

s/AWCJR

AMENDMENT TO BILL NO. 36-0105
Offered by Senator Clifford A. Joseph, Sr.

Bill No. 36-0105 is amended by striking all language after the enactment clause and inserting the following:

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

(a) In section 200:

- (1) by striking subsections (d) and (e); and
- (2) by adding the following definitions and redesignating the remaining definitions accordingly:

“(____) “Cannabidiol” or “CBD” means a non-psychotropic compound found in Cannabis sativa L. plants that contains not more than 0.3 percent delta-9 tetrahydrocannabinol (THC) on a dry-weight basis.”

(____) “Container” means the innermost wrapping, package, or vessel in direct contact with a hemp-derived cannabinoid product and in which the product is enclosed for retail sale, including a jar, bottle, bag, box, packet, can, carton, or cartridge.

(____) “Hemp” means all parts and derivatives of Cannabis sativa L. plants, including their extracts, cannabinoids, isomers, acids, salts, and salts of isomers, with a total concentration of delta-9 tetrahydrocannabinol (THC), including tetrahydrocannabinolic acid (THCA), of not more than 0.3 percent on a dry-weight basis.

(_) “Industrial hemp” means hemp grown for non-cannabinoid purposes, including fiber, seed oil, and other agricultural or manufacturing uses, and is included within the definition of hemp.

(_) “Hemp-derived cannabinoid product” means any intermediate or final product derived from hemp that contains cannabinoids in any form and is intended for human or animal use, including for inhalation, ingestion, or topical application.”

(b) By inserting the following new section 200a:

“§ 200a. Unlawful sale, possession, or manufacture of intoxicating hemp products or artificially derived cannabinoids

(a) It is unlawful for any person to sell, possess, or manufacture intoxicating hemp products or artificially derived cannabinoids in the Virgin Islands without a valid license or permit issued by the Office of Cannabis Regulation.

(b) For purposes of this section, intoxicating hemp products and artificially derived cannabinoids are not included within the definitions of hemp or industrial hemp and include the following:

(1) Hemp-derived products containing cannabinoids that are not capable of being naturally produced by the *Cannabis sativa* L. plant;

(2) Cannabinoids that can be naturally produced by the *Cannabis sativa* L. plant but that have been synthesized, chemically altered, or manufactured outside of the plant, including through the isomerization of cannabidiol (CBD), tetrahydrocannabinolic acid (THCA), delta-6 tetrahydrocannabinol (THC), delta-8 THC, or delta-10 THC, and any compounds of these structures, regardless of numerical designation, because nomenclature is not standardized;

(3) Products containing any quantifiable amount of THCA or other cannabinoids that have, or are marketed to have, similar effects as THC on humans or animals;

(4) Any cannabinoid other than delta-9 THC that is naturally derived and that, when introduced into the human body, is reasonably likely to cause intoxication or

impairment based on known effects on perception, cognition, or behavior, or that has a psychoactive effect or is marketed or labeled as having euphoric, intoxicating, or psychotropic effects; and

(5) “Artificially derived cannabinoid” means a cannabinoid extracted from a hemp plant or hemp plant parts whose chemical composition has been altered after extraction to create a different cannabinoid or other chemical compound by applying a catalyst other than heat or light. The term includes any tetrahydrocannabinol created from cannabidiol (CBD).”

(c) In section 201, by striking subsection (g) and inserting:

“(g) Before obtaining a business license from the Department of Licensing and Consumer Affairs, a person or entity seeking to sell or manufacture hemp or hemp-derived products, including cannabidiol (CBD) and other non-psychoactive hemp products, shall first obtain a permit from the Commission.”

(d) Section 203 is amended as follows:

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

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

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

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

(e) In section 204, by striking “for use by the Commissioner” and inserting “to be used by the Commission”; and

(f) by adding the following section 209:

“§ 209. Penalties

(a) If the Commission finds that a person or entity has violated any provision of this subchapter, the Commission shall impose a civil fine of \$2,500 for the first offense and not less than \$5,000 for a second offense within a twelve-month period. If a person or entity violates the provisions of this subchapter on two or more occasions, the Commission may, after notice and an opportunity to be heard, revoke that person’s 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 three or more occasions within an eighteen-month period. After notice and an opportunity to be heard, the Department of Licensing and Consumer Affairs may revoke that person’s or entity’s business license. A person or business entity has the right to appeal the decision of the Department of Licensing and Consumer Affairs.

(c) The Commission shall deposit 25 percent of all monies collected under this section into the Agriculture Revolving Fund, 25 percent into the Consumer Protection Fund, 25 percent into the Cannabis Fund, and 25 percent into the Health Revolving Fund.”

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

(a) In subsection (c) by inserting the following paragraph (1) after “constituted of:”:

“(1) All monies collected by the Industrial Hemp Commission under title 7 Virgin Islands Code, chapter 13, subchapter III”; and by redesignating the remaining items accordingly; and

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

SECTION 3. Retailers that possess tetrahydrocannabinolic acid (THCA), delta-6 tetrahydrocannabinol (THC), delta-8 THC, delta-10 THC, or other intoxicating cannabinoid products on or after 60 days following the effective date of this act shall, within the 60 day period, submit an inventory list of such products to the Industrial Hemp Commission and the Office of Cannabis Regulation.

Each retailer shall have 90 days from the effective date of this act to sell or otherwise dispose of its remaining inventory in accordance with regulations promulgated by the Office of Cannabis Regulation.

