

# HOUSE BILL 1067

M4  
SB 1006/22 – EHE

3lr1200  
CF SB 508

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By: **Delegates Fraser–Hidalgo, Barve, Howard, and Love**

Introduced and read first time: February 10, 2023

Assigned to: Economic Matters and Health and Government Operations

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## A BILL ENTITLED

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 definitions 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 2022 Supplement)

14 BY adding to  
15 Article – Agriculture  
16 Section 14–303.1  
17 Annotated Code of Maryland  
18 (2016 Replacement Volume and 2022 Supplement)

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

### Article – Agriculture

21 14–101.

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

23 (b) “Fund” means the Hemp Farming Fund established under § 14–304 of this

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 title.

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

6 (2) “Hemp” does not include any plant or part of a plant intended for a use  
7 that is regulated under Title 13, Subtitle 33 of the Health – General Article.

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

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

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

14 14-201.

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

17 (B) (1) “HEMP” MEANS THE PLANT *CANNABIS SATIVA* L. AND ANY PART  
18 OF THAT PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS,  
19 ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH  
20 A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED  
21 0.3% ON A DRY WEIGHT BASIS.

22 (2) “HEMP” DOES NOT INCLUDE ANY PLANT OR PART OF A PLANT  
23 INTENDED FOR A USE THAT IS REGULATED UNDER TITLE 13, SUBTITLE 33 OF THE  
24 HEALTH – GENERAL ARTICLE.

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

26 14-202.

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

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

30 (2) A person that grows or cultivates hemp under the Program may  
31 purchase or otherwise obtain seeds that produce plants that meet the definition of “hemp”  
32 under [§ 14-101] § 14-201 of this [title] SUBTITLE.

1 14-301.

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

4 (B) (1) "HEMP" MEANS THE PLANT CANNABIS SATIVA L. AND ANY PART  
5 OF THAT PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS,  
6 ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH  
7 A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED  
8 0.3% ON A DRY WEIGHT BASIS.

9 (2) "HEMP" INCLUDES COMPOUNDS THAT OCCUR IN THE PLANT  
10 CANNABIS SATIVA L. THAT IMPART SMELL, TASTE, OR BOTH SMELL AND TASTE.

11 (3) "HEMP" DOES NOT INCLUDE ANY PLANT OR PART OF A PLANT  
12 INTENDED FOR A USE THAT IS REGULATED UNDER TITLE 13, SUBTITLE 33 OF THE  
13 HEALTH - GENERAL ARTICLE.

14 (C) (1) "HEMP PRODUCT" MEANS A PRODUCT DERIVED FROM HEMP  
15 PRODUCED IN ACCORDANCE WITH THIS SUBTITLE.

16 (2) "HEMP PRODUCT" INCLUDES:

17 (I) A PLANT, OR ANY PART OF A PLANT, WITH A  
18 DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED 1%  
19 ON A DRY WEIGHT BASIS; AND

20 (II) ACIDIC FORMS OF CANNABINOIDS EXTRACTED IN A  
21 COMMERCIAL KITCHEN FROM THE PLANT CANNABIS SATIVA L., INCLUDING:

22 1. TETRAHYDROCANNABINOLIC ACID; AND

23 2. CANNABIDIOLIC ACID.

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

25 14-303.1.

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

30 (B) (1) BEFORE A PERSON MAY OFFER FOR SALE A CONSUMABLE

1 **PRODUCT THAT INCLUDES HEMP OR A HEMP PRODUCT, THE PERSON SHALL ENSURE**  
2 **THAT THE HEMP OR HEMP PRODUCT IS TESTED BY AN INDEPENDENT TESTING**  
3 **LABORATORY TO ENSURE:**

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

6 **(II) THE DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION**  
7 **OF THE HEMP PRODUCT DOES NOT EXCEED 1% ON A DRY WEIGHT BASIS.**

8 **(2) IF A PERSON PRODUCES A HEMP PRODUCT THAT EXCEEDS A**  
9 **DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION OF 1% ON A DRY WEIGHT**  
10 **BASIS, THE PERSON MAY INCLUDE THE HEMP PRODUCT IN CONSUMABLE PRODUCTS**  
11 **FOR SALE BY THE PERSON IF THE HEMP PRODUCT IS DILUTED TO AN ALLOWABLE**  
12 **CONCENTRATION CONFIRMED BY AN INDEPENDENT TESTING LABORATORY.**

13 14-309.

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

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

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

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

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

22 **(V) PRODUCE A HEMP PRODUCT THAT EXCEEDS A**  
23 **DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION OF 1% ON A DRY WEIGHT**  
24 **BASIS.**

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

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

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

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

1 with this subtitle.

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2023.