

SENATE BILL 1006

M4

2lr3262

By: **Senators Guzzone and Feldman**

Introduced and read first time: February 25, 2022

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 7, 2022

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2022

CHAPTER _____

1 AN ACT concerning

2 **Hemp Farming Program – Use of Hemp and Hemp Products in Consumable**
3 **Products**

4 FOR the purpose of altering the definition of “hemp” and “hemp product” in provisions of
5 law relating to the Hemp Farming Program; authorizing a person that produces
6 hemp or a hemp product in accordance with the Program to include the hemp or
7 hemp product in consumable products for sale by the person under certain
8 circumstances; and generally relating to the use of hemp in consumable products.

9 BY repealing and reenacting, with amendments,
10 Article – Agriculture
11 Section 14–101, 14–201, 14–202(e), 14–301, and 14–309
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2021 Supplement)

14 BY adding to
15 Article – Agriculture
16 Section 14–303.1
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2021 Supplement)

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

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 – Agriculture**

2 14–101.

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

4 (b) “Fund” means the Hemp Farming Fund established under § 14–304 of this
5 title.6 (c) [(1) “Hemp” means the plant *Cannabis sativa* L. and any part of that plant,
7 including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
8 whether growing or not, with a delta–9–tetrahydrocannabinol concentration that does not
9 exceed 0.3% on a dry weight basis.10 (2) “Hemp” does not include any plant or part of a plant intended for a use
11 that is regulated under Title 13, Subtitle 33 of the Health – General Article.12 (d) “Hemp product” means a product derived from hemp produced in accordance
13 with Subtitle 3 of this title.14 (e)] “Independent testing laboratory” has the meaning stated in § 13–3301 of the
15 Health – General Article.16 [(f)] (D) “Institution of higher education” has the meaning stated in the federal
17 Higher Education Act of 1965.

18 14–201.

19 (A) In this subtitle[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**
20 **INDICATED.**21 (B) (1) **“HEMP” MEANS THE PLANT CANNABIS SATIVA L. AND ANY PART**
22 **OF THAT PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS,**
23 **ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH**
24 **A DELTA–9–TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED**
25 **0.3% ON A DRY WEIGHT BASIS.**26 (2) **“HEMP” DOES NOT INCLUDE ANY PLANT OR PART OF A PLANT**
27 **INTENDED FOR A USE THAT IS REGULATED UNDER TITLE 13, SUBTITLE 33 OF THE**
28 **HEALTH – GENERAL ARTICLE.**

29 (C) “Program” means the Hemp Research Pilot Program.

30 14–202.

31 (e) In order to carry out the purpose of the Program:

1 (1) To the extent necessary, the Department or an institution of higher
2 education may contract with a person to grow or cultivate hemp; and

3 (2) A person that grows or cultivates hemp under the Program may
4 purchase or otherwise obtain seeds that produce plants that meet the definition of “hemp”
5 under [§ 14–101] **§ 14–201** of this [title] SUBTITLE.

6 14–301.

7 (A) In this subtitle[,] **THE FOLLOWING WORDS HAVE THE MEANINGS**
8 **INDICATED.**

9 (B) (1) **“HEMP” MEANS THE PLANT CANNABIS SATIVA L. AND ANY PART**
10 **OF THAT PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS,**
11 **ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH**
12 **A DELTA–9–TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED**
13 **0.3% ON A DRY WEIGHT BASIS.**

14 (2) **“HEMP” INCLUDES COMPOUNDS THAT OCCUR IN THE PLANT**
15 **CANNABIS SATIVA L. THAT IMPART SMELL, TASTE, OR BOTH SMELL AND TASTE.**

16 (3) **“HEMP” DOES NOT INCLUDE:**

17 ~~(i) ANY ANY PLANT OR PART OF A PLANT INTENDED FOR A USE~~
18 ~~THAT IS REGULATED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL~~
19 ~~ARTICLE; OR~~

