Bill No. 36-0105 addresses an urgent regulatory gap concerning intoxicating hemp products. The bill is a necessary and timely measure to close loopholes that threaten the health and safety of our residents. With our proposed amendments, the bill will provide the regulatory clarity and enforcement strength needed to truly protect consumers, especially minors.

90 We extend our gratitude to the Honorable Governor Albert Bryan, Jr., the Honorable
91 Lieutenant Governor Tregenza Roach, and the Bryan-Roach Administration for their steadfast
92 support in advancing consumer protection. We also thank the committed men and women of the
93 Department of Licensing and Consumer Affairs, along with our partners at the Department of
94 Health and the Office of Cannabis Regulation, for their dedication and collaboration in this effort.

95 We thank the Committee for the opportunity to present this testimony and respectfully urge
96 the passage of Bill No. 36-0105 with the suggested amendments, as we believe they will help
97 advance a balanced, enforceable, and science-based regulatory framework. Thank you for your
98 continued support, and we welcome any questions the committee may have.

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