

# SENATE BILL 788

M4, E1, J1

EMERGENCY BILL

2lr2842  
CF HB 1078

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By: **Senator Feldman**

Introduced and read first time: February 7, 2022

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Cannabis – Regulation – ~~Revisions~~ Medical Cannabis Definition and Study**

3 FOR the purpose of ~~prohibiting a person from knowingly producing plants, or any part of a~~  
4 ~~plant, that exceed a certain concentration of delta-8 tetrahydrocannabinol; altering~~  
5 ~~the definition of “hemp product” for purposes of certain provisions of law governing~~  
6 ~~hemp research and production to exclude certain products made through a process~~  
7 ~~that includes the use of hemp; altering the definition of “marijuana” for purposes of~~  
8 ~~the Maryland Controlled Dangerous Substances Act to include certain products~~  
9 ~~made through a process that includes the use of hemp; defining “medical cannabis”~~  
10 ~~for the purposes of provisions of law regulating medical cannabis; requiring the~~  
11 Natalie M. LaPrade Medical Cannabis Commission, in consultation with the State  
12 Department of Agriculture and representatives of a certain coalition, to study and  
13 make recommendations on the classification and regulation of  
14 tetrahydrocannabinols, other than delta-9-tetrahydrocannabinol, and certain  
15 manufactured products; and generally relating to the regulation of cannabis.

16 ~~BY repealing and reenacting, without amendments,~~  
17 ~~Article – Agriculture~~  
18 ~~Section 14-101(a)~~  
19 ~~Annotated Code of Maryland~~  
20 ~~(2016 Replacement Volume and 2021 Supplement)~~

21 ~~BY repealing and reenacting, with amendments,~~  
22 ~~Article – Agriculture~~  
23 ~~Section 14-101(d) and 14-309(a)~~

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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 ~~Annotated Code of Maryland~~  
 2 ~~(2016 Replacement Volume and 2021 Supplement)~~

3 ~~BY repealing and reenacting, without amendments,~~  
 4 ~~Article – Criminal Law~~  
 5 ~~Section 5–101(a)~~  
 6 ~~Annotated Code of Maryland~~  
 7 ~~(2021 Replacement Volume and 2021 Supplement)~~

8 ~~BY repealing and reenacting, with amendments,~~  
 9 ~~Article – Criminal Law~~  
 10 ~~Section 5–101(r)~~  
 11 ~~Annotated Code of Maryland~~  
 12 ~~(2021 Replacement Volume and 2021 Supplement)~~

13 BY repealing and reenacting, without amendments,  
 14 Article – Health – General  
 15 Section 13–3301(a)  
 16 Annotated Code of Maryland  
 17 (2019 Replacement Volume and 2021 Supplement)

18 BY adding to  
 19 Article – Health – General  
 20 Section 13–3301(l)  
 21 Annotated Code of Maryland  
 22 (2019 Replacement Volume and 2021 Supplement)

23 BY repealing and reenacting, with amendments,  
 24 Article – Health – General  
 25 Section 13–3301(l) through (p)  
 26 Annotated Code of Maryland  
 27 (2019 Replacement Volume and 2021 Supplement)

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

30 ~~Article – Agriculture~~

31 ~~14–101.~~

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

33 ~~(d) (1) “Hemp product” means a product derived from hemp produced in~~  
 34 ~~accordance with Subtitle 3 of this title.~~

35 ~~(2) “HEMP PRODUCT” DOES NOT INCLUDE ANY PRODUCT.~~

~~(I) MADE THROUGH A PROCESS THAT INCLUDES THE USE OF HEMP; AND~~

~~(H) 1. THAT CONTAINS A CONCENTRATION OF 0.3% OR GREATER OF DELTA 8 OR DELTA 9 TETRAHYDROCANNABINOL CONCENTRATION ON A DRY WEIGHT BASIS; AND~~

~~2. THAT IS INTENDED FOR A USE THAT IS REGULATED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH GENERAL ARTICLE.~~

~~14-300.~~

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

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

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

~~(iii) Produce hemp without a valid license; or~~

~~(iv) Produce plants, or any part of a plant, that exceeds a DELTA 8 OR delta 9 tetrahydrocannabinol concentration of 0.3% on a dry weight basis.~~

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

### ~~Article Criminal Law~~

~~5-101.~~

~~(a) In this title the following words have the meanings indicated:~~

~~(\*) (1) "Marijuana" means:~~

~~(i) 1. all parts of any plant of the genus Cannabis, whether or not the plant is growing;~~

~~[(ii)] 2. the seeds of the plant;~~

~~[(iii)] 3. the resin extracted from the plant; and~~

~~[(iv)] 4. each compound, manufactured product, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin; OR~~

1 ~~(H) ANY PRODUCT:~~

2 ~~1. MADE THROUGH A PROCESS THAT INCLUDES THE USE~~  
3 ~~OF HEMP; AND~~

4 ~~2. A. THAT CONTAINS A CONCENTRATION OF 0.3% OR~~  
5 ~~GREATER OF DELTA 8 OR DELTA 9 TETRAHYDROCANNABINOL CONCENTRATION~~  
6 ~~ON A DRY WEIGHT BASIS; AND~~

7 ~~B. INTENDED FOR A USE THAT IS REGULATED UNDER~~  
8 ~~TITLE 13, SUBTITLE 33 OF THE HEALTH - GENERAL ARTICLE.~~

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) hemp as defined in § 14-101 of the Agriculture Article.~~

18 **Article - Health - General**

19 13-3301.

