



36TH LEGISLATURE OF THE VIRGIN ISLANDS
COMMITTEE ON HOMELAND SECURITY, JUSTICE, AND PUBLIC SAFETY

The Honorable Senator Clifford A. Joseph, Sr.
Chair of Committee

Testimony Presented By
The Honorable Justa E. Encarnacion, RN, BSN, MBA/HCM
Commissioner of Health

on

Bill No. 36-0105 - An act amending Title 7 Virgin Islands Code, Chapter 13, Subchapter III by prohibiting the possession, sale, or manufacture of tetrahydrocannabinolic acid, delta-6 THC, delta-8 THC, and delta-10 THC products in the Virgin Islands and for other related purposes

1 Good day, Honorable Senator Clifford A. Joseph, Sr., Chair of the Committee on Homeland
2 Security, Justice, and Public Safety; Vice Chair Senator Ray Fonseca; Committee and non-
3 Committee members; and those of you viewing and listening. I am Justa Encarnacion,
4 Commissioner of the Virgin Islands Department of Health. Also joining me today are Assistant
5 Commissioners Dr. Nicole Craigwell-Syms and Reuben Molloy; Chief Legal Counsel Mackiesh
6 Taylor-Jones; and Deputy Commissioner of our Behavioral Health Services Renan Steele.

7 I would like to take a moment to highlight the Environmental Health Division team which
8 continues to inspect high-risk businesses with high impact on our community members. Their
9 dedication to the goal and objectives of the VI Department of Health and more specifically the
10 policies and mandates identified by the Food and Drug Administration (FDA) is admired and
11 appreciated. A big thank you goes out to all of the members of the VIDOH Team for the work they
12 do every day to keep our community healthy and safe. We would also like to thank the Honorable
13 Governor Albert Bryan, Jr., and the Honorable Lieutenant Governor Tregenza Roach for their
14 continued support of our mission We would also like to thank the Honorable Governor Albert
15 Bryan, Jr., and the Honorable Lieutenant Governor Tregenza A. Roach for their continued support
16 of our mission which is *"To Reduce Health Risks, Increase Access to Quality Healthcare and Enforce Health*
17 *Standards"*.

18 Thank you for the opportunity to testify on Bill No. 36-0105 - An act amending Title 7 of the
19 Virgin Islands Code, Chapter 13, Subchapter III by prohibiting the possession, sale, or manufacture
20 of tetrahydrocannabinolic acid (THCA), delta-6 THC, delta-8 THC and delta-10 THC products in
21 the U.S. Virgin Islands and for other related purposes.

22 While delta-9 THC — the primary psychoactive component of cannabis — has long been
23 regulated, other derivatives like delta-6, delta-8, and delta-10 THC are increasingly being
24 marketed and sold as legal alternatives. Many of these products are manufactured synthetically,
25 often using unregulated chemical processes, and can pose serious risks to consumers.
26 Recent reports from the Center for Disease Control and Prevention (CDC) and the FDA
27 underscore the dangers associated with these products, including increased reports of adverse
28 health effects, such as dizziness, confusion, vomiting, and hallucinations, contamination risks
29 from untested manufacturing processes, and accidental poisonings among children and
30 adolescents due to misleading packaging and labeling. The potential for addiction, cognitive
31 impairment, and long-term neurological harm makes proactive legislation essential.

1 The dangers delta-8 and similar derivatives pose to children cannot be overstated. Too often, these
2 products are packaged and marketed to resemble candy, snacks, or soft drinks—deliberately
3 designed to entice young people. One moment of accidental ingestion could result in
4 hospitalization or worse. Without clear regulatory frameworks, these products circumvent existing
5 cannabis controls and put our children at considerable risk of early exposure.

6 The Department of Health is fully prepared to implement Bill 36-0105 through our existing
7 regulatory infrastructure and Food Code authority. Our Environmental Health Division currently
8 conducts routine inspections at retail food establishments across the territory, and we will integrate
9 enforcement of this prohibition into these established protocols. Under Food Code Sections 3-
10 202.12 and 3-201.11, we have clear authority to embargo and remove products containing
11 unapproved food additives from retail establishments.

12 The FDA has explicitly classified delta-8 THC as an unapproved food additive, making any food
13 product containing these substances adulterated under federal law. When our inspectors identify
14 delta-8, delta-10, or THCA products during routine inspections, we can immediately issue hold
15 orders under section 8-903.10 and coordinate with the DLCA and the Industrial Hemp
16 Commission for follow-up enforcement actions. This approach requires no additional
17 infrastructure or policy changes. It is simply the application of the established food safety standards
18 to protect Virgin Islands families from products that have generated over 2,300 poison control
19 calls nationwide, with 41% involving children. The Department stands ready to begin enforcement
20 immediately upon passage of this legislation.

21 This legislation recognizes the paramount responsibility we hold: to protect our youngest and most
22 vulnerable. It draws a clear line, ensuring that no economic interest can override the duty to
23 safeguard our children and families. Prevention must come before a crisis. By prohibiting
24 possession, sale, and the manufacture of these substances, if passed, this legislation can reduce
25 youth access, protect brain development, and decrease the likelihood of future dependency issues.

26 Beyond regulation and enforcement, prevention requires responsible advertising and proactive
27 community education. The Department of Health is committed to leading efforts that ensure the
28 public receives accurate, transparent information about the risks associated with hemp-derived
29 intoxicants and all cannabis-related products.

1 We call upon industry partners, community organizations, and media outlets to join us in
2 rejecting marketing practices that glamorize or misrepresent these substances. Advertisements
3 must never target youth or vulnerable populations, nor should they obscure the
4 potential harm. Instead, messaging should reinforce safe, legal, and responsible use while
5 discouraging misuse.

6
7 Equally important is education. Through school-based programs, public awareness campaigns,
8 and partnerships with healthcare providers, we can equip Virgin Islanders — especially our
9 youth and families — with the knowledge to make informed choices. Education about product
10 labeling, safe storage in the home, and recognition of signs of intoxication will strengthen
11 community resilience and reduce preventable harm.

12
13 In closing, we must continue to foster innovation and economic opportunity, but never at the
14 expense of public health. This bill strikes the right balance: supporting economic development
15 while standing firm against unsafe and unregulated products. Several U.S. jurisdictions,
16 including New York, Colorado, and North Dakota, have already acted to restrict or ban synthetic
17 and semi-synthetic THC derivatives due to similar concerns. Supporting this bill aligns the
18 Virgin Islands with national public health best practices and demonstrates our commitment to
19 evidence-based policymaking. Furthermore, the FDA has not evaluated or approved delta-8,
20 delta-10, or related compounds for safe use in any context. Given the lack of federal oversight,
21 local action is both necessary and urgent.

22 The Virgin Islands Department of Health is committed to protecting the health and well-being of
23 our residents. By supporting Bill No. 36-0105, the Legislature will take a crucial step toward
24 reducing public health risks, protecting our youth from early substance exposure, and ensuring
25 safer, evidence-driven policies around cannabinoid regulation. Our Department is prepared to
26 work together with the Legislature and our partner agencies to build upon the progress made and
27 strengthen our systems.

28 We thank the sponsor of this bill for his proactive leadership and urge the Committee to advance
29 this measure. The VI Department of Health stands ready to work with lawmakers, community
30 partners, and healthcare providers to ensure its effective implementation.

1 Mr. Chair, Committee and non-committee members, thank you for your time, attention, and
2 unwavering commitment to the health and well-being of our community. We welcome your
3 questions and remain available to provide any additional information or support as needed.