

SENATE BILL 1109

A3

4lr2579
CF 4lr3519

By: **Senator Ready**

Introduced and read first time: February 4, 2024

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Cannabis – Sale and Distribution – Hemp–Derived Compounds and**
3 **Cannabinoids**

4 FOR the purpose of altering certain provisions of law relating to the sale and distribution
5 of certain hemp–derived compounds and cannabinoid products for the purpose of
6 prohibiting certain persons from selling or distributing “intoxicating cannabinoids”
7 as defined under this Act and authorizing the sale and distribution of
8 “nonintoxicating cannabinoids” as defined under this Act, subject to certain
9 requirements; prohibiting a person from selling or distributing a synthetic
10 cannabinoid unless authorized by the Maryland Cannabis Administration by
11 regulation; and generally relating to the sale and distribution of hemp–derived
12 compounds and cannabinoids.

13 BY repealing and reenacting, with amendments,
14 Article – Alcoholic Beverages and Cannabis
15 Section 36–1102
16 Annotated Code of Maryland
17 (2016 Volume and 2023 Supplement)

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

20 **Article – Alcoholic Beverages and Cannabis**

21 36–1102.

22 (a) (1) In this section the following words have the meanings indicated.

23 **(2) “BROAD SPECTRUM” MEANS INDUSTRIAL HEMP PRODUCTS THAT**
24 **CONTAIN MULTIPLE CANNABINOIDS AND NOT MORE THAN 0.01% TOTAL THC.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(3) “FULL SPECTRUM” MEANS INDUSTRIAL HEMP PRODUCTS THAT**
2 **CONTAIN ALL PHYTOCHEMICALS NATURALLY FOUND IN THE PLANT, TRACE**
3 **CANNABINOIDS, TERPENES, AND ESSENTIAL OILS AND NOT MORE THAN 0.3% TOTAL**
4 **THC.**

5 **[(2)] (4) “Hemp” has the meaning stated in § 14–401 of the Agriculture**
6 **Article.**

7 **(5) (I) “INTOXICATING CANNABINOIDS” MEANS HEMP–DERIVED**
8 **COMPOUNDS OR CANNABINOIDS THAT:**

9 **1. CONTAIN MORE THAN 0.5 MILLIGRAMS OF THC PER**
10 **SERVING OR 2.5 MILLIGRAMS OF THC PER PACKAGE; OR**

11 **2. ARE IDENTIFIED BY THE ADMINISTRATION AS**
12 **INTOXICATING CANNABINOIDS.**

13 **(II) “INTOXICATING CANNABINOIDS” INCLUDES:**

14 **1. DELTA–10 THC AND ITS ISOMERS;**

15 **2. DELTA–9 THC AND ITS ISOMERS;**

16 **3. DELTA–8 THC AND ITS ISOMERS;**

17 **4. DELTA–7 THC AND ITS ISOMERS;**

18 **5. DELTA–6A, 10A THC AND ITS ISOMERS;**

19 **6. EXO–THC;**

20 **7. METABOLITES OF THC, INCLUDING**
21 **11–HYDROXY–THC, 3–HYDROXY–THC, OR 7–HYDROXY–THC;**

22 **8. HYDROGENATED FORMS OF THC, INCLUDING**
23 **HEXAHYDROCANNABINOL, HEXAHYDROCANNABIPHOROL, AND**
24 **HEXAHYDROCANNABIHEXOL;**

25 **9. SYNTHETIC FORMS OF THC, INCLUDING**
26 **DRONABINOL;**

1 10. ESTER FORMS OF THC, INCLUDING DELTA-8
2 **THC-O-ACETATE,** DELTA-9 **THC-O-ACETATE,** AND
3 **HEXAHYDROCANNABINOL-O-ACETATE;**

4 11. TETRAHYDROCANNABIVARINS, INCLUDING DELTA-8
5 **TETRAHYDROCANNABIVARIN** BUT EXCLUDING DELTA-9
6 **TETRAHYDROCANNABIVARIN;**

7 12. ANALOGUES OF THCS WITH AN ALKYL CHAIN OF
8 **FOUR OR MORE CARBON ATOMS, INCLUDING TETRAHYDROCANNABIPHOROLS,**
9 **TETRAHYDROCANNABIOCTYLS,** **TETRAHYDROCANNABIHEXOLS,** OR
10 **TETRAHYDROCANNABUTOLS; AND**

11 13. ANY COMBINATION OF THE COMPOUNDS, INCLUDING
12 **HEXAHYDROCANNABIPHOROL-O-ESTER, LISTED IN THIS SUBPARAGRAPH.**

13 **(6) (I) “NONINTOXICATING CANNABINOIDS” MEANS**
14 **HEMP-DERIVED COMPOUNDS OR CANNABINOIDS THAT:**

15 1. ARE NOT INTOXICATING CANNABINOIDS; OR

16 2. ARE IDENTIFIED BY THE ADMINISTRATION AS
17 **NONINTOXICATING CANNABINOIDS.**

18 **(II) “NONINTOXICATING CANNABINOIDS” INCLUDES:**

19 1. FULL SPECTRUM HEMP EXTRACT THAT CONTAINS
20 **NOT MORE THAN 2.5 MILLIGRAMS OF THC PER SERVING;**

21 2. BROAD SPECTRUM HEMP EXTRACT;