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

21 ~~(L) (1) "MEDICAL CANNABIS" MEANS ANY OF THE FOLLOWING WHEN~~  
22 ~~INTENDED FOR A USE THAT IS REGULATED UNDER THIS TITLE:~~

23 ~~(H) 1. ALL ALL PARTS OF ANY PLANT OF THE GENUS CANNABIS,~~  
24 ~~WHETHER OR NOT THE PLANT IS GROWING; INCLUDING:~~

25 ~~2. (I) THE SEEDS OF THE PLANT;~~

26 ~~3. (II) THE RESIN EXTRACTED FROM THE PLANT; AND~~

27 ~~4. (III) EACH COMPOUND, MANUFACTURED PRODUCT,~~  
28 ~~SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR ITS~~

~~RESIN; ANY COMPOUND, MANUFACTURED PRODUCT, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR RESIN, INCLUDING TETRAHYDROCANNABINOL AND ALL OTHER NATURALLY PRODUCED CANNABINOL DERIVATIVES, WHETHER PRODUCED DIRECTLY OR INDIRECTLY BY EXTRACTION.~~

~~(H) ANY PLANT OR PART OF A PLANT:~~

~~1. THAT CONTAINS A CONCENTRATION OF 0.3% OR GREATER OF DELTA 8 OR DELTA 9 TETRAHYDROCANNABINOL CONCENTRATION ON A DRY WEIGHT BASIS; OR~~

~~2. INTENDED FOR A USE THAT IS REGULATED UNDER THIS SUBTITLE; OR~~

~~(H) ANY OTHER NATURALLY PRODUCED CANNABINOL DERIVATE, WHETHER PRODUCED DIRECTLY OR INDIRECTLY BY EXTRACTION.~~

(2) "MEDICAL CANNABIS" DOES NOT INCLUDE:

(I) THE MATURE STALKS OF THE PLANT OR FIBER PRODUCED FROM MATURE STALKS;

~~(H) FIBER PRODUCED FROM THE MATURE STALKS;~~

~~(H)~~ (II) OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT;

~~(IV)~~ (III) EXCEPT FOR RESIN, ANY ANY OTHER COMPOUND, MANUFACTURED PRODUCT, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE MATURE STALKS, FIBER, OIL, OR CAKE;

~~(V)~~ (IV) THE STERILIZED SEED OF THE PLANT THAT IS INCAPABLE OF GERMINATION; OR

~~(VI)~~ (V) HEMP AS DEFINED IN § 14-101 OF THE AGRICULTURE ARTICLE.

[l] (M) "Medical cannabis grower agent" means an owner, an employee, a volunteer, an officer, or a director of a grower.

[m] (N) "Processor" means an entity that:

(1) Transforms medical cannabis into another product or extract; and

(2) Packages and labels medical cannabis.

1            [(n)] (O)      “Processor agent” means an owner, a member, an employee, a  
2 volunteer, an officer, or a director of a processor.

3            [(o)] (P)      “Qualifying patient” means an individual who:

4                    (1)      Has been provided with a written certification by a certifying provider  
5 in accordance with a bona fide provider–patient relationship; and

6                    (2)      If under the age of 18 years, has a caregiver.

7            [(p)] (Q)      “Written certification” means a certification that:

8                    (1)      Is issued by a certifying provider to a qualifying patient with whom the  
9 provider has a bona fide provider–patient relationship;

10                   (2)      Includes a written statement certifying that, in the provider’s  
11 professional opinion, after having completed an assessment of the patient’s medical history  
12 and current medical condition, the patient has a condition:

13                            (i)      That meets the inclusion criteria and does not meet the exclusion  
14 criteria of the certifying provider’s application; and

15                            (ii)     For which the potential benefits of the medical use of cannabis  
16 would likely outweigh the health risks for the patient; and

17                    (3)      May include a written statement certifying that, in the provider’s  
18 professional opinion, a 30–day supply of medical cannabis would be inadequate to meet the  
19 medical needs of the qualifying patient.

20            SECTION 2. AND BE IT FURTHER ENACTED, That:

21            (a)      The Natalie M. LaPrade Medical Cannabis Commission, in consultation with  
22 the State Department of Agriculture and representatives of the Maryland Hemp Coalition,  
23 shall study and make recommendations on the classification and regulation of  
24 tetrahydrocannabinols, other than delta–9–tetrahydrocannabinol, that are artificially,  
25 synthetically, or naturally derived, and manufactured products containing delta–8– and  
26 delta–10–tetrahydrocannabinol.

27            (b)      On or before January 1, 2023, the Natalie M. LaPrade Medical Cannabis  
28 Commission shall report its findings and recommendations to the Governor and, in  
29 accordance with § 2–1257 of the State Government Article, the Senate Finance Committee,  
30 the Senate Judicial Proceedings Committee, the House Judiciary Committee, and the  
31 House Health and Government Operations Committee.

32            SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act is an emergency  
33 measure, is necessary for the immediate preservation of the public health or safety, has  
34 been passed by a yea and nay vote supported by three–fifths of all the members elected to

1 each of the two Houses of the General Assembly, and shall take effect from the date it is  
2 enacted.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.