

COMMITTEE ON HEALTH, HOSPITALS AND HUMAN SERVICES

10/09/2025-REASSIGNED TO THE COMMITTEE ON HOMELAND SECURITY, JUSTICE AND
PUBLIC SAFETY
09/04/2025-AMENDED AND REPORTED OUT TO THE COMMITTEE ON RULES
AND JUDICIARY

08/20/2025-REASSIGNED TO THE COMMITTEE ON HOMELAND SECURITY, JUSTICE AND
PUBLIC SAFETY

BILL NO. 36-0105

Thirty-Sixth Legislature of the Virgin Islands

June 24, 2025

An act amending title 7 Virgin Islands Code, chapter 13, subchapter III to prohibit 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

PROPOSED BY: Senators Clifford A. Joseph, Sr., and Marise C. James
Co-sponsor: Hubert L. Frederick

1 **WHEREAS**, the federal Hemp Farming Act of 2018 legalized hemp-derived products
2 containing less than 0.3% delta-9 tetrahydrocannabinol (“delta-9 THC”);
3 **WHEREAS**, Act No. 8680 expanded the legalization of cannabis from medicinal use to
4 adult use cannabis in the Virgin Islands;
5 **WHEREAS**, clarifying the definition of hemp will ensure equitable regulation,
6 enforcement, and reduce ambiguity for businesses, law enforcement, and regulators, while
7 keeping the Virgin Islands competitive in the hemp industry and spur economic development;
8 **WHEREAS**, delta-8 tetrahydrocannabinol (“delta-8 THC”) products have not been
9 evaluated or approved by the Federal Drug Administration (“FDA”); as such, there is no
10 guarantee of accuracy in labeling, potentially exposing consumers to risks;

1 **WHEREAS**, delta-8 THC is naturally found in very small amounts in cannabis, and to
2 produce the concentrations needed for commercial products, it is typically synthesized from
3 hemp-derived cannabidiol using chemical processes;

4 **WHEREAS**, the chemical process may involve unsafe chemicals and may result in
5 harmful byproducts or contaminants in the final product, if not properly managed;

6 **WHEREAS**, delta-8 THC can be habit-forming or cause dependence, which can lead to
7 addiction;

8 **WHEREAS**, many delta-8 THC products are marketed in ways to be appealing to
9 children, mimicking candy and snack foods, thereby increasing the risk of accidental overdose
10 and ingestion by children;

11 **WHEREAS**, product labels may be unclear or misleading, causing consumers to
12 underestimate the psychoactive effects of delta-8 THC products;

13 **WHEREAS**, the FDA has received reports of adverse events related to delta-8 THC
14 consumption, including hallucinations, vomiting, tremors, anxiety, dizziness, confusion, and
15 loss of consciousness;

16 **WHEREAS**, poison control centers have also received numerous calls concerning delta-
17 8-THC exposures, with a significant number involving unintentional exposure by children;

18 **WHEREAS**, states and territories have the authority to introduce laws regulating or
19 banning delta-8 THC and other cannabinoids; and

20 **WHEREAS**, more than a dozen states have moved to control or ban delta-8 THC and
21 similar products; Now, Therefore,

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

23 **SECTION 1.** Title 7 Virgin Islands Code, chapter 13, subchapter III is amended as
24 follows:

1 (a) section 200 is amended in subsection (e) by inserting “Hemp or” before
2 “Industrial”;

3 (b) by inserting the following section 200a:

4 “**§ 200a.** It is unlawful to sell, possess, or manufacture intoxicating hemp products
5 in the Virgin Islands. Intoxicating hemp products are not included in the definition of
6 hemp or industrial hemp and are:

7 (1) hemp-derived products containing cannabinoids that are not
8 capable of being naturally produced by the cannabis sativa L plant;

9 (2) cannabinoids that are capable of being naturally produced by the
10 cannabis sativa L. plant and were synthesized, chemically altered or
11 manufactured outside of the plant including the isomerization of CBD
12 tetrahydrocannabinolic acid, delta-6 tetrahydrocannabinol (“THC”), delta-8
13 THC, or delta-10 THC and because nomenclature is not standardized,
14 compounds of these structures, regardless of numerical designation; and

15 (3) products containing any quantifiable amounts of
16 tetrahydrocannabinol acid or of any other cannabinoids that have similar
17 effects or are marketed to have similar effects as THC on humans or animals.

