Hemp Industry Amendment Requests

This document was created through a collaborative effort by the Maryland Farm Bureau, Maryland Hemp Coalition and the Maryland Healthy Alternatives Association. **Our Associations suggest that a cooperative venture between the Hemp and Cannabis market entities be promoted.** Such an approach would best serve the public and industry stakeholders. Provided language below is to assist with establishing a foundation for this effort. Below are amendments to SB0516. Our requests for amendments and additions are in **RED-BOLD** font.

Amendments to Cannabis Reform Bill- SB0516

Amendments

36-1103.

• AMEND Page 69, lines 23-27: **(A) (1) A PERSON MAY NOT SELL OR DISTRIBUTE A PRODUCT INTENDED FOR HUMAN CONSUMPTION OR INHALATION THAT CONTAINS MORE THAN ~~0.5 MILLIGRAMS OF TETRAHYDROCANNABINOL PER SERVING OR 2.5 MILLIGRAMS OF TETRAHYDROCANNABINOL~~ 0.3% DELTA-9- TETRAHYDROCANNABINOL ON A DRY WEIGHT BASIS...**

- **NOTE:** The following language criminalizes federally legal hemp CBD products. Products that comply with the 0.3% delta-9-THC limits are criminalized by this clause. This would effectively kill the Full Spec Hemp CBD Industry.

- **NOTE:** Supporting this is a panel of the U.S. Court of Appeals for the Ninth Circuit who stated in March of 2022 with a 3-0 ruling, that “A straightforward reading of § 1639o yields a definition of hemp applicable to all products that are sourced from the cannabis plant, contain no

more than 0.3 percent delta-9 THC, and can be called a derivative, extract, cannabinoid, or one of the other enumerated terms”

• STRIKE OUT Page 70, lines 8-10: ~~**(B) A PERSON MAY NOT SELL OR DISTRIBUTE A CANNABINOID PRODUCT THAT IS NOT DERIVED FROM NATURALLY OCCURRING BIOLOGICALLY ACTIVE CHEMICAL CONSTITUENTS.**~~

- **NOTE:** Supporting this is a panel of the U.S. Court of Appeals for the Ninth Circuit who stated in March of 2022 with a 3-0 ruling, that “the source of the product - **not the method of manufacture** - is the dispositive factor for ascertaining whether a product is synthetic”

- **NOTE:** We have a model for regulation of these products that incorporates the MMCC recommendations. **SEE REFINED HEMP PRODUCT REGS DOCUMENT.**

- NOTE: It is well known in both the hemp industry as well as the medical/adult-use cannabis industry that not all cannabinoids, in the plant Cannabis sativa L., can be isolated or tested for, using current technology and testing standards, to determine if said cannabinoids are naturally occurring or not. There are approximately 160 known naturally occurring cannabinoids, but independent testing laboratories can only test for up to 24 cannabinoids. That means **only 13% of the known naturally occurring cannabinoids can be tested for using current technology and testing standards.**

Refined Hemp Product Regs

This document was created through a collaborative effort by the Maryland Hemp Coalition, the Maryland Healthy Alternatives Association and incorporates results from the Maryland Medical Cannabis Commission summer study report mandated by Chapter 511/512 of the acts of 2022. **Our Associations suggest that a cooperative venture between the Hemp and Cannabis market entities be promoted.** Such an approach would best serve the public and industry stakeholders. Provided language below is to assist with establishing a foundation for this effort. Our requests for amendments and additions are in **RED-BOLD** font.

AMEND SB0516

1-303.

- Page 6, lines 16-17: **TWO SHALL BE KNOWLEDGEABLE AND EXPERIENCED IN THE CANNABIS INDUSTRY; AND TWO SHALL BE KNOWLEDGEABLE AND EXPERIENCED IN THE HEMP INDUSTRY**

1-309.2.

- Page 14, line 2: **ADD - (VI) THREE REPRESENTATIVES FROM THE HEMP INDUSTRY;**
- Page 14, line 3: ~~**(VI)**~~ **(VII)**
- Page 14, line 6: ~~**(VII)**~~ **(VIII)**
- Page 14, line 3: ~~**(VII)**~~ **(IX)**

ADDITIONS (to appropriate sections)

DEFINITIONS

(a) "Acceptable hemp thc level" means a delta-9-tetrahydrocannabinol concentration of less than 0.3%.

(b) "Commission" means the same as defined in 1-101. Article- Alcoholic Beverages (as defined in HB0556)

(c) "Contaminants unsafe for human consumption" means any microbe, fungus, yeast, mildew, herbicide, pesticide, fungicide, residual solvent, heavy metal, or other contaminant found in an amount that exceeds the acceptable limitations established under State law or regulation.

(d) "Distribute" means to sell or hold for future sale, offer for sale, barter, or otherwise supply to a consumer.

(e) (1) "Hemp Extract Product" means a hemp product intended for consumption.

