

**PRESENTATION OF CHIEF DEPUTY ATTORNEY GENERAL
IAN S.A. CLEMENT ON BEHALF OF ATTORNEY GENERAL
GORDON C. RHEA, DEPARTMENT OF JUSTICE'S TESTIMONY
THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS
IN RE: BILL NO. 36-0105
COMMITTEE ON RULES AND JUDICIARY
OCTOBER 9, 2025**

Good day, Senate President, Bill Sponsors Senators Hubert L. Frederick, Clifford A. Joseph, Sr., and Marise C. James, other Senators, legislative staff, and the listening and viewing audience. Thank you for inviting the Department of Justice to testify on Bill No. 36-0105. I am Chief Deputy Attorney General Ian Clement. It is my pleasure to appear before you today.

A little over a month ago, on September 4, 2025, the various stakeholders appeared before this body, and we had a lively discussion about the merits and pitfalls of Bill 36-0105. While I did not testify, I accompanied the Chairperson of the Hemp Commission, who testified, and Acting Deputy Attorney General Lynn Pryor presented the testimony on behalf of the Department of Justice. I was left with the impression that while Bill 36-0105 was necessary, it was in need of major revision. However, the Bill that accompanied the Attorney General's invitation to speak does not appear to encompass the revisions previously discussed. It defines, however, intoxicating hemp further and excludes products under that definition from

proposed 7 V.I.C. § 200a(b)(4). Nonetheless, the Department of Justice stands by its former testimony in support of the idea of the Bill and its caution that it needs revision. I have appended Acting Deputy Pryor’s September 4, 2025, Testimony as Exhibit A.

Additionally, the Department of Justice wholeheartedly adopts the caveats from the testimony of Joanne Moorehead, the Executive Director of the Office of Cannabis Regulation, an expert in this field. Specifically, this Bill, as revised, runs the risk of banning non-intoxicating tetrahydrocannabinolic acid (THCa), which only becomes delta-9 when exposed to heat.

The revised bill does introduce a catch-all Section 4 that states:

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

However, the words of this catch-all provision are belied by the real potential for regulatory confusion.

For example, the Bill prohibits the possession, sale, or manufacture of tetrahydrocannabinolic acid, 8 delta-6 tetrahydrocannabinol (“THC”), delta-8 THC, or delta-10 THC in the Virgin Islands, and at the same time, according to the Bill Summary it creates a framework for the Industrial Hemp Commission to issue

permits for the retail sale or manufacture 10 of these products. Enforcement of banned products requires testing, and this Bill does not provide for it, nor does the Industrial Hemp Commission currently have the capacity. Moreover, if not carefully implemented, an outright ban could drive demand underground, where regulation would have little or no effect.

I agree that these products, which are not actually industrial hemp, are better controlled by the Office of Cannabis Regulation. Enforcement by OCR, the Department of Health, the Department of Licensing and Consumer Affairs, the Virgin Islands Police Department, the Industrial Hemp Commission, and the Department of Justice should be interlaced, coordinated, and comprehensive. Finally, I agree that this legislation requires research and findings that will strengthen its defense against potential legal challenges, which will surely arise.

**PRESENTATION OF ACTING DEPUTY ATTORNEY GENERAL
PATRICIA LYNN PRYOR
ON BEHALF OF ATTORNEY GENERAL GORDON C. RHEA
DEPARTMENT OF JUSTICE'S TESTIMONY
THIRTY-SIXTH LEGISLATURE OF THE VIRGIN ISLANDS
IN RE: BILL NO. 36-0105
COMMITTEE ON HOMELAND SECURITY,
JUSTICE AND PUBLIC SAFETY
SEPTEMBER 4, 2025**

Good Morning, Senate President, Senators, legislative staff, and the listening and viewing audience. Thank you for inviting the Department of Justice to testify on Bill No. 36-0105. I am Acting Deputy Attorney General Patricia Lynn Pryor. It is my pleasure to appear before you today.

The Department of Justice serves as the attorney for the People of the Virgin Islands, and we stand ready to enforce the laws of the United States Virgin Islands as enacted by this legislative body. That includes any laws pertaining to marijuana, hemp, cannabis or other chemical compounds. However, the Attorney General of the Virgin Islands has no position regarding the implementation of Bill No. 36-0105 at this time.

The Attorney General's Office agrees that it is important to develop and enforce stronger regulations governing cannabis and hemp-derived products, particularly those that pose health risks or harm to minors. As Bill 36-0105 notes,



delta-8 and other similar THC products are not regulated by the Food and Drug Administration [“FDA”]. The lack of FDA approval precludes assurance that any products labeled as delta-8 THC are safe for use, contain precisely what is claimed on the label, and that no dangerous chemicals or other habit-forming substances are included. The products that are labelled and marketed particularly in an effort to appeal to minors are even more disturbing. Those issues certainly deserve attention by this body.

Following the enactment of the Virgin Islands Cannabis Use Act, our office has met and collaborated with the Office of Cannabis Regulation [“OCR”] and would defer to them as the subject matter experts in this field. It is our understanding that OCR supports “the inclusion of age-gating protocols, rigorous testing requirements, and clearly defined product safety and labeling standards.” We agree that such safeguards are important to protect consumers in the Virgin Islands and to ensure that any cannabis or hemp-related products sold here are in compliance with the legal and public health requirements.

The Department of Justice also defers to the Virgin Islands Industrial Hemp Commission in matters pertaining to their expertise. Unfortunately, it appears that Bill 36-0105 creates some overlap between the two. We would encourage the legislature to include both agencies and direct them to work in partnership to

implement any new laws or regulations, to define a regulatory framework, and to ensure compliance.

The primary concern of the Attorney General’s Office in this particular bill is that the Cannabis Use Act [Act No. 8680] was previously enacted for the purpose of regulating the “cultivation, manufacture and sale of cannabis” and providing oversight of the cannabis industry to protect public safety, improve public health, and create economic opportunities for the Virgin Islands and its residents.” Yet, this bill contemplates changes to the laws that fall under the regulation of the Virgin Islands Industrial Hemp Commission.

The Virgin Islands Cannabis Use Act is codified in Title Nineteen, Chapter Thirty-Four of the Virgin Islands Code; however, this Bill proposes additions to Title Seven, Chapter 13 of the Code which pertains to the cultivation of hemp. There is a certain amount of confusion between the two sections of the code and having two different regulatory bodies deal with these very similar plant-based products creates concern about how this bill will be implemented and who will be responsible for enforcement and regulation. We believe that it is imperative for the laws pertaining to the regulation of cannabis and hemp products be in accord, so as not to cause more confusion if there is a conflict between the two. Furthermore, Bill 36-0105 appears

to criminalize some products that may have already been legalized in the Cannabis Use Act.

The overlap of the current hemp and cannabis laws and regulations creates its own form of uncertainty, and we are sure that this legislative body does not intent to create any further contradictions between the two. Particularly, the enforcement of the proposed code provisions may be difficult or ineffective, if there is not clearly defined regulatory oversight. The Department of Justice would defer to the Office of Cannabis Regulation and the Virgin Islands Industrial Hemp Commission for their guidance on any potential conflicts, and we would encourage a collaborative effort by both agencies to implement any changes deemed necessary by this 36th Legislature of the United States Virgin Islands.

That concludes my remarks. Thank you for your time and attention today.