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MARYLAND DEPARTMENT OF AGRICULTURE

LEGISLATIVE COMMENT

DATE: February 25, 2020

BILL NUMBER: HOUSE BILL 574

SHORT TITLE: AGRICULTURE - LICENSE TO PRODUCE HEMP - LIMITATION

MDA POSITION: OPPOSE

EXPLANATION:

House Bill 574 would remove the Maryland Department of Agriculture's (MDA) authority to license individuals to grow hemp in accordance with state and federal laws and regulations. This bill would also prohibit MDA from licensing an individual to produce hemp within its Industrial Hemp Program if the applicant's site is within 25 feet of a property or properties with three or more individual residences—unless the applicant agrees to produce hemp in an indoor facility that exhausts fumes, as specified.

BACKGROUND INFORMATION:

MDA's Industrial Hemp Pilot Program has seen significant interest from farmers across the state looking to explore the viability of this emerging agricultural commodity. In 2019, MDA Industrial Hemp Pilot Program registered 69 growers in 20 counties to grow hemp across 1,572 acres and 1,097,000 square feet of greenhouse space for growing hemp with 69 farmers in 20 counties. The program began accepting applications for the 2020 growing season earlier this year and has already received 28 applications. The enthusiasm for the crop and its uses is very strong.

HB 574 would affect farmers in all counties but would especially limit opportunities for urban and suburban farmers looking to enter the industry or diversify an existing farm operation. The restriction of land within 25 feet of a property or properties with three or more residents would take thousands of acres of productive farmland out of production for growers. Under this proposed legislation, a farmer's own home would count as a property if it has three or more residents.

Additionally, HB 574 would require MDA staff to conduct an extensive on-site review for every application, greatly increasing the program's workload and adversely impacting the amount of time and resources required to approve and application.

Applicants would have the burden of proving exactly where their property lines are. If an applicant is unable to meet the requirements to grow outdoors their only recourse would be to construct a facility to grow hemp indoors on their property, which can be cost-prohibitive for many farmers.

If you have additional questions, please contact Cassie Shirk, Director of Legislation and Governmental Affairs, at cassie.shirk@maryland.gov or 410-841-5886.