18 (4) Any cannabinoid other than delta 9 THC-that is naturally derived
19 that when introduced into the human body is reasonably likely to cause
20 intoxication or impairment, based on known effects on perception, cognition,
21 or behavior; or has a psychoactive effect or is marketed or labelled as having
22 euphoric, intoxicating, or psychotropic effects.

23 (c) section 201, subsection (g) is stricken, and the following new subsection (g) is
24 inserted:

1 “(g) Before obtaining a business license from the Department of Licensing
2 and Consumer Affairs, a person or entity seeking to sell or manufacture hemp
3 products, must first obtain a permit from the Commission.”

4 (d) section 203 is amended as follows:

5 (1) in the introductory clause by striking “Commissioner and the
6 University of the Virgin Islands” and inserting “the Commission” and by
7 striking “jointly”;

8 (2) in paragraph (3) by striking “Commissioner’s” and inserting “the
9 Commission”; and

10 (3) by redesignating paragraph (5) as paragraph (6) and inserting the
11 following new paragraph (5):

12 “(5) The permit approval process for hemp retailers and
13 manufacturers and for the fees associated with the processing and issuance of
14 the permit.”;

15 (e) in section 204 by striking “for use by the Commissioner” and insert “to be used
16 by the Commission”; and

17 (f) by adding the following section 209:

18 **“§ 209. Penalties**

19 (a) If the Commission finds that a person or entity has violated any provision
20 of this subchapter, the Commission shall fine the violator \$1,000 for each violation.
21 If a person or entity violates the provisions of this subchapter on two or more
22 occasions, upon notice and an opportunity to be heard, the Commission may revoke
23 that person or entity’s permit.

(b) The Commission shall notify the Department of Licensing and Consumer Affairs when a person or entity has violated the provisions of this subchapter on two or more occasions. Upon notice and an opportunity to be heard, the Department of Licensing and Consumer Affairs may revoke that person or entity's business license. The person or business entity has the right to appeal the decision of the Department of Licensing and Consumer Affairs under current law.

(c) The Commission shall deposit 50% of monies collected under this section into the Agriculture Revolving Fund and 50% shall be deposited into the Consumer Protection Fund.”

10 **SECTION 2.** Title 33 Virgin Islands Code, chapter 111, section 3018 is amended
11 as follows:

12 (a) in subsection (c) by inserting the following paragraph (1) after "constituted
13 of:";

14 “(1) All monies collected by the Industrial Hemp Commission under title 7
15 Virgin Islands Code, chapter 13, subchapter III”; and by designating the other items
16 beginning with “All” as paragraphs (2), (3), and (4), respectively; and

17 (b) In subsection (d), at the end of the first sentence after “industry” by inserting
18 “, except that monies deposited into the Fund pursuant to 7 V.I.C. § 204 must be used
19 exclusively by the Industrial Hemp Commission to administer and enforce the provision
20 of 7 V.I.C., ch. 13, subch. III.”

21 **SECTION 3.** Retailers that still have possession of tetrahydrocannabinolic acid, delta-6
22 tetrahydrocannabinol (“THC”), delta-8 THC, delta-10 THC, or and other cannabinoid products
23 60 days after the effective day of this act, shall turn these products over to the Industrial Hemp

1 Commission. The Industrial Hemp Commission shall coordinate with the Virgin Islands Police
2 Department for the appropriate disposal method for all seized products.

3 **SECTION 4.** Nothing in this act prevents the Virgin Islands Police Department, the
4 Department of Licensing and Consumer Affairs or the Department of Health from performing
5 their duties prescribed by law including seizing illegal products, making arrests or issuing
6 citations.

7 **BILL SUMMARY**

8 This bill prohibits the possession, sale, or manufacture of tetrahydrocannabinolic acid,
9 delta-6 tetrahydrocannabinol (“THC”), delta-8 THC, or delta-10 THC in the Virgin Islands;
10 provides for the Industrial Hemp Commission to issue permits for the retail sale or manufacture
11 of these products; removes the Commissioner of Agriculture and the University of the Virgin
12 Islands from having rulemaking authority; adds a penalty section for violations of the
13 subchapter; and provides that 50% of monies collected for penalties must be deposited into the
14 Agriculture Revolving Fund to be used exclusively by the Hemp Commission to administer and
15 enforce the provisions of the subchapter and 50% to be deposited in the Consumer Protection
16 Fund.

17 **BR25-0402/June 23, 2025/SLR**

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