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By: **Delegates Guns and Morhaim**

Introduced and read first time: February 11, 2000

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture - Industrial Hemp - Pilot Program**

3 FOR the purpose of defining certain terms; establishing a 4-year pilot program to  
4 study the growth and marketing of industrial hemp; providing for the purposes  
5 of the pilot program; requiring the Secretary of Agriculture to administer the  
6 pilot program in consultation with certain State and federal agencies; requiring  
7 the Secretary to ensure safe cultivation of industrial hemp by conducting certain  
8 activities; providing that only State property may be used to grow industrial  
9 hemp; requiring the Department of Agriculture to certify and register the sites  
10 used for growing industrial hemp with the Department of Agriculture and the  
11 Department of State Police; authorizing the Department of State Police to access  
12 the property where industrial hemp is grown; restricting access to the property  
13 where industrial hemp is being grown; requiring an individual to be licensed by  
14 the Department of Agriculture before the individual may participate in the pilot  
15 program; providing for certain restrictions on the license; requiring the  
16 Department of Agriculture to conduct a background and criminal history records  
17 check on an individual who applies to participate in the pilot program; requiring  
18 an individual to register with a certain federal agency before the Department  
19 may issue a license to participate in the pilot program; requiring the  
20 Department to assist individuals in the process of registering with a certain  
21 federal agency; authorizing the Secretary to adopt certain regulations in  
22 consultation with certain agencies; and generally relating to a pilot program to  
23 study the growth and marketing of industrial hemp in the State.

24 BY adding to

25 Article - Agriculture

26 Section 9-801 through 9-806, inclusive, to be under the new subtitle "Subtitle 8.

27 Pilot Program to Study the Growth and Marketing of Industrial Hemp"

28 Annotated Code of Maryland

29 (1999 Replacement Volume and 1999 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

31 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Agriculture**2 SUBTITLE 8. PILOT PROGRAM TO STUDY THE GROWTH AND MARKETING OF  
3 INDUSTRIAL HEMP.

4 9-801.

5 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
6 INDICATED.7 (B) "HEMP PRODUCT" MEANS A PRODUCT GENERATED FROM THE PLANT  
8 MATERIALS OF INDUSTRIAL HEMP.9 (2) "HEMP PRODUCT" INCLUDES CLOTH, CORDAGE, FIBER, FOOD, FUEL,  
10 OIL, PAINT, PAPER, PARTICLE BOARD, PLASTICS, AND SEED FOR CONSUMPTION OR  
11 CULTIVATION.12 (C) "INDUSTRIAL HEMP" MEANS ALL PARTS AND VARIETIES OF THE PLANT  
13 CANNABIS SATIVA L. CONTAINING NO GREATER THAN 1% TETRAHYDROCANNABINOL  
14 BY WEIGHT.

15 9-802.

16 (A) THERE IS A 4-YEAR PILOT PROGRAM TO STUDY THE GROWTH AND  
17 MARKETING OF INDUSTRIAL HEMP IN THE STATE.18 (B) THE PURPOSE OF THE PILOT PROGRAM IS TO ALLOW THE CONTROLLED  
19 GROWTH AND PROCESSING OF INDUSTRIAL HEMP IN ORDER TO ASSESS:20 (1) THE FEASIBILITY OF GROWING INDUSTRIAL HEMP IN THE STATE;  
21 AND22 (2) THE AVAILABILITY AND EXTENT OF THE COMMERCIAL AND  
23 INDUSTRIAL MARKET FOR INDUSTRIAL HEMP GROWN IN THE STATE AND HEMP  
24 PRODUCTS MANUFACTURED IN THE STATE.

25 9-803.

26 (A) THE SECRETARY, IN CONSULTATION WITH THE UNITED STATES  
27 DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION AND THE  
28 MARYLAND DEPARTMENT OF STATE POLICE, SHALL ADMINISTER THE PILOT  
29 PROGRAM IN ACCORDANCE WITH THIS SUBTITLE.30 (B) IN ADDITION TO THE LICENSING REQUIREMENTS SET FORTH IN § 9-805 OF  
31 THIS SUBTITLE, THE SECRETARY SHALL ENSURE THE SAFE CULTIVATION AND USE  
32 OF INDUSTRIAL HEMP BY:33 (1) CONTROLLING THE SUPPLY OF INDUSTRIAL HEMP SEEDS THAT WILL  
34 BE USED IN THE PILOT PROGRAM TO ENSURE THAT ONLY THOSE VARIETIES THAT

