

HOUSE BILL 1478

M4

2lr3269

By: **Delegate Fraser–Hidalgo**

Introduced and read first time: February 28, 2022

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Hemp Farming Program – Use of Hemp and Hemp Products in Consumable**
3 **Products**

4 FOR the purpose of altering the definition of “hemp” and “hemp product” in provisions of
5 law relating to the Hemp Farming Program; authorizing a person that produces
6 hemp or a hemp product in accordance with the Program to include the hemp or
7 hemp product in consumable products for sale by the person under certain
8 circumstances; and generally relating to the use of hemp in consumable products.

9 BY repealing and reenacting, with amendments,
10 Article – Agriculture
11 Section 14–101, 14–201, 14–202(e), 14–301, and 14–309
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2021 Supplement)

14 BY adding to
15 Article – Agriculture
16 Section 14–303.1
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2021 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Agriculture**

22 14–101.

23 (a) In this title the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) “Fund” means the Hemp Farming Fund established under § 14–304 of this
2 title.

3 (c) [(1) “Hemp” means the plant *Cannabis sativa* L. and any part of that plant,
4 including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers,
5 whether growing or not, with a delta–9–tetrahydrocannabinol concentration that does not
6 exceed 0.3% on a dry weight basis.

7 (2) “Hemp” does not include any plant or part of a plant intended for a use
8 that is regulated under Title 13, Subtitle 33 of the Health – General Article.

9 (d) “Hemp product” means a product derived from hemp produced in accordance
10 with Subtitle 3 of this title.

11 (e)] “Independent testing laboratory” has the meaning stated in § 13–3301 of the
12 Health – General Article.

13 [(f)] (D) “Institution of higher education” has the meaning stated in the federal
14 Higher Education Act of 1965.

15 14–201.

16 (A) In this subtitle[,] THE FOLLOWING WORDS HAVE THE MEANINGS
17 INDICATED.

18 (B) (1) “HEMP” MEANS THE PLANT *CANNABIS SATIVA* L. AND ANY PART
19 OF THAT PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS,
20 ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH
21 A DELTA–9–TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED
22 0.3% ON A DRY WEIGHT BASIS.

23 (2) “HEMP” DOES NOT INCLUDE ANY PLANT OR PART OF A PLANT
24 INTENDED FOR A USE THAT IS REGULATED UNDER TITLE 13, SUBTITLE 33 OF THE
25 HEALTH – GENERAL ARTICLE.

26 (C) “Program” means the Hemp Research Pilot Program.

27 14–202.

28 (e) In order to carry out the purpose of the Program:

29 (1) To the extent necessary, the Department or an institution of higher
30 education may contract with a person to grow or cultivate hemp; and

1 (2) A person that grows or cultivates hemp under the Program may
2 purchase or otherwise obtain seeds that produce plants that meet the definition of “hemp”
3 under [§ 14–101] § 14–201 of this [title] SUBTITLE.

4 14–301.

5 (A) In this subtitle[,] THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED.

7 (B) (1) “HEMP” MEANS THE PLANT CANNABIS SATIVA L. AND ANY PART
8 OF THAT PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS,
9 ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH
10 A DELTA–9–TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED
11 0.3% ON A DRY WEIGHT BASIS.

12 (2) “HEMP” INCLUDES COMPOUNDS THAT OCCUR IN THE PLANT
13 CANNABIS SATIVA L. THAT IMPART SMELL, TASTE, OR BOTH SMELL AND TASTE.

14 (3) “HEMP” DOES NOT INCLUDE:

15 (I) ANY PLANT OR PART OF A PLANT INTENDED FOR A USE
16 THAT IS REGULATED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL
17 ARTICLE; OR

18 (II) SYNTHETICALLY MANUFACTURED CANNABINOIDS.

19 (C) (1) “HEMP PRODUCT” MEANS A PRODUCT DERIVED FROM HEMP
20 PRODUCED IN ACCORDANCE WITH THIS SUBTITLE.

21 (2) “HEMP PRODUCT” INCLUDES:

22 (I) A PLANT, OR ANY PART OF A PLANT, WITH A TOTAL
23 TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED 1% ON A DRY
24 WEIGHT BASIS; AND

25 (II) ACIDIC FORMS OF CANNABINOIDS EXTRACTED IN A
26 COMMERCIAL KITCHEN FROM THE PLANT CANNABIS SATIVA L., INCLUDING:

27 1. TETRAHYDROCANNABINOLIC ACID; AND

28 2. CANNABIDIOLIC ACID.

29 (D) “Program” means the Hemp Farming Program.

1 **14-303.1.**

2 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERSON THAT
3 PRODUCES HEMP OR A HEMP PRODUCT IN ACCORDANCE WITH THIS SUBTITLE MAY
4 INCLUDE THE HEMP OR HEMP PRODUCT IN CONSUMABLE PRODUCTS FOR SALE BY
5 THE PERSON.

6 (B) (1) BEFORE A PERSON MAY OFFER FOR SALE A CONSUMABLE
7 PRODUCT THAT INCLUDES HEMP OR A HEMP PRODUCT, THE PERSON SHALL ENSURE
8 THAT THE HEMP OR HEMP PRODUCT IS TESTED BY AN INDEPENDENT TESTING
9 LABORATORY TO ENSURE:

10 (I) THE HEMP OR HEMP PRODUCT MEETS APPLICABLE SAFETY
11 STANDARDS; AND

12 (II) THE TOTAL TETRAHYDROCANNABINOL CONCENTRATION
13 OF THE HEMP PRODUCT DOES NOT EXCEED 1% ON A DRY WEIGHT BASIS.

14 (2) IF A PERSON PRODUCES A HEMP PRODUCT THAT EXCEEDS A
15 TOTAL TETRAHYDROCANNABINOL CONCENTRATION OF 1% ON A DRY WEIGHT BASIS,
16 THE PERSON MAY INCLUDE THE HEMP PRODUCT IN CONSUMABLE PRODUCTS FOR
17 SALE BY THE PERSON IF THE HEMP PRODUCT IS DILUTED TO AN ALLOWABLE
18 CONCENTRATION BY AN INDEPENDENT TESTING LABORATORY.

19 **14-309.**

20 (a) (1) A person may not knowingly:

21 (i) Fail to comply with the Department's plan for monitoring and
22 regulating the production of hemp established under § 14-305 of this subtitle;

23 (ii) Misrepresent or fail to provide the legal description of land on
24 which hemp is produced;

25 (iii) Produce hemp without a valid license; [or]

26 (iv) Produce plants, or any part of a plant, that exceeds a
27 delta-9-tetrahydrocannabinol concentration of 0.3% on a dry weight basis; OR

28 (V) PRODUCE A HEMP PRODUCT THAT EXCEEDS A
29 TETRAHYDROCANNABINOL CONCENTRATION OF 1% ON A DRY WEIGHT BASIS.

30 (2) The Department shall report a person that knowingly violates this
31 subtitle to the Attorney General and the U.S. Attorney.

1 (b) (1) If the Department determines that a person negligently violated this
2 subtitle, the Department shall require the person to correct the violation, including
3 requiring that:

4 (i) The violation be corrected by a reasonable date; and

5 (ii) The person report to the Department, at a frequency determined
6 by the Department and for a period of not less than 2 calendar years, to verify compliance
7 with this subtitle.

8 (2) If a person is found by the Department to have negligently violated this
9 subtitle three times in a 4–year period, the person may not produce hemp in the State for
10 a period of 5 years beginning on the date of the third violation.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2022.