

SENATE BILL 508

M4
SB 1006/22 – EHE

3lr1071
CF HB 1067

By: **Senators Elfreth and Feldman**

Introduced and read first time: February 3, 2023

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2023

CHAPTER _____

1 AN ACT concerning

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

4 FOR the purpose of ~~altering the definitions 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~~ to produce consumable hemp products for sale
8 by the person under certain circumstances; and generally relating to ~~the use of hemp~~
9 ~~in consumable~~ consumable hemp products.

10 BY repealing and reenacting, with amendments,
11 Article – Agriculture
12 Section ~~14-101, 14-201, 14-202(e), 14-301, 14-301~~ and 14-309
13 Annotated Code of Maryland
14 (2016 Replacement Volume and 2022 Supplement)

15 BY adding to
16 Article – Agriculture
17 Section 14-303.1
18 Annotated Code of Maryland
19 (2016 Replacement Volume and 2022 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Agriculture

~~14-101.~~~~(a) In this title the following words have the meanings indicated.~~~~(b) “Fund” means the Hemp Farming Fund established under § 14-304 of this title.~~~~(c) (1) “Hemp” means the plant Cannabis sativa L. and any part of that plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration that does not exceed 0.3% on a dry weight basis.~~~~(2) “Hemp” does not include any plant or part of a plant intended for a use that is regulated under Title 13, Subtitle 33 of the Health – General Article.~~~~(d) “Hemp product” means a product derived from hemp produced in accordance with Subtitle 3 of this title.~~~~(e) “Independent testing laboratory” has the meaning stated in § 13-3301 of the Health – General Article.~~~~(f) (D) “Institution of higher education” has the meaning stated in the federal Higher Education Act of 1965.~~~~14-201.~~~~(A) In this subtitle[,] THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:~~~~(B) (1) “HEMP” MEANS THE PLANT CANNABIS SATIVA L. AND ANY PART OF THAT PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS, ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH A DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED 0.3% ON A DRY WEIGHT BASIS.~~~~(2) “HEMP” DOES NOT INCLUDE ANY PLANT OR PART OF A PLANT INTENDED FOR A USE THAT IS REGULATED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE.~~~~(C) “Program” means the Hemp Research Pilot Program.~~~~14-202.~~~~(e) In order to carry out the purpose of the Program:~~

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

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

6 14-301.

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

9 ~~(B) (1) “HEMP” MEANS THE PLANT CANNABIS SATIVA L. AND ANY PART~~
10 ~~OF THAT PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS,~~
11 ~~ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH~~
12 ~~A DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED~~
13 ~~0.3% ON A DRY WEIGHT BASIS.~~

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

16 ~~(3) “HEMP” DOES NOT INCLUDE ANY PLANT OR PART OF A PLANT~~
17 ~~INTENDED FOR A USE THAT IS REGULATED UNDER TITLE 13, SUBTITLE 33 OF THE~~
18 ~~HEALTH GENERAL ARTICLE.~~

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~~
23 ~~DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION THAT DOES NOT EXCEED 1%~~
24 ~~ON A DRY 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 (B) (1) “CONSUMABLE HEMP PRODUCT” MEANS A PRODUCT INTENDED
30 FOR HUMAN CONSUMPTION THAT:

1 (I) IS DERIVED FROM HEMP; AND

2 (II) CONTAINS NOT MORE THAN 0.5 MILLIGRAMS OF
3 TETRAHYDROCANNABINOL PER SERVING OR 2.5 MILLIGRAMS OF
4 TETRAHYDROCANNABINOL PER PACKAGE.

5 (2) “CONSUMABLE HEMP PRODUCT” INCLUDES THE ACIDIC FORMS
6 OF CANNABINOIDS EXTRACTED FROM HEMP, INCLUDING:

7 (I) TETRAHYDROCANNABINOLIC ACID; AND

8 (II) CANNABIDIOLIC ACID.

9 ~~(D)~~ (C) “Program” means the Hemp Farming Program.

10 14-303.1.

11 (A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A PERSON ~~THAT~~
12 ~~PRODUCES HEMP OR A HEMP PRODUCT IN ACCORDANCE WITH THIS SUBTITLE MAY~~
13 ~~INCLUDE THE HEMP OR HEMP PRODUCT IN CONSUMABLE PRODUCTS~~ MAY PRODUCE
14 CONSUMABLE HEMP PRODUCTS FOR SALE BY THE PERSON.

15 (B) ~~(1)~~ BEFORE A PERSON MAY OFFER FOR SALE A CONSUMABLE HEMP
16 PRODUCT THAT INCLUDES HEMP OR A HEMP PRODUCT, THE PERSON SHALL ENSURE
17 THAT THE ~~HEMP OR CONSUMABLE~~ HEMP PRODUCT IS TESTED BY AN INDEPENDENT
18 A STATE-AUTHORIZED CANNABIS OR HEMP TESTING LABORATORY TO ENSURE:

19 ~~(1)~~ (1) ~~THE HEMP OR CONSUMABLE~~ HEMP PRODUCT MEETS
20 APPLICABLE SAFETY STANDARDS; AND

21 ~~(1)~~ (2) ~~THE DELTA-9 TETRAHYDROCANNABINOL~~
22 ~~CONCENTRATION OF THE HEMP PRODUCT DOES NOT EXCEED 1% ON A DRY WEIGHT~~
23 ~~BASIS~~ THE TETRAHYDROCANNABINOL CONTENT OF THE CONSUMABLE HEMP
24 PRODUCT DOES NOT EXCEED 0.5 MILLIGRAMS OF TETRAHYDROCANNABINOL PER
25 SERVING OR 2.5 MILLIGRAMS OF TETRAHYDROCANNABINOL PER PACKAGE.

26 ~~(2)~~ ~~IF A PERSON PRODUCES A HEMP PRODUCT THAT EXCEEDS A~~
27 ~~DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION OF 1% ON A DRY WEIGHT~~
28 ~~BASIS, THE PERSON MAY INCLUDE THE HEMP PRODUCT IN CONSUMABLE PRODUCTS~~
29 ~~FOR SALE BY THE PERSON IF THE HEMP PRODUCT IS DILUTED TO AN ALLOWABLE~~
30 ~~CONCENTRATION CONFIRMED BY AN INDEPENDENT TESTING LABORATORY.~~

31 14-309.

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

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

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

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

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

9 (v) **PRODUCE A CONSUMABLE HEMP PRODUCT THAT EXCEEDS**
10 **A DELTA-9 TETRAHYDROCANNABINOL CONCENTRATION OF 1% ON A DRY WEIGHT**
11 **BASES WITH A TETRAHYDROCANNABINOL CONTENT THAT EXCEEDS 0.5 MILLIGRAMS**
12 **OF TETRAHYDROCANNABINOL PER SERVING OR 2.5 MILLIGRAMS OF**
13 **TETRAHYDROCANNABINOL PER PACKAGE.**

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

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

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

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

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

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2023.