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

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2000

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CHAPTER 681

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

20 (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.