

# HOUSE BILL 803

M4, E1

5lr1746

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By: **Delegates Fraser–Hidalgo, Morhaim, Carr, Cluster, Gilchrist, Gutierrez, Holmes, Korman, Lafferty, Lam, Otto, and S. Robinson**

Introduced and read first time: February 13, 2015

Assigned to: Environment and Transportation

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Committee Report: Favorable

House action: Adopted with floor amendments

Read second time: March 17, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Agriculture – Industrial Hemp – Legalization**

3 FOR the purpose of authorizing a person to plant, grow, harvest, possess, process, sell, or  
4 buy industrial hemp in the State; requiring a person to register with the Department  
5 of Agriculture before planting or growing industrial hemp; altering the definition of  
6 “marijuana” for purposes of certain provisions of law relating to controlled dangerous  
7 substances to exclude industrial hemp; making this Act subject to a certain  
8 contingency; providing for the termination of a certain provision of this Act; defining  
9 a certain term; and generally relating to the legalization of industrial hemp in the  
10 State.

11 BY adding to

12 Article – Agriculture

13 Section 14–101 to be under the new title “Title 14. Industrial Hemp”

14 Annotated Code of Maryland

15 (2007 Replacement Volume and 2014 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – Criminal Law

18 Section 5–101(a)

19 Annotated Code of Maryland

20 (2012 Replacement Volume and 2014 Supplement)

21 BY repealing and reenacting, with amendments,

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Criminal Law  
2 Section 5–101(r)  
3 Annotated Code of Maryland  
4 (2012 Replacement Volume and 2014 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
6 That the Laws of Maryland read as follows:

7 **Article – Agriculture**

8 **TITLE 14. INDUSTRIAL HEMP.**

9 **14–101.**

10 (A) IN THIS SECTION, “INDUSTRIAL HEMP” MEANS THE PLANT CANNABIS  
11 SATIVA L. AND ANY PART OF SUCH PLANT, WHETHER GROWING OR NOT, WITH A  
12 DELTA–9–TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED  
13 0.3% ON A DRY WEIGHT BASIS.

14 (B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A PERSON MAY PLANT,  
15 GROW, HARVEST, POSSESS, PROCESS, SELL, OR BUY INDUSTRIAL HEMP IN THE  
16 STATE.

17 (C) BEFORE PLANTING OR GROWING INDUSTRIAL HEMP, A PERSON SHALL  
18 REGISTER WITH THE DEPARTMENT.

19 **Article – Criminal Law**

20 5–101.

21 (a) In this title the following words have the meanings indicated.

22 (r) (1) “Marijuana” means:

23 (i) all parts of any plant of the genus Cannabis, whether or not the  
24 plant is growing;

25 (ii) the seeds of the plant;

26 (iii) the resin extracted from the plant; and

27 (iv) each compound, manufactured product, salt, derivative, mixture,  
28 or preparation of the plant, its seeds, or its resin.

29 (2) “Marijuana” does not include:

- 1 (i) the mature stalks of the plant;
- 2 (ii) fiber produced from the mature stalks;
- 3 (iii) oil or cake made from the seeds of the plant;
- 4 (iv) except for resin, any other compound, manufactured product,
- 5 salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake; [or]
- 6 (v) the sterilized seed of the plant that is incapable of germination;

7 OR

8 (VI) THE PLANT CANNABIS SATIVA L. AND ANY PART OF SUCH  
 9 PLANT, WHETHER GROWING OR NOT, WITH A DELTA-9-TETRAHYDROCANNABINOL  
 10 CONCENTRATION THAT DOES NOT EXCEED 0.3% ON A DRY WEIGHT BASIS.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is contingent on the  
 12 taking effect of the federal Industrial Hemp Farming Act of 2015 or another federal law  
 13 that delegates authority over industrial hemp to the states or authorizes a person to plant,  
 14 grow, harvest, possess, process, sell, and buy industrial hemp. The Maryland Department  
 15 of Agriculture shall notify the Department of Legislative Services within 5 days after the  
 16 effective date of a federal law delegating authority to the states or authorizing the farming,  
 17 possession, processing, and sale of industrial hemp. If a federal law does not take effect on  
 18 or before October 1, 2030, this Act shall be null and void without the necessity of further  
 19 action by the General Assembly.

20 SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That ~~§ 14-101(c) of the~~  
 21 Agriculture Article, as enacted by this Act, shall remain effective for a period of 7 years  
 22 and, at the end of September 30, 2022, with no further action required by the General  
 23 Assembly, § 14-101(c) of the Agriculture Article, as enacted by this Act, shall be abrogated  
 24 and of no further force and effect.

25 SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That, subject to Section 2 of this  
 26 Act, this Act shall take effect October 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.