A BILL ENTITLED

AN ACT concerning

Hemp Farming Program – Use of Hemp and Hemp Products in Consumable Products

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

BY repealing and reenacting, with amendments,

Article – Agriculture
Section 14–101, 14–201, 14–202(e), 14–301, and 14–309
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

BY adding to

Article – Agriculture
Section 14–303.1
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

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 title the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [Brackets] indicate matter deleted from existing law.
(b) “Fund” means the Hemp Farming Fund established under § 14–304 of this title.

(c) (1) “Hemp” means the plant Cannabis sativa L. and any part of that plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta–9–tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.

(2) “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.

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

(e) “Independent testing laboratory” has the meaning stated in § 13–3301 of the Health – General Article.

(f) “Institution of higher education” has the meaning stated in the federal Higher Education Act of 1965.

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

(B) (1) “Hemp” means the plant Cannabis sativa L. and any part of that plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta–9–tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.

(2) “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) “Program” means the Hemp Research Pilot Program.

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

14–301.

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

(B) (1) “Hemp” means the plant Cannabis sativa L. and any part of that plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a Delta-9-Tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.

(2) “Hemp” includes compounds that occur in the plant Cannabis sativa L. that impart smell, taste, or both smell and taste.

(3) “Hemp” does not include:

(I) Any plant or part of a plant intended for a use that is regulated under Title 13, Subtitle 33 of the Health – General Article; or

(II) synthetically manufactured cannabinoids.

(C) (1) “Hemp product” means a product derived from hemp produced in accordance with this subtitle.

(2) “Hemp product” includes:

(I) A plant, or any part of a plant, with a total Tetrahydrocannabinol concentration that does not exceed 1% on a dry weight basis; and

(II) Acidic forms of cannabinoids extracted in a commercial kitchen from the plant Cannabis sativa L., including:

1. Tetrahydrocannabinolic acid; and

2. Cannabidiolic acid.

(D) “Program” means the Hemp Farming Program.
14–303.1.

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

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

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

   (II) THE TOTAL TETRAHYDROCANNABINOL CONCENTRATION OF THE HEMP PRODUCT DOES NOT EXCEED 1% ON A DRY WEIGHT BASIS.

(2) IF A PERSON PRODUCES A HEMP PRODUCT THAT EXCEEDS A TOTAL TETRAHYDROCANNABINOL CONCENTRATION OF 1% ON A DRY WEIGHT BASIS, THE PERSON MAY INCLUDE THE HEMP PRODUCT IN CONSUMABLE PRODUCTS FOR SALE BY THE PERSON IF THE HEMP PRODUCT IS DILUTED TO AN ALLOWABLE CONCENTRATION BY AN INDEPENDENT TESTING LABORATORY.

14–309.

(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–9–tetrahydrocannabinol concentration of 0.3% on a dry weight basis; OR

   (V) PRODUCE A HEMP PRODUCT THAT EXCEEDS A TETRAHYDROCANNABINOL CONCENTRATION OF 1% 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.
(b) (1) If the Department determines that a person negligently violated this subtitle, the Department shall require the person to correct the violation, including requiring that:

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

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

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

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