

HOUSE BILL 1472

M4

4lr3276

By: ~~Delegates Fraser-Hidalgo, Morhaim, Luedtke, Mizeur, and S. Robinson~~
S. Robinson, and Dwyer

Introduced and read first time: February 21, 2014

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 7, 2014

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 22, 2014

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of ~~establishing a pilot program to study the growth and marketing of~~
4 ~~industrial hemp; providing for the purposes of the pilot program; requiring the~~
5 ~~Secretary of Agriculture to administer the pilot program in consultation with~~
6 ~~certain State and federal agencies; requiring the Secretary to ensure safe~~
7 ~~cultivation of industrial hemp by conducting certain activities; providing that~~
8 ~~only State property may be used to grow industrial hemp; requiring the~~
9 ~~Department of Agriculture to certify and register the sites used for growing~~
10 ~~industrial hemp with the Department of Agriculture and the Department of~~
11 ~~State Police; authorizing the Department of State Police to access the property~~
12 ~~where industrial hemp is grown; restricting access to the property where~~
13 ~~industrial hemp is being grown; requiring an individual to be licensed by the~~
14 ~~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~~
17 ~~records check on an individual who applies to participate in the pilot program;~~
18 ~~requiring the Department of Agriculture to follow certain procedures when~~
19 ~~submitting an application to the Criminal Justice Information System Central~~
20 ~~Repository of the Department of Public Safety and Correctional Services for a~~
21 ~~criminal history records check; requiring the Criminal Justice Information~~
22 ~~System Central Repository to provide certain criminal history information to~~
23 ~~the Department of Agriculture; requiring an individual to register with a~~

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.



~~certain federal agency before the Department of Agriculture may issue a license to participate in the pilot program; requiring the Department of Agriculture to assist individuals in the process of registering with a certain federal agency; authorizing the Secretary of Agriculture to adopt certain regulations in consultation with certain agencies requiring the Secretary of Agriculture, in consultation with certain federal and State agencies and the University of Maryland, College Park, to study the feasibility of growing industrial hemp in the State and the availability of certain markets relating to industrial hemp and hemp products; requiring the Secretary to submit a certain report to the Governor and the General Assembly on or before a certain date; defining certain terms; and generally relating to a pilot program to study a study on the growth and marketing of industrial hemp in the State.~~

~~BY adding to~~

~~Article Agriculture~~

~~Section 9-801 through 9-806 to be under the new subtitle "Subtitle 8. Pilot Program to Study the Growth and Marketing of Industrial Hemp"~~

~~Annotated Code of Maryland~~

~~(2007 Replacement Volume and 2013 Supplement)~~

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

~~**Article Agriculture**~~

~~**SUBTITLE 8. PILOT PROGRAM TO STUDY THE GROWTH AND MARKETING OF INDUSTRIAL HEMP.**~~

~~**9-801.**~~

~~(A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.~~

~~(B) (1) "HEMP PRODUCT" MEANS A PRODUCT GENERATED FROM THE PLANT MATERIALS OF INDUSTRIAL HEMP.~~

~~(2) "HEMP PRODUCT" INCLUDES CLOTH, CORDAGE, FIBER, FOOD, FUEL, OIL, PAINT, PAPER, PARTICLE BOARD, PLASTICS, AND SEED FOR CONSUMPTION OR CULTIVATION.~~

~~(C) "INDUSTRIAL HEMP" MEANS ALL PARTS AND VARIETIES OF THE PLANT CANNABIS SATIVA L. CONTAINING NO GREATER THAN 1% TETRAHYDROCANNABINOL BY WEIGHT.~~

~~**9-802.**~~

1 ~~(A) THERE IS A PILOT PROGRAM TO STUDY THE GROWTH AND~~
2 ~~MARKETING OF INDUSTRIAL HEMP IN THE STATE.~~

3 ~~(B) THE PURPOSE OF THE PILOT PROGRAM IS TO ALLOW THE~~
4 ~~CONTROLLED GROWTH AND PROCESSING OF INDUSTRIAL HEMP IN ORDER TO~~
5 ~~ASSESS:~~

6 ~~(1) THE FEASIBILITY OF GROWING INDUSTRIAL HEMP IN THE~~
7 ~~STATE; AND~~

8 ~~(2) THE AVAILABILITY AND EXTENT OF THE COMMERCIAL AND~~
9 ~~INDUSTRIAL MARKET FOR INDUSTRIAL HEMP GROWN IN THE STATE AND HEMP~~
10 ~~PRODUCTS MANUFACTURED IN THE STATE.~~

