
By: ~~Delegates Guns and Morhaim~~ **C. Davis, Guns, Morhaim, and Baldwin**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2000

CHAPTER _____

1 AN ACT concerning

2 **Agriculture - Industrial Hemp - Pilot Program**

3 FOR the purpose of defining certain terms; establishing a ~~4-year~~ 4 and one-half year
4 pilot program to study the growth and marketing of industrial hemp; providing
5 for the purposes of the pilot program; requiring the Secretary of Agriculture to
6 administer the pilot program in consultation with certain State and federal
7 agencies; requiring the Secretary to ensure safe cultivation of industrial hemp
8 by conducting certain activities; providing that only State property may be used
9 to grow industrial hemp; requiring the Department of Agriculture to certify and
10 register the sites used for growing industrial hemp with the Department of
11 Agriculture and the Department of State Police; authorizing the Department of
12 State Police to access the property where industrial hemp is grown; restricting
13 access to the property where industrial hemp is being grown; requiring an
14 individual to be licensed by the Department of Agriculture before the individual
15 may participate in the pilot program; providing for certain restrictions on the
16 license; requiring the Department of Agriculture to conduct a background and
17 criminal history records check on an individual who applies to participate in the
18 pilot program; requiring the Department of Agriculture to follow certain
19 procedures when submitting an application to the Criminal Justice Information
20 System Central Repository of the Department of Public Safety and Correctional
21 Services for a criminal history records check; requiring the Criminal Justice
22 Information System Central Repository to provide certain criminal history
23 information to the Department of Agriculture; requiring an individual to
24 register with a certain federal agency before the Department may issue a license
25 to participate in the pilot program; requiring the Department to assist
26 individuals in the process of registering with a certain federal agency;
27 authorizing the Secretary to adopt certain regulations in consultation with
28 certain agencies; and generally relating to a pilot program to study the growth

1 and marketing of industrial hemp in the State.

2 BY adding to

3 Article - Agriculture

4 Section 9-801 through 9-806, inclusive, to be under the new subtitle "Subtitle 8.

5 Pilot Program to Study the Growth and Marketing of Industrial Hemp"

6 Annotated Code of Maryland

7 (1999 Replacement Volume and 1999 Supplement)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - Agriculture**

11 **SUBTITLE 8. PILOT PROGRAM TO STUDY THE GROWTH AND MARKETING OF**
12 **INDUSTRIAL HEMP.**

13 9-801.

14 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) "HEMP PRODUCT" MEANS A PRODUCT GENERATED FROM THE PLANT
17 MATERIALS OF INDUSTRIAL HEMP.

18 (2) "HEMP PRODUCT" INCLUDES CLOTH, CORDAGE, FIBER, FOOD, FUEL,
19 OIL, PAINT, PAPER, PARTICLE BOARD, PLASTICS, AND SEED FOR CONSUMPTION OR
20 CULTIVATION.

21 (C) "INDUSTRIAL HEMP" MEANS ALL PARTS AND VARIETIES OF THE PLANT
22 CANNABIS SATIVA L. CONTAINING NO GREATER THAN 1% TETRAHYDROCANNABINOL
23 BY WEIGHT.

24 9-802.

25 (A) THERE IS A ~~4-YEAR~~ PILOT PROGRAM TO STUDY THE GROWTH AND
26 MARKETING OF INDUSTRIAL HEMP IN THE STATE.

27 (B) THE PURPOSE OF THE PILOT PROGRAM IS TO ALLOW THE CONTROLLED
28 GROWTH AND PROCESSING OF INDUSTRIAL HEMP IN ORDER TO ASSESS:

29 (1) THE FEASIBILITY OF GROWING INDUSTRIAL HEMP IN THE STATE;
30 AND

31 (2) THE AVAILABILITY AND EXTENT OF THE COMMERCIAL AND
32 INDUSTRIAL MARKET FOR INDUSTRIAL HEMP GROWN IN THE STATE AND HEMP
33 PRODUCTS MANUFACTURED IN THE STATE.

1 9-803.

2 (A) THE SECRETARY, IN CONSULTATION WITH THE UNITED STATES
3 DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION AND THE
4 MARYLAND DEPARTMENT OF STATE POLICE, SHALL ADMINISTER THE PILOT
5 PROGRAM IN ACCORDANCE WITH THIS SUBTITLE.

6 (B) IN ADDITION TO THE LICENSING REQUIREMENTS SET FORTH IN § 9-805 OF
7 THIS SUBTITLE, THE SECRETARY SHALL ENSURE THE SAFE CULTIVATION AND USE
8 OF INDUSTRIAL HEMP BY:

9 (1) CONTROLLING THE SUPPLY OF INDUSTRIAL HEMP SEEDS THAT WILL
10 BE USED IN THE PILOT PROGRAM TO ENSURE THAT ONLY THOSE VARIETIES THAT
11 MEET THE TETRAHYDROCANNABINOL LIMITATIONS OF THIS SUBTITLE ARE
12 CULTIVATED;

13 (2) REQUIRING THAT INDIVIDUALS WHO PARTICIPATE IN THE PILOT
14 PROGRAM BY GROWING, HANDLING, TRANSPORTING, OR PROCESSING INDUSTRIAL
15 HEMP BE LICENSED BY THE DEPARTMENT IN ACCORDANCE WITH § 9-805 OF THIS
16 SUBTITLE;

17 (2) (3) INSPECTING AND TESTING PERIODICALLY INDUSTRIAL HEMP
18 CROPS FOR TETRAHYDROCANNABINOL CONTENT TO ENSURE COMPLIANCE WITH
19 THIS SUBTITLE; AND

20 (3) (4) CERTIFYING THE TRANSPORTATION AND FINAL DESTINATION
21 OF RAW INDUSTRIAL HEMP.