After the 90 period, the Office of Cannabis Regulation, in coordination with the Industrial Hemp Commission, shall establish and implement a plan for the lawful disposition of any remaining unsold products.

SECTION 4. (a) Title 19 Virgin Islands Code, chapter 34, section 776 is amended by adding the following appropriately numbered definitions:

“(____) “Artificially Derived Cannabinoid” means a cannabinoid extracted from a hemp plant or hemp plant parts whose chemical composition is altered after extraction to create a different cannabinoid or other chemical compound by applying a catalyst other than heat or light. The term includes any tetrahydrocannabinol created from cannabidiol (CBD), and any naturally derived cannabinoid other than delta-9 THC that, when introduced into the human body, is reasonably likely to cause intoxication or impairment based on known effects on perception, cognition, or behavior, or that has a psychoactive effect or is marketed or labeled as having euphoric, intoxicating, or psychotropic effects.

“(____) “Intoxicating Hemp Product” means a hemp-derived product containing cannabinoids that are not capable of being naturally produced by the *Cannabis sativa L.* plant; cannabinoids that are capable of being naturally produced by the *Cannabis sativa L.* plant but that have been synthesized, chemically altered, or manufactured outside of the plant, including through the isomerization of cannabidiol (CBD), tetrahydrocannabinolic acid (THCA), delta-6 tetrahydrocannabinol (THC), delta-8 THC,

or delta-10 THC, and, because nomenclature is not standardized, compounds of these structures regardless of numerical designation. The term also includes products containing any quantifiable amount of tetrahydrocannabinolic acid or other cannabinoids that have similar effects, or are marketed to have similar effects, as THC on humans or animals.

“(____) “Intoxicating Hemp/Artificially Derived Cannabinoid Retailer License” means a license issued under this chapter authorizing a person to operate a business, as described in section 794a of this title, that sells intoxicating hemp and artificially derived cannabinoid products.”

(b) Title 19 Virgin Islands Code, chapter 34, section 777(k) is amended by inserting “and Intoxicating Hemp/Artificially Derived Cannabinoid” at the end of the first sentence.

(c) Title 19 Virgin Islands Code, chapter 34, section 778(a) is amended:

- (1) in paragraph (9), by striking “and”;
- (2) in paragraph (10), by inserting “and” at the end of the sentence; and
- (3) by inserting the following new paragraph (11):

“(11) Intoxicating Hemp/Artificially Derived Cannabinoid Retailer License.”

(d) Title 19 Virgin Islands Code, chapter 34, sections 787(b) and 787(d) are amended:

- (1) in paragraph (1), by striking “and” at the end;
- (2) in paragraph (2), by striking the period at the end and inserting “; and”; and
- (3) by inserting the following new paragraph (3):

“(3) Up to six Intoxicating Hemp/Artificially Derived Cannabinoid
Retailer Licenses.”

(e) Title 19 Virgin Islands Code, chapter 34, section 787(c) is amended:

- (1) in paragraph (1), by striking “and” at the end;
- (2) in paragraph (2), by striking the period at the end and inserting “; and”; and
- (3) by inserting the following new paragraph (3):

“(3) Up to two Intoxicating Hemp/Artificially Derived Cannabinoid Retailer Licenses.”

(f) Title 19 Virgin Islands Code, chapter 34 is amended by adding the following new section 794a:

“§ 794a. Intoxicating Hemp/Artificially Derived Cannabinoid Retailer License

(a) An Intoxicating Hemp/Artificially Derived Cannabinoid Retailer License may not be issued to a gas station, convenience store, or grocery store, and a licensee may not operate within 250 feet of a school or church.

(b) The Office of Cannabis Regulation shall promulgate regulations within 90 days of the effective date of this section specifying acceptable forms of identification for confirming an individual’s age and residency.

(c) The Office of Cannabis Regulation shall promulgate regulations within 90 days of the effective date of this section governing the testing, packaging, and tracking of all intoxicating hemp and artificially derived cannabinoid products sold in the territory.

(d) An Intoxicating Hemp/Artificially Derived Cannabinoid Retailer shall implement reasonable measures to verify that all purchasers are 21 years of age or older.

(e) All intoxicating hemp and artificially derived cannabinoid products sold by a licensee must be tested by an independent ISO-certified laboratory. Licensees shall partner with the University of the Virgin Islands or contract with accredited laboratories in Puerto Rico or in another jurisdiction approved by the Office of Cannabis Regulation.

(f) An Intoxicating Hemp/Artificially Derived Cannabinoid Retailer may not sell any product that mimics candy or snack items, and all product packaging must be child-resistant and tamper-evident.”

(g) Title 19 Virgin Islands Code, chapter 34, section 800b(a) and (b) are amended by inserting “and an Intoxicating Hemp/Artificially Derived Cannabinoid Retailer” after “Dispensary.”

(h) Title 19 Virgin Islands Code, chapter 34, section 800c(b) is amended:

(1) in subsection (4) by inserting “and an Intoxicating Hemp/Artificially Derived Cannabinoid Retailer” after “Dispensary.”; and

(2) in subsection (5), by striking “; and”; and

(3) by inserting the following new subsection (7):

“(7) \$15,000 for an Intoxicating Hemp/Artificially Derived Cannabinoid Retailer License.”

SECTION 5. Nothing in this act prevents the Virgin Islands Police Department, the Department of Licensing and Consumer Affairs or the Department of Health from seizing illegal products, making arrests or issuing citations. “

Amendment No. 36-565/November 10, 2025/KEH/Revised December 3, 2025/KEH