11 ~~9-803.~~

12 ~~(A) THE SECRETARY, IN CONSULTATION WITH THE UNITED STATES~~
13 ~~DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION AND THE~~
14 ~~DEPARTMENT OF STATE POLICE, SHALL ADMINISTER THE PILOT PROGRAM IN~~
15 ~~ACCORDANCE WITH THIS SUBTITLE.~~

16 ~~(B) IN ADDITION TO THE LICENSING REQUIREMENTS IN § 9-805 OF THIS~~
17 ~~SUBTITLE, THE SECRETARY SHALL ENSURE THE SAFE CULTIVATION AND USE OF~~
18 ~~INDUSTRIAL HEMP BY:~~

19 ~~(1) CONTROLLING THE SUPPLY OF INDUSTRIAL HEMP SEEDS~~
20 ~~THAT WILL BE USED IN THE PILOT PROGRAM TO ENSURE THAT ONLY THOSE~~
21 ~~VARIETIES THAT MEET THE TETRAHYDROCANNABINOL LIMITATIONS OF THIS~~
22 ~~SUBTITLE ARE CULTIVATED;~~

23 ~~(2) REQUIRING THAT INDIVIDUALS WHO PARTICIPATE IN THE~~
24 ~~PILOT PROGRAM BY GROWING, HANDLING, TRANSPORTING, OR PROCESSING~~
25 ~~INDUSTRIAL HEMP BE LICENSED BY THE DEPARTMENT IN ACCORDANCE WITH §~~
26 ~~9-805 OF THIS SUBTITLE;~~

27 ~~(3) INSPECTING AND TESTING PERIODICALLY INDUSTRIAL HEMP~~
28 ~~CROPS FOR TETRAHYDROCANNABINOL CONTENT TO ENSURE COMPLIANCE~~
29 ~~WITH THIS SUBTITLE; AND~~

30 ~~(4) CERTIFYING THE TRANSPORTATION AND FINAL DESTINATION~~
31 ~~OF RAW INDUSTRIAL HEMP.~~

32 ~~9-804.~~

1 ~~(A) ONLY STATE AGRICULTURAL LAND MAY BE USED FOR GROWING~~
2 ~~INDUSTRIAL HEMP IN THE PILOT PROGRAM.~~

3 ~~(B) ACCESS TO THE PROPERTY THAT IS BEING USED TO GROW~~
4 ~~INDUSTRIAL HEMP SHALL BE RESTRICTED TO THOSE INDIVIDUALS WHO ARE~~
5 ~~LICENSED UNDER § 9-805 OF THIS SUBTITLE.~~

6 ~~(C) THE DEPARTMENT SHALL REGISTER AND CERTIFY SITES FOR THE~~
7 ~~GROWTH OF INDUSTRIAL HEMP WITH THE DEPARTMENT AND WITH THE~~
8 ~~DEPARTMENT OF STATE POLICE.~~

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

13 ~~9-805.~~

14 ~~(A) (1) AN INDIVIDUAL SHALL BE LICENSED BY THE DEPARTMENT~~
15 ~~BEFORE THE INDIVIDUAL MAY PARTICIPATE IN THE PILOT PROGRAM.~~

16 ~~(2) A LICENSE IS NONTRANSFERABLE.~~

17 ~~(3) A LICENSE MAY NOT BE ISSUED TO AN INDIVIDUAL WHO HAS~~
18 ~~BEEN CONVICTED OF A FELONY OR A DRUG RELATED MISDEMEANOR.~~

19 ~~(B) (1) IN ORDER TO DETERMINE AN INDIVIDUAL'S ELIGIBILITY FOR~~
20 ~~A LICENSE UNDER THIS SECTION, THE DEPARTMENT SHALL:~~

21 ~~(i) CONDUCT A BACKGROUND CHECK OF THE INDIVIDUAL;~~
22 ~~AND~~

23 ~~(ii) APPLY TO THE CRIMINAL JUSTICE INFORMATION~~
24 ~~SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND~~
25 ~~CORRECTIONAL SERVICES FOR A NATIONAL AND STATE CRIMINAL HISTORY~~
26 ~~RECORDS CHECK OF THE INDIVIDUAL.~~

27 ~~(2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY~~
28 ~~RECORDS CHECK, THE DEPARTMENT SHALL SUBMIT TO THE CRIMINAL~~
29 ~~JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY:~~