1 MEET THE TETRAHYDROCANNABINOL LIMITATIONS OF THIS SUBTITLE ARE  
2 CULTIVATED;

3 (2) INSPECTING AND TESTING PERIODICALLY INDUSTRIAL HEMP CROPS  
4 FOR TETRAHYDROCANNABINOL CONTENT TO ENSURE COMPLIANCE WITH THIS  
5 SUBTITLE; AND

6 (3) CERTIFYING THE TRANSPORTATION AND FINAL DESTINATION OF  
7 RAW INDUSTRIAL HEMP.

8 9-804.

9 (A) ONLY STATE AGRICULTURAL LAND MAY BE USED FOR GROWING  
10 INDUSTRIAL HEMP IN THE PILOT PROGRAM.

11 (B) ACCESS TO THE PROPERTY THAT IS BEING USED TO GROW INDUSTRIAL  
12 HEMP SHALL BE RESTRICTED TO THOSE WHO ARE LICENSED UNDER § 9-805 OF THIS  
13 SUBTITLE.

14 (C) THE DEPARTMENT SHALL REGISTER AND CERTIFY SITES FOR THE  
15 GROWTH OF INDUSTRIAL HEMP WITH THE DEPARTMENT AND WITH THE  
16 DEPARTMENT OF STATE POLICE.

17 (D) THE DEPARTMENT OF STATE POLICE MAY ENTER ANY PREMISES, LAND,  
18 OR BUILDING WHERE INDUSTRIAL HEMP IS GROWN OR MANUFACTURED IN ORDER  
19 TO MONITOR COMPLIANCE WITH THIS SUBTITLE DURING REASONABLE BUSINESS  
20 HOURS, WITH OR WITHOUT NOTICE.

21 9-805.

22 (A) (1) AN INDIVIDUAL SHALL BE LICENSED BY THE DEPARTMENT BEFORE  
23 THE INDIVIDUAL MAY PARTICIPATE IN THE PILOT PROGRAM.

24 (2) A LICENSE IS NONTRANSFERABLE.

25 (3) A LICENSE MAY NOT BE ISSUED TO A PERSON WHO HAS BEEN  
26 CONVICTED OF A FELONY OR A DRUG-RELATED MISDEMEANOR.

27 (4) THE DEPARTMENT SHALL CONDUCT A BACKGROUND AND CRIMINAL  
28 HISTORY RECORDS CHECK OF THE INDIVIDUAL IN ORDER TO DETERMINE  
29 ELIGIBILITY FOR PARTICIPATION UNDER THIS SUBSECTION.

30 (B) (1) AN INDIVIDUAL SHALL REGISTER WITH THE UNITED STATES  
31 DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION PURSUANT TO 21  
32 U.S.C. 823(A) BEFORE THE DEPARTMENT MAY ISSUE A LICENSE TO PARTICIPATE IN  
33 THE PILOT PROGRAM.

34 (2) THE DEPARTMENT SHALL ASSIST INDIVIDUALS THAT SEEK TO  
35 PARTICIPATE IN THE PILOT PROGRAM IN OBTAINING REGISTRATION WITH THE

1 UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION  
2 UNDER THIS SUBSECTION.

3 9-806.

4 THE SECRETARY, IN CONSULTATION WITH THE UNITED STATES DEPARTMENT  
5 OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION, AND THE MARYLAND  
6 DEPARTMENT OF STATE POLICE MAY ADOPT REGULATIONS NECESSARY TO  
7 IMPLEMENT THIS SUBTITLE.

8 SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1,  
9 2000, 2001, 2002, and 2003, respectively, the Secretary shall report to the Governor  
10 and, subject to § 2-1246 of the State Government Article, to the General Assembly on:  
11 (1) the status of efforts to implement the pilot program to study the growth and  
12 marketing of industrial hemp in the State established by this Act; (2) the amount of  
13 acreage under cultivation in the pilot program; (3) the feasibility of growing industrial  
14 hemp in the State; and (4) the market or potential market for industrial hemp grown  
15 in the State and industrial hemp products manufactured in the State.

16 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 July 1, 2000. It shall remain effective for a period of 4 years and, at the end of June  
18 30, 2004, with no further action required by the General Assembly, this Act shall be  
19 abrogated and of no further force and effect.