(2) "Hemp Extract Product" includes a hemp product intended for consumption that is manufactured or distributed in the State or for interstate commerce that is:

(i) produced, stored, transported, or processed in a facility bonded in accordance with this subtitle; and

(ii) labeled with a brand name and descriptors including flavor, size or volume, and specific cannabinoid content.

(f) (1) "Refined hemp" means a derivative of hemp in which a cannabinoid other than delta–9–tetrahydrocannabinol, or an isomer derived from such a cannabinoid, is found in a concentration greater than 0.3%.

(2) "Refined hemp" does not include:

(i) Cannabidiol (CBD);

(ii) Cannabidivarin (CBDV);

(iii) Cannabichromene (CBC);

(iv) Cannabichromivarin (CBCV);

(v) Cannabigerivarin (CBGV);

(vi) Cannabigerol (CBG);

(vii) Cannabinol (CBN);

(viii) Delta-9-Tetrahydrocannabinol ($\triangle^9$ - THC);

(ix) Tetrahyrdocannabivarin (THCV); and

(x) Their acidic forms, including but not limited to cannabidiolic acid, Cannabigerolic acid and tetrahydrocannabinolic acid.

TESTING REQUIREMENTS

(a) A person shall receive a certificate of analysis prepared by an independent testing laboratory prior to distributing refined hemp or a hemp extract product.

(b) The certificate of analysis required under subsection (a) of this section shall state that the:

(1) refined hemp or hemp extract product is a product of a batch tested by the independent testing laboratory;

(2) batch tested contains an acceptable hemp THC level after testing a random sample of the batch; and

(3) batch does not contain contaminants unsafe for human consumption.

(c) The Commission may conduct an analysis of a sample of refined hemp or a hemp extract product and the associated label to ensure the product: subtitle;

(1) meets the label requirements established under § 14–303.2 of this subtitle;

(2) contains an acceptable THC level;

(3) has not been tampered with or misbranded; and

(4) meets all other requirements established under this subtitle.

ADD LABELING REQUIREMENTS

(a) The Commission shall establish minimum packaging and labeling requirements for refined hemp and hemp extract products.

(b) The packaging required under subsection (a) of this section shall:

(1) be clear, legible, and printed in English;

(2) include a warning statement governing safe use and secure storage of the product that includes:

(i) the intended serving size;

(ii) a warning to not operate a motor vehicle while under the influence;

(iii) a warning to not use the product while nursing or pregnancy warning;

(iv) an advisory to keep out of reach of children and pets; and

(v) a warning that the use of product make cause a positive THC result on a toxicology screening;

(3) include a primary label that:

(i) contains the generic or common name of the product

(ii) specifies whether the product contains CBD or THC or both; and

(iii) the net weight or volume of the contents of the product in United States customary units and metric units in accordance with § 11–301 of this Article;

(4) include an information label that:

(i) contains the name and contact information of the manufacturer or distributor;

(ii) contains the date the product was manufactured or packaged;

(iii) the batch or lot number for the product;

(iv) instructs the consumer on how to use and prepare the product;

(v) lists THC, other cannabinoid ingredients or additives, and non–cannabinoid ingredients in the product in descending order by weight or volume;

(vi) lists any potential allergens;

(vii) contains an expiration date and refrigeration instructions; and

(viii) lists the sodium, sugar, carbohydrate, and fat content per serving, if applicable; and

(5) a certificate of analysis displaying the laboratory test results of the product.

(c) Refined hemp or a hemp extract product packaging may not:

(1) be labeled as a product grown in the State unless at least 51% of the hemp used in the product was grown in the State;

(2) be targeted at minors, including the use of cartoons, popular images used to advertise to children, or designs substantially resembling ones associated with any commercial product sold to minors;

(3) include false or misleading information, including unproven or unverifiable statements;

(4) include the word "organic" unless the product is certified as organic in accordance with the National Organic Program administered by the United States Department of Agriculture; or

(5) include disease or drug claims that are not approved by the United States Food and Drug Administration.

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White Paper on MGA Hemp Bills

Date: February 28, 2023

BILL NUMBER: SENATE BILL 508, HOUSE BILL 1067, HOUSE BILL 1204

SHORT TITLE: USE OF HEMP AND HEMP PRODUCTS IN CONSUMABLE PRODUCTS/ HEMP FARMING PROGRAM - REFINED HEMP

MDA POSITION: INFORMATION

The Maryland Department of Agriculture (MDA) has identified the following concerns with SB 508, HB 1067, and HB 1204 that would cause the MDA to be out of compliance with 2018 Farm Bill regulations and jeopardize USDA funding for the Hemp Farm Program. Each of these were outlined in detail in Letters of Information that were sent to the respective committees of E&T and EEE.

- Altering the definition of hemp to include a plant, or any part of a plant with Delta 9-Tetrahydrocannabinol (THC) concentration that does not exceed 1% on a dry weight basis.
- Allowing hemp products with a THC concentration greater than 1% to be included in consumable products for sale.
- Specifying that a person transporting hemp that exceeds a certain concentration of delta–9–tetrahydrocannabinol is not in violation of the Hemp Farming Program.

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.

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