

HOUSE BILL 902

M4, E1

7lr1671

By: **Delegates Fraser–Hidalgo, Cassilly, Barve, Holmes, Kramer, Lisanti, Miele,
Moon, Morales, and Robinson**

Introduced and read first time: February 6, 2017

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – Industrial Hemp – Legalization**

3 FOR the purpose of repealing certain provisions of law relating to growing or cultivating
4 industrial hemp for agricultural research purposes; repealing a certain contingency
5 on certain provisions of law authorizing a person to plant, grow, harvest, possess,
6 process, sell, or buy industrial hemp in the State; authorizing a person to
7 manufacture industrial hemp in the State; repealing a certain provision of law
8 requiring a person to register with the Department of Agriculture before planting or
9 growing industrial hemp; repealing a certain contingency on certain provisions of
10 law that alter the definition of “marijuana” for purposes of certain provisions of law
11 relating to controlled dangerous substances to exclude industrial hemp; altering a
12 certain definition; and generally relating to the legalization of industrial hemp.

13 BY repealing

14 Article – Agriculture
15 Section 14–101 and 14–102
16 Annotated Code of Maryland
17 (2016 Replacement Volume)

18 BY repealing and reenacting, with amendments,

19 Article – Agriculture
20 Section 14–101
21 Annotated Code of Maryland
22 (2016 Replacement Volume)
23 (As enacted by Chapter 456 of the Acts of the General Assembly of 2015)

24 BY repealing and reenacting, without amendments,

25 Article – Criminal Law
26 Section 5–101(a)
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2012 Replacement Volume and 2016 Supplement)

2 BY repealing and reenacting, without amendments,
3 Article – Criminal Law
4 Section 5–101(r)
5 Annotated Code of Maryland
6 (2012 Replacement Volume and 2016 Supplement)
7 (As enacted by Chapter 456 of the Acts of the General Assembly of 2015)

8 BY repealing
9 Chapter 456 of the Acts of the General Assembly of 2015
10 Section 2 and 3

11 BY repealing and reenacting, with amendments,
12 Chapter 456 of the Acts of the General Assembly of 2015
13 Section 4

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That Section(s) 14–101 and 14–102 of Article – Agriculture of the Annotated Code of
16 Maryland be repealed.

17 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
18 as follows:

19 **Article – Agriculture**

20 14–101.

21 (a) **(1)** In this [section] SUBTITLE, “industrial hemp” means the plant
22 Cannabis sativa L. and any part of such plant, whether growing or not, with a
23 delta–9–tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight
24 basis.

25 **(2) “INDUSTRIAL HEMP” DOES NOT INCLUDE ANY PLANT OR PART OF**
26 **A PLANT INTENDED FOR A USE THAT IS REGULATED UNDER TITLE 13, SUBTITLE 33**
27 **OF THE HEALTH – GENERAL ARTICLE.**

28 (b) [Subject to subsection (c) of this section, a] **A** person may plant, grow, harvest,
29 **MANUFACTURE**, possess, process, sell, or buy industrial hemp in the State.

30 [(c) Before planting or growing industrial hemp, a person shall register with the
31 Department.]

32 **Article – Criminal Law**

33 5–101.

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

2 (r) (1) “Marijuana” means:

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

5 (ii) the seeds of the plant;

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

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

9 (2) “Marijuana” does not include:

10 (i) the mature stalks of the plant;

11 (ii) fiber produced from the mature stalks;

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

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

15 (v) the sterilized seed of the plant that is incapable of germination;
16 or

17 (vi) the plant *Cannabis sativa* L. and any part of such plant, whether
18 growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed
19 0.3% on a dry weight basis.

20 Chapter 456 of the Acts of 2015

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

1 [SECTION 3. AND BE IT FURTHER ENACTED, That at the end of October 1, 2030,
2 with no further action required by the General Assembly, § 14–101(c) of the Agriculture
3 Article, as enacted by this Act, shall be abrogated and of no further force and effect.]

4 SECTION 4. AND BE IT FURTHER ENACTED, That[, subject to Section 2 of this
5 Act,] this Act shall take effect October 1, 2015.

6 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
7 October 1, 2017.