20 ~~(ii) SYNTHETICALLY MANUFACTURED CANNABINOIDS.~~

21 (C) (1) **“HEMP PRODUCT” MEANS A PRODUCT DERIVED FROM HEMP**
22 **PRODUCED IN ACCORDANCE WITH THIS SUBTITLE.**

23 (2) **“HEMP PRODUCT” INCLUDES:**

24 (i) **A PLANT, OR ANY PART OF A PLANT, WITH A ~~TOTAL~~**
25 **~~TETRAHYDROCANNABINOL~~ DELTA–9–TETRAHYDROCANNABINOL CONCENTRATION**
26 **THAT DOES NOT EXCEED 1% ON A DRY WEIGHT BASIS; AND**

27 (ii) **ACIDIC FORMS OF CANNABINOIDS EXTRACTED IN A**
28 **COMMERCIAL KITCHEN FROM THE PLANT CANNABIS SATIVA L., INCLUDING:**

29 1. **TETRAHYDROCANNABINOLIC ACID; AND**

30 2. **CANNABIDIOLIC ACID.**

1 (D) "Program" means the Hemp Farming Program.

2 14-303.1.

3 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERSON THAT
4 PRODUCES HEMP OR A HEMP PRODUCT IN ACCORDANCE WITH THIS SUBTITLE MAY
5 INCLUDE THE HEMP OR HEMP PRODUCT IN CONSUMABLE PRODUCTS FOR SALE BY
6 THE PERSON.

7 (B) (1) BEFORE A PERSON MAY OFFER FOR SALE A CONSUMABLE
8 PRODUCT THAT INCLUDES HEMP OR A HEMP PRODUCT, THE PERSON SHALL ENSURE
9 THAT THE HEMP OR HEMP PRODUCT IS TESTED BY AN INDEPENDENT TESTING
10 LABORATORY TO ENSURE:

11 (I) THE HEMP OR HEMP PRODUCT MEETS APPLICABLE SAFETY
12 STANDARDS; AND

13 (II) THE ~~TOTAL~~ ~~TETRAHYDROCANNABINOL~~
14 DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION OF THE HEMP PRODUCT
15 DOES NOT EXCEED 1% ON A DRY WEIGHT BASIS.

16 (2) IF A PERSON PRODUCES A HEMP PRODUCT THAT EXCEEDS A
17 ~~TOTAL~~ ~~TETRAHYDROCANNABINOL~~ DELTA-9-TETRAHYDROCANNABINOL
18 CONCENTRATION OF 1% ON A DRY WEIGHT BASIS, THE PERSON MAY INCLUDE THE
19 HEMP PRODUCT IN CONSUMABLE PRODUCTS FOR SALE BY THE PERSON IF THE
20 HEMP PRODUCT IS DILUTED TO AN ALLOWABLE CONCENTRATION CONFIRMED BY AN
21 INDEPENDENT TESTING LABORATORY.

22 14-309.

23 (a) (1) A person may not knowingly:

24 (i) Fail to comply with the Department's plan for monitoring and
25 regulating the production of hemp established under § 14-305 of this subtitle;

26 (ii) Misrepresent or fail to provide the legal description of land on
27 which hemp is produced;

28 (iii) Produce hemp without a valid license; [or]

29 (iv) Produce plants, or any part of a plant, that exceeds a
30 delta-9-tetrahydrocannabinol concentration of 0.3% on a dry weight basis; OR

1 (V) PRODUCE A HEMP PRODUCT THAT EXCEEDS A
2 ~~TETRAHYDROCANNABINOL~~ DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION
3 OF 1% ON A DRY WEIGHT BASIS.

4 (2) The Department shall report a person that knowingly violates this
5 subtitle to the Attorney General and the U.S. Attorney.

6 (b) (1) If the Department determines that a person negligently violated this
7 subtitle, the Department shall require the person to correct the violation, including
8 requiring that:

9 (i) The violation be corrected by a reasonable date; and

10 (ii) The person report to the Department, at a frequency determined
11 by the Department and for a period of not less than 2 calendar years, to verify compliance
12 with this subtitle.

13 (2) If a person is found by the Department to have negligently violated this
14 subtitle three times in a 4-year period, the person may not produce hemp in the State for
15 a period of 5 years beginning on the date of the third violation.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2022.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.