22 3. CANNABIDIOL, ALSO KNOWN AS CBD, INCLUDING
23 **ANY CANNABIDIOL NATURALLY OCCURRING IN THE CANNABIS SATIVA L. PLANT;**

24 4. TETRAHYDROCANNABIVARIN, ALSO KNOWN AS
25 **THCV;**

26 5. CANNABICHRMENE, ALSO KNOWN AS CBC;

27 6. CANNABICITRAN, ALSO KNOWN AS CBT;

28 7. CANNABICYCLOL, ALSO KNOWN AS CBL;

1 8. CANNABIELSOIN, ALSO KNOWN AS CBE;

2 9. CANNABIGEROL, ALSO KNOWN AS CBG;

3 10. CANNABIDIVARIN, ALSO KNOWN AS CBDV; AND

4 11. CANNABINOL, ALSO KNOWN AS CBN.

5 (7) “SYNTHETIC CANNABINOID” MEANS A CANNABINOID-LIKE
6 COMPOUND THAT IS PRODUCED BY USING:

7 (I) CHEMICAL SYNTHESIS;

8 (II) CHEMICAL MODIFICATION; OR

9 (III) CHEMICAL CONVERSION, INCLUDING BY USING IN-VITRO
10 BIOSYNTHESIS OR OTHER BIOCONVERSION OF SUCH A METHOD.

11 [(3)] (8) [“Tetrahydrocannabinol”] “THC” means[:

12 (i) any tetrahydrocannabinol, including
13 delta-8-tetrahydrocannabinol, delta-9-tetrahydrocannabinol, and
14 delta-10-tetrahydrocannabinol, regardless of how derived;

15 (ii) any other cannabinoid, except cannabidiol that the
16 Administration determines to cause intoxication; and

17 (iii) any other chemically similar compound, substance, derivative, or
18 isomer of tetrahydrocannabinol, as identified by the Administration]
19 **TETRAHYDROCANNABINOL.**

20 [(4) “Tincture” means a solution that is:

21 (i) dissolved in alcohol, glycerin, or vegetable oil; and

22 (ii) distributed in a dropper bottle of 4 ounces or less.]

23 (b) (1) A person may not sell or distribute a product intended for human
24 consumption or inhalation that contains [more than 0.5 milligrams of
25 tetrahydrocannabinol per serving or 2.5 milligrams of tetrahydrocannabinol per package]
26 **INTOXICATING CANNABINOIDS** unless the person is licensed under § 36-401 of this title
27 and the product complies with the:

28 (i) manufacturing standards established under § 36-203 of this
29 title;

1 (ii) laboratory testing standards established under § 36–203 of this
2 title; and

3 (iii) packaging and labeling standards established under § 36–203 of
4 this title.

5 (2) A person may not sell or distribute a product described under
6 paragraph (1) of this subsection to an individual under the age of 21 years.

7 (c) A person may not sell or distribute a **PRODUCT CONTAINING A SYNTHETIC**
8 cannabinoid [product that is not derived from naturally occurring biologically active
9 chemical constituents] **UNLESS AUTHORIZED BY THE ADMINISTRATION BY**
10 **REGULATION.**

11 (d) (1) [Notwithstanding subsection (b) of this section and subject] **SUBJECT**
12 to paragraph (2) of this subsection, it is not a violation of this section for a person to sell or
13 distribute [a hemp–derived tincture intended for human consumption that contains:

14 (i) a ratio of cannabidiol to tetrahydrocannabinol of at least 15 to 1;
15 and

16 (ii) 2.5 milligrams or less of tetrahydrocannabinol per serving and
17 100 milligrams or less of tetrahydrocannabinol per package] **A PRODUCT CONTAINING**
18 **NONINTOXICATING CANNABINOIDS.**

19 (2) To sell or distribute a [hemp–derived tincture] **PRODUCT**
20 **CONTAINING NONINTOXICATING CANNABINOIDS** under this subsection, a person must
21 provide, as required by the Administration, [tincture] samples for the purpose of testing to
22 determine chemical potency and composition levels and to detect and quantify
23 contaminants.

24 (e) A person who violates subsection (b) of this section is guilty of a misdemeanor
25 and on conviction is subject to a fine not exceeding \$5,000.

26 (f) A person who violates subsection (c) of this section is guilty of a misdemeanor
27 and on conviction is subject to a fine not exceeding \$10,000.

28 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect
29 October 1, 2024.