22 9-804.

23 (A) ONLY STATE AGRICULTURAL LAND MAY BE USED FOR GROWING
24 INDUSTRIAL HEMP IN THE PILOT PROGRAM.

25 (B) ACCESS TO THE PROPERTY THAT IS BEING USED TO GROW INDUSTRIAL
26 HEMP SHALL BE RESTRICTED TO THOSE WHO ARE LICENSED UNDER § 9-805 OF THIS
27 SUBTITLE.

28 (C) THE DEPARTMENT SHALL REGISTER AND CERTIFY SITES FOR THE
29 GROWTH OF INDUSTRIAL HEMP WITH THE DEPARTMENT AND WITH THE
30 DEPARTMENT OF STATE POLICE.

31 (D) THE DEPARTMENT OF STATE POLICE MAY ENTER ANY PREMISES, LAND,
32 OR BUILDING WHERE INDUSTRIAL HEMP IS GROWN OR MANUFACTURED IN ORDER
33 TO MONITOR COMPLIANCE WITH THIS SUBTITLE DURING REASONABLE BUSINESS
34 HOURS, WITH OR WITHOUT NOTICE.

35 9-805.

36 (A) (1) AN INDIVIDUAL SHALL BE LICENSED BY THE DEPARTMENT BEFORE
37 THE INDIVIDUAL MAY PARTICIPATE IN THE PILOT PROGRAM.

1 (2) A LICENSE IS NONTRANSFERABLE.

2 (3) A LICENSE MAY NOT BE ISSUED TO A PERSON WHO HAS BEEN
3 CONVICTED OF A FELONY OR A DRUG-RELATED MISDEMEANOR.

4 ~~(4) THE DEPARTMENT SHALL CONDUCT A BACKGROUND AND CRIMINAL~~
5 ~~HISTORY RECORDS CHECK OF THE INDIVIDUAL IN ORDER TO DETERMINE~~
6 ~~ELIGIBILITY FOR PARTICIPATION UNDER THIS SUBSECTION.~~

7 (B) (1) IN ORDER TO DETERMINE AN INDIVIDUAL'S ELIGIBILITY FOR A
8 LICENSE UNDER THIS SECTION, THE DEPARTMENT SHALL:

9 (I) CONDUCT A BACKGROUND CHECK OF THE INDIVIDUAL; AND

10 (II) APPLY TO THE CRIMINAL JUSTICE INFORMATION SYSTEM
11 CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
12 CORRECTIONAL SERVICES FOR A NATIONAL AND STATE CRIMINAL HISTORY
13 RECORDS CHECK OF THE INDIVIDUAL.

14 (2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
15 CHECK, THE DEPARTMENT SHALL SUBMIT TO THE CRIMINAL JUSTICE INFORMATION
16 SYSTEM CENTRAL REPOSITORY:

17 (I) TWO COMPLETE SETS OF THE INDIVIDUAL'S LEGIBLE
18 FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CRIMINAL
19 JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY AND THE DIRECTOR OF THE
20 FEDERAL BUREAU OF INVESTIGATION;

21 (II) THE MANDATORY PROCESSING FEE REQUIRED BY THE
22 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
23 RECORDS CHECK; AND

24 (III) THE FEE AUTHORIZED UNDER ARTICLE 27, § 746(B)(8) OF THE
25 CODE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS.

26 (3) IN ACCORDANCE WITH ARTICLE 27, §§ 742 THROUGH 755 OF THE
27 CODE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE INDIVIDUAL AND THE
28 DEPARTMENT THE INDIVIDUAL'S CRIMINAL HISTORY RECORD INFORMATION.

29 (4) INFORMATION OBTAINED FROM THE CRIMINAL JUSTICE
30 INFORMATION SYSTEM CENTRAL REPOSITORY UNDER THIS SUBSECTION SHALL BE:

31 (I) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

32 (II) USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS SECTION.

33 ~~(B)~~ (C) (1) AN INDIVIDUAL SHALL REGISTER WITH THE UNITED STATES
34 DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION PURSUANT TO 21
35 U.S.C. 823(A) BEFORE THE DEPARTMENT MAY ISSUE A LICENSE TO PARTICIPATE IN
36 THE PILOT PROGRAM.

1 (2) THE DEPARTMENT SHALL ASSIST INDIVIDUALS THAT SEEK TO
2 PARTICIPATE IN THE PILOT PROGRAM IN OBTAINING REGISTRATION WITH THE
3 UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION
4 UNDER THIS SUBSECTION.

5 9-806.

6 THE SECRETARY, IN CONSULTATION WITH THE UNITED STATES DEPARTMENT
7 OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION, AND THE MARYLAND
8 DEPARTMENT OF STATE POLICE MAY ADOPT REGULATIONS NECESSARY TO
9 IMPLEMENT THIS SUBTITLE.

10 SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1,
11 2000, 2001, 2002, ~~and 2003~~ 2003, and 2004, respectively, the Secretary shall report to
12 the Governor and, subject to § 2-1246 of the State Government Article, to the General
13 Assembly on: (1) the status of efforts to implement the pilot program to study the
14 growth and marketing of industrial hemp in the State established by this Act; (2) the
15 amount of acreage under cultivation in the pilot program; (3) the feasibility of growing
16 industrial hemp in the State; and (4) the market or potential market for industrial
17 hemp grown in the State and industrial hemp products manufactured in the State.

18 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 July 1, 2000. It shall remain effective for a period of 4 years and 6 months and, at the
20 end of ~~June 30~~ December 31, 2004, with no further action required by the General
21 Assembly, this Act shall be abrogated and of no further force and effect.