

Chapter 476

(Senate Bill 1201)

AN ACT concerning

Agriculture – Industrial Hemp Pilot Program – Establishment

FOR the purpose of repealing certain provisions of law that authorize, under certain circumstances, a person to plant, grow, harvest, possess, process, sell, or buy industrial hemp in the State; repealing a certain contingency on certain provisions of law relating to the legalization of industrial hemp in the State; repealing certain provisions of law that authorize, under certain circumstances, the Department of Agriculture or an institution of higher education to grow or cultivate industrial hemp; establishing an Industrial Hemp Pilot Program; establishing the purpose of the Program; authorizing the Department or a certain institution of higher education to grow, cultivate, harvest, process, manufacture, transport, market, or sell industrial hemp under the Program under certain circumstances; requiring the Department to certify and register a site that will be used to grow or cultivate industrial hemp under the Program; authorizing the Department to charge a certain fee to certify and register a site that will be used to grow or cultivate industrial hemp; authorizing the Department or an institution of higher education to contract with a person to grow or cultivate industrial hemp for certain purposes; authorizing a certain person to purchase or obtain certain seeds; requiring a certain person to verify in a certain manner that plants grown or cultivated by the person meet a certain definition of “industrial hemp”; requiring a certain person to maintain certain records of verification in a certain manner; requiring a certain person to make certain records available for certain inspection by the Department or a certain institution of higher education; authorizing industrial hemp grown or cultivated under the Program to be possessed in the State; authorizing industrial hemp grown or cultivated under the Program to be sold, distributed, transported, marketed, or processed in the State or outside the State; authorizing certain industrial hemp grown, cultivated, and harvested in a certain state to be processed, manufactured, transported, marketed, or sold in the State under the Program; authorizing the Department or an institution of higher education to publish certain data and research on industrial hemp; defining certain terms; requiring the Department to adopt certain regulations; making conforming changes; and generally relating to industrial hemp.

BY repealing

Article – Agriculture

Section 14–101

Annotated Code of Maryland

(2016 Replacement Volume and 2017 Supplement)

(As enacted by Chapter 456 of the Acts of the General Assembly of 2015)

BY repealing

Chapter 456 of the Acts of the General Assembly of 2015
Section 2 and 3

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

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 14–101
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing
Article – Agriculture
Section 14–102
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY adding to
Article – Agriculture
Section 14–102
Annotated Code of Maryland
(2016 Replacement Volume and 2017 Supplement)

BY repealing and reenacting, with amendments,
Chapter 105 of the Acts of the General Assembly of 2016
Section 2

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

Article – Agriculture

[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.]

Chapter 456 of the Acts of 2015

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

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

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

Article – Agriculture

14–101.

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

(B) “INDEPENDENT TESTING LABORATORY” HAS THE MEANING STATED IN § 13–3301 OF THE HEALTH – GENERAL ARTICLE.

[(b)] (C) (1) “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.

(2) “Industrial hemp” does not include any plant or part of a plant intended for a use that is regulated under Title 13, Subtitle 33 of the Health – General Article.

[(c)] (D) “Institution of higher education” has the meaning stated in [§ 10–101 of the Education Article] **THE FEDERAL HIGHER EDUCATION ACT OF 1965.**

(E) “PROGRAM” MEANS THE INDUSTRIAL HEMP PILOT PROGRAM ESTABLISHED UNDER § 14–102 OF THIS SUBTITLE.

[14–102.

(a) Subject to subsection (b) of this section, the Department or an institution of higher education may grow or cultivate industrial hemp if the industrial hemp is grown or

cultivated for agricultural research or academic research purposes.

(b) A site used by the Department or an institution of higher education to grow or cultivate industrial hemp shall be certified by and registered with the Department.

(c) The Department may adopt regulations to carry out the provisions of this subtitle.]

14-102.

(A) THERE IS AN INDUSTRIAL HEMP PILOT PROGRAM.

(B) THE PURPOSE OF THE PROGRAM IS TO AUTHORIZE AND FACILITATE THE RESEARCH OF INDUSTRIAL HEMP AND ANY ASPECT OF GROWING, CULTIVATING, HARVESTING, PROCESSING, MANUFACTURING, TRANSPORTING, MARKETING, OR SELLING INDUSTRIAL HEMP FOR AGRICULTURAL, INDUSTRIAL, OR COMMERCIAL PURPOSES.

(C) THE DEPARTMENT OR AN INSTITUTION OF HIGHER EDUCATION THAT SUBMITS AN APPLICATION TO THE DEPARTMENT IN A MANNER DETERMINED BY THE DEPARTMENT MAY GROW, CULTIVATE, HARVEST, PROCESS, MANUFACTURE, TRANSPORT, MARKET, OR SELL INDUSTRIAL HEMP UNDER THE PROGRAM IF THE INDUSTRIAL HEMP IS GROWN OR CULTIVATED TO FURTHER AGRICULTURAL RESEARCH OR ACADEMIC RESEARCH PURPOSES.

