

HOUSE BILL 803

M4, E1

5lr1746

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

A BILL ENTITLED

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; providing for the termination of a certain
8 provision of this Act; defining a certain term; and generally relating to the
9 legalization of industrial hemp in the State.

10 BY adding to

11 Article – Agriculture

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

13 Annotated Code of Maryland

14 (2007 Replacement Volume and 2014 Supplement)

15 BY repealing and reenacting, without amendments,

16 Article – Criminal Law

17 Section 5–101(a)

18 Annotated Code of Maryland

19 (2012 Replacement Volume and 2014 Supplement)

20 BY repealing and reenacting, with amendments,

21 Article – Criminal Law

22 Section 5–101(r)

23 Annotated Code of Maryland

24 (2012 Replacement Volume and 2014 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

26 That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Agriculture

TITLE 14. INDUSTRIAL HEMP.

14-101.

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

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

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

Article – Criminal Law

5-101.

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

(r) (1) “Marijuana” means:

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

(ii) the seeds of the plant;

(iii) the resin extracted from the plant; and

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

(2) “Marijuana” does not include:

(i) the mature stalks of the plant;

(ii) fiber produced from the mature stalks;

(iii) oil or cake made from the seeds of the plant;

1 (iv) except for resin, any other compound, manufactured product,
2 salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake; [or]

3 (v) the sterilized seed of the plant that is incapable of germination;
4 **OR**

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That § 14-101(c) of the Agriculture
9 Article, as enacted by this Act, shall remain effective for a period of 7 years and, at the end
10 of September 30, 2022, with no further action required by the General Assembly, §
11 14-101(c) of the Agriculture Article, as enacted by this Act, shall be abrogated and of no
12 further force and effect.

13 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2015.