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Department of Agriculture
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MARYLAND DEPARTMENT OF AGRICULTURE

LEGISLATIVE COMMENT

DATE: March 5, 2020

BILL NUMBER: SENATE BILL 821

SHORT TITLE: CANNABIS - MEDICAL CANNABIS BOUTIQUE GROWER LICENSE AND PESTICIDES

MDA POSITION: INFORMATION

EXPLANATION:

Senate Bill 821 would create an application process for the approval of pesticides for use in the production of medical cannabis. The bill also creates a requirement for a certified risk assessment to be performed by an independent accredited laboratory to ensure that the use of the pesticide will not lead to unreasonable adverse effects. The evaluation will be partially based upon the use of the pesticide on foods, tobacco, crops with agronomic characteristics similar to cannabis, and by the type of application method. In the determination of unreasonable risk, the Maryland Department of Agriculture (MDA) shall consult with Maryland Department of Health (MDH).

BACKGROUND INFORMATION:

The approval process for pesticides used in the production of medical cannabis are based upon the following criteria: use in a greenhouse setting, Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) exempted pesticides, pesticides exempted from food residue tolerance, pesticides meeting the criteria of the United States Department of Agriculture's (USDA) National Organic Program (NOP), or pesticides with broad label language. Regulations were developed and published, along with a list of allowed pesticides for use in the cultivation of medicinal cannabis. The pesticide list is reviewed and edited annually, with publication of a current list in July of every year by the State Chemist Section. It is published on the State Chemist webpage, and sent to the Natalie M. LaPrade Maryland Medical Cannabis Commission.

SB 821 would require an application and a certified risk assessment to be provided for

each application. The review process of the application packet would require review by the MDH and MDA. This certified risk assessment would be evaluated to ascertain whether there are unreasonable adverse effects from the pesticide when used in the cultivation of medical cannabis. The cost of the certified risk assessment to the applicant could be upwards of $10,000 or more depending upon the pesticide, the laboratory involved, the depth of the study, and the amount of literature that needs to be reviewed to get an accurate assessment.

The bill would also slow the approval process down significantly. Currently, the approval process for a pesticide takes roughly two hours of review of the label. This bill could increase approval time up to 40 hours, with extra time needed to review the study itself, and to determine if it is scientifically valid.

Review of the assessment would require personnel from both MDH and MDA that have either a risk assessment background and/or a toxicology background. These backgrounds would be necessary in order to properly review the study and make a correct decision on the actual risk associated with the pesticide.

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