



DEPARTMENT OF HEALTH

Larry Hogan, Governor · Boyd K. Rutherford, Lt. Governor · Dennis R. Schrader, Secretary

March 29, 2022

The Honorable Paul G. Pinsky
Chair, Senate Education, Health, and Environmental Affairs Committee
2 West, Miller Senate Office Building
Annapolis, MD 21401-1991

RE: SB 1006 – Hemp Farming Program - Use of Hemp and Hemp Products in Consumable Products – Letter of Information

Dear Chair Pinsky and Committee Members:

The Maryland Department of Health (MDH) is submitting this letter of information for Senate Bill (SB) 1006 - Hemp Farming Program - Use of Hemp and Hemp Products in Consumable Products. SB 1006 will permit a person that produces hemp or a hemp product to offer for sale a consumable product that includes the hemp or hemp product. The hemp or hemp product is required to: (1) be tested by an independent testing laboratory; (2) meet applicable safety standards; and (3) not exceed the total tetrahydrocannabinol (THC) concentration of 1% on a dry weight basis. The Maryland Department of Agriculture will be responsible for monitoring and regulating the production of hemp, and for reporting any person in violation of the regulations and ensuring correction of the violation.

This bill, if enacted, will permit individuals to legally market and sell consumable products, including food and beverages, that are comprised of hemp which, by definition, contains tetrahydrocannabinol (THC) and cannabidiol (CBD). The U.S. Food and Drug Administration (FDA) has determined that THC and CBD are not approved as food additives or for food use. Cannabis or cannabis-derived compounds that are classified as hemp under the Agricultural Improvement Act of 2018 (2018 Farm Bill) are subject to the same authorities and requirements as FDA-regulated products containing any other substance.

The addition of THC and CBD, hemp-derived or other, into foods or beverages is not permitted under federal food laws (21 USC §342, adopted by Maryland under Health-General §21-239) and hemp or hemp products as defined in SB 1006 would be considered adulterated and not allowed to be used, sold, or served. Persons who produce food or beverages infused with hemp or hemp products, other than those generally recognized as safe (GRAS), may not offer them for sale in Maryland or they risk losing their Maryland food license.

If you have any questions or comments please contact Heather Shek, Director, Office of Governmental Affairs, at 410-767-5282 or heather.shek@maryland.gov.

Sincerely,

Dennis R. Schrader
Secretary