30 ~~(i) TWO COMPLETE SETS OF THE INDIVIDUAL'S LEGIBLE~~
31 ~~FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE~~

~~1 CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY AND THE
2 DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;~~

~~3 (H) THE MANDATORY PROCESSING FEE REQUIRED BY THE
4 FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
5 RECORDS CHECK; AND~~

~~6 (H) THE FEE AUTHORIZED UNDER § 10-221 OF THE
7 CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL
8 HISTORY RECORDS.~~

~~9 (3) IN ACCORDANCE WITH TITLE 10, SUBTITLE 2 OF THE
10 CRIMINAL PROCEDURE ARTICLE, THE CRIMINAL JUSTICE INFORMATION
11 SYSTEM CENTRAL REPOSITORY SHALL FORWARD TO THE INDIVIDUAL AND THE
12 DEPARTMENT THE INDIVIDUAL'S CRIMINAL HISTORY RECORD INFORMATION.~~

~~13 (4) INFORMATION OBTAINED FROM THE CRIMINAL JUSTICE
14 INFORMATION SYSTEM CENTRAL REPOSITORY UNDER THIS SUBSECTION
15 SHALL BE:~~

~~16 (i) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED;
17 AND~~

~~18 (ii) USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS
19 SECTION.~~

~~20 (c) (1) AN INDIVIDUAL SHALL REGISTER WITH THE UNITED STATES
21 DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION IN
22 ACCORDANCE WITH 21 U.S.C. 823(A) BEFORE THE DEPARTMENT MAY ISSUE A
23 LICENSE TO PARTICIPATE IN THE PILOT PROGRAM.~~

~~24 (2) THE DEPARTMENT SHALL ASSIST INDIVIDUALS WHO SEEK TO
25 PARTICIPATE IN THE PILOT PROGRAM IN OBTAINING REGISTRATION WITH THE
26 UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT
27 ADMINISTRATION UNDER THIS SUBSECTION.~~

~~28 9-806.~~

~~29 THE SECRETARY, IN CONSULTATION WITH THE UNITED STATES
30 DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION, AND THE
31 DEPARTMENT OF STATE POLICE MAY ADOPT REGULATIONS NECESSARY TO
32 IMPLEMENT THIS SUBTITLE.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1, 2014, 2015, 2016, 2017, and 2018, the Secretary of Agriculture shall report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly on:~~

~~(1) the status of efforts to implement the pilot program to study the growth and marketing of industrial hemp in the State established by this Act;~~

~~(2) the amount of acreage under cultivation in the pilot program;~~

~~(3) the feasibility of growing industrial hemp in the State; and~~

~~(4) the market or potential market for industrial hemp grown in the State and industrial hemp products manufactured in the State.~~

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

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

(2) (i) "Hemp product" means a product generated from the plant materials of industrial hemp.

(ii) "Hemp product" includes cloth, cordage, fiber, food, fuel, oil, paint, paper, particle board, plastics, and seed for consumption or cultivation.

(3) "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 percent on a dry weight basis.

(b) The Secretary of Agriculture shall, in consultation with appropriate federal and State agencies and the University of Maryland, College Park, study:

(i) the feasibility of growing industrial hemp in the State; and

(ii) the availability and extent of a commercial and industrial market for:

1. industrial hemp grown in the State; and

2. hemp products manufactured in the State.

(c) On or before December 1, 2014, the Secretary shall report to the Governor and, in accordance with § 2-1246 of the State Government Article, the General Assembly on the results of the study conducted under subsection (b) of this section, including:

1 (i) strategies for the safe cultivation and use of industrial hemp
2 in the State;

3 (ii) the status of industrial hemp programs in other states;

4 (iii) the level and nature of interest in growing industrial hemp
5 in the State;

6 (iv) recommendations regarding the most appropriate funding
7 mechanism for an industrial hemp pilot project;

8 (v) recommendations regarding licensing and testing
9 requirements for growing, handling, transporting, processing, and marketing of
10 industrial hemp; and

11 (vi) recommendations regarding an industrial hemp pilot project
12 that best meets the needs of the State.

13 SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take
14 effect July 1, 2014. ~~It shall remain effective for a period of 4 years and 6 months and,~~
15 ~~at the end of December 31, 2018, with no further action required by the General~~
16 ~~Assembly, this Act shall be abrogated and of no further force and effect.~~

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.