(D) (1) THE DEPARTMENT SHALL CERTIFY AND REGISTER A SITE THAT WILL BE USED TO GROW OR CULTIVATE INDUSTRIAL HEMP UNDER THE PROGRAM.

(2) THE DEPARTMENT MAY CHARGE A FEE OF UP TO \$250 TO CERTIFY AND REGISTER A SITE THAT WILL BE USED TO GROW OR CULTIVATE INDUSTRIAL HEMP.

(E) TO CARRY OUT THE PURPOSE OF THE PROGRAM:

(1) TO THE EXTENT NECESSARY, THE DEPARTMENT OR AN INSTITUTION OF HIGHER EDUCATION MAY CONTRACT WITH A PERSON TO GROW OR CULTIVATE INDUSTRIAL HEMP; AND

(2) A PERSON THAT GROWS OR CULTIVATES INDUSTRIAL HEMP UNDER THE PROGRAM MAY PURCHASE OR OTHERWISE OBTAIN SEEDS THAT PRODUCE PLANTS THAT MEET THE DEFINITION OF “INDUSTRIAL HEMP” UNDER § 14-101 OF THIS SUBTITLE.

(F) (1) IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, A PERSON THAT GROWS OR CULTIVATES INDUSTRIAL HEMP UNDER THE PROGRAM SHALL:

(I) VERIFY THAT THE PLANTS GROWN OR CULTIVATED BY THE PERSON MEET THE DEFINITION OF “INDUSTRIAL HEMP” UNDER § 14–101 OF THIS SUBTITLE;

(II) MAINTAIN ALL RECORDS OF VERIFICATION AT THE SITE THAT IS USED TO GROW OR CULTIVATE INDUSTRIAL HEMP; AND

(III) MAKE ALL RECORDS AVAILABLE FOR INSPECTION BY:

1. THE DEPARTMENT; OR

2. THE INSTITUTION OF HIGHER EDUCATION THAT CONTRACTED WITH THE PERSON UNDER SUBSECTION (E)(1) OF THIS SECTION TO GROW OR CULTIVATE INDUSTRIAL HEMP.

(2) THE VERIFICATION REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) DOCUMENTATION FROM AN INDEPENDENT TESTING LABORATORY REGISTERED UNDER § 13–3311 OF THE HEALTH – GENERAL ARTICLE; OR

(II) DOCUMENTATION FROM THE INSTITUTION OF HIGHER EDUCATION THAT CONTRACTED WITH THE PERSON UNDER SUBSECTION (E)(1) OF THIS SECTION TO GROW OR CULTIVATE INDUSTRIAL HEMP.

(3) AN INDEPENDENT TESTING LABORATORY OR AN INSTITUTION OF HIGHER EDUCATION THAT PROVIDES VERIFICATION DOCUMENTATION UNDER PARAGRAPH (2) OF THIS SUBSECTION SHALL CONDUCT ON–SITE INSPECTIONS TO PERFORM THE TESTING NECESSARY FOR THE VERIFICATION.

(4) THE FREQUENCY OF THE VERIFICATION REQUIRED UNDER THIS SUBSECTION SHALL BE DETERMINED BY:

(I) THE DEPARTMENT; OR

(II) THE INSTITUTION OF HIGHER EDUCATION THAT CONTRACTED WITH A PERSON UNDER SUBSECTION (E)(1) OF THIS SECTION TO GROW OR CULTIVATE INDUSTRIAL HEMP.

(G) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

(1) INDUSTRIAL HEMP GROWN OR CULTIVATED UNDER THE PROGRAM IS AN AGRICULTURAL PRODUCT THAT MAY BE:

(I) POSSESSED IN THE STATE; AND

(II) SOLD, DISTRIBUTED, TRANSPORTED, MARKETED, OR PROCESSED IN THE STATE OR OUTSIDE THE STATE; AND

(2) INDUSTRIAL HEMP GROWN, CULTIVATED, AND HARVESTED IN A STATE THAT AUTHORIZES THE GROWTH, CULTIVATION, AND HARVESTING OF INDUSTRIAL HEMP MAY BE PROCESSED, MANUFACTURED, TRANSPORTED, MARKETED, OR SOLD IN THE STATE UNDER THE PROGRAM.

(H) THE DEPARTMENT OR AN INSTITUTION OF HIGHER EDUCATION MAY COLLECT AND PUBLISH DATA AND RESEARCH ON INDUSTRIAL HEMP, INCLUDING DATA AND RESEARCH ON THE GROWTH, CULTIVATION, PRODUCTION, AND PROCESSING OF INDUSTRIAL HEMP AND PRODUCTS DERIVED FROM INDUSTRIAL HEMP.

(I) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE.

Chapter 105 of the Acts of 2016

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016. [It shall remain effective until the taking effect of Chapter 456 of the Acts of the General Assembly of 2015. If Chapter 456 takes effect, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.]

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2018.

Approved by the Governor, May 8, 2018.