



Maryland Department of Agriculture

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Maryland Department of Agriculture

Legislative Comment

Date: March 3, 2023

BILL NUMBER: HOUSE BILL 1204

SHORT TITLE: AGRICULTURE - HEMP FARMING PROGRAM - REFINED HEMP
AND HEMP EXTRACT PRODUCTS - REQUIREMENTS

MDA POSITION: INFORMATION

The Maryland Department of Agriculture (MDA or the Department) has reviewed House Bill 1204 and would like to provide the following information on the bill.

House Bill 1204 would alter and amend the current Hemp Farming Program to include refined hemp and hemp extract products.

This legislation would cause the MDA to be out of compliance with USDA guidelines for the Hemp Farming Program. The Agriculture Improvement Act of 2018 (2018 Farm Bill) defined hemp as the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol (THC) concentration of not more than 0.3% on a dry weight basis. The 2018 Farm Bill also removed hemp from the Controlled Substances list under the Controlled Substances Act (CSA, 21 U.S.C. §801 *et. Seq.*) Cannabis with a total THC concentration of over 0.3% is considered marijuana and is federally illegal.

Federal law prohibits the MDA from specifying that a person transporting hemp that exceeds a certain concentration of delta-9-tetrahydrocannabinol is not in violation of the Hemp Farming Program. This legislation would cause the MDA Hemp Farming Program to be out of compliance with federal regulations.

The Maryland Agricultural Commission (MAC) is made up of 30 members, appointed by the Governor, who represent commodities and organizations across the state and serve as an advisory body to the Secretary of the Department of Agriculture. The MAC has two members from the hemp industry. The establishment of a Hemp Advisory Council would be redundant.

Recommendations from MDA:

- Amend HB 1204 to establish the creation of a farm based, craft cannabis grower's license to coincide with the hemp growers license.
 - A limited number of these licenses could be issued, allowing existing hemp growers to have an alternative to remediation when the concentration of the product exceeds .3% - 1%. The General Assembly can adjust those percentages if so desired.
 - Propose a limit on how much can be grown and sold on the farm.
- Expand the number of licenses issued to cannabis growers to allow existing hemp farmers the option to grow cannabis when concentration levels exceed .3%
- Members of the General Assembly would benefit from advocating for changes of the definitions of hemp and cannabis, lifting restrictions that require remediation, and the transportation and sale of consumables to the Maryland Congressional Delegation.
- MDA will communicate the need for changes to the above regulations to the Maryland Congressional Delegation.
- MDA will confer with other states that have legislation similar to the proposed legislation and make further recommendations.

Thank you for your consideration. If you have additional questions, please contact Rachel Jones, MDA Director of Government Relations at Rachel.Jones2@maryland.gov or (667) 408-0134.