HOUSE BILL 1250

By: Delegates Guns and Morhaim C. Davis, Guns, Morhaim, and Baldwin
Introduced and read first time: February 11, 2000
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 15, 2000

CHAPTER_______

1 AN ACT concerning

Agriculture - Industrial Hemp - Pilot Program

3 FOR the purpose of defining certain terms; establishing a 4-year and one-half year pilot program to study the growth and marketing of industrial hemp; providing for the purposes of the pilot program; requiring the Secretary of Agriculture to administer the pilot program in consultation with certain State and federal agencies; requiring the Secretary to ensure safe cultivation of industrial hemp by conducting certain activities; providing that only State property may be used to grow industrial hemp; requiring the Department of Agriculture to certify and register the sites used for growing industrial hemp with the Department of Agriculture and the Department of State Police; authorizing the Department of State Police to access the property where industrial hemp is grown; restricting access to the property where industrial hemp is being grown; requiring an individual to be licensed by the Department of Agriculture before the individual may participate in the pilot program; providing for certain restrictions on the criminal history records check on an individual who applies to participate in the pilot program; requiring the Department of Agriculture to conduct a background and criminal history records check; requiring the Criminal Justice Information System Central Repository of the Department of Public Safety and Correctional Services for a criminal history records check; requiring the Criminal Justice Information System Central Repository to provide certain criminal history information to the Department of Agriculture; requiring an individual to register with a certain federal agency before the Department may issue a license to participate in the pilot program; requiring the Department to assist individuals in the process of registering with a certain federal agency; authorizing the Secretary to adopt certain regulations in consultation with certain agencies; and generally relating to a pilot program to study the growth
and marketing of industrial hemp in the State.

2 BY adding to
3 Article - Agriculture
4 Section 9-801 through 9-806, inclusive, to be under the new subtitle "Subtitle 8.
5 Pilot Program to Study the Growth and Marketing of Industrial Hemp"
6 Annotated Code of Maryland
7 (1999 Replacement Volume and 1999 Supplement)

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

10 Article - Agriculture

11 SUBTITLE 8. PILOT PROGRAM TO STUDY THE GROWTH AND MARKETING OF
12 INDUSTRIAL HEMP.

13 9-801.

14 (A) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (B) "HEMP PRODUCT" MEANS A PRODUCT GENERATED FROM THE PLANT
17 MATERIALS OF INDUSTRIAL HEMP.

18 (2) "HEMP PRODUCT" INCLUDES CLOTH, CORDAGE, FIBER, FOOD, FUEL,
19 OIL, PAINT, PAPER, PARTICLE BOARD, PLASTICS, AND SEED FOR CONSUMPTION OR
20 CULTIVATION.

21 (C) "INDUSTRIAL HEMP" MEANS ALL PARTS AND VARIETIES OF THE PLANT
22 CANNABIS SATIVA L. CONTAINING NO GREATER THAN 1% TETRAHYDROCANNABINOL
23 BY WEIGHT.

24 9-802.

25 (A) THERE IS A 4-YEAR PILOT PROGRAM TO STUDY THE GROWTH AND
26 MARKETING OF INDUSTRIAL HEMP IN THE STATE.

27 (B) THE PURPOSE OF THE PILOT PROGRAM IS TO ALLOW THE CONTROLLED
28 GROWTH AND PROCESSING OF INDUSTRIAL HEMP IN ORDER TO ASSESS:

29 (1) THE FEASIBILITY OF GROWING INDUSTRIAL HEMP IN THE STATE;
30 AND

31 (2) THE AVAILABILITY AND EXTENT OF THE COMMERCIAL AND
32 INDUSTRIAL MARKET FOR INDUSTRIAL HEMP GROWN IN THE STATE AND HEMP
33 PRODUCTS MANUFACTURED IN THE STATE.
9-803.

(A) THE SECRETARY, IN CONSULTATION WITH THE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION AND THE MARYLAND DEPARTMENT OF STATE POLICE, SHALL ADMINISTER THE PILOT PROGRAM IN ACCORDANCE WITH THIS SUBTITLE.

(B) IN ADDITION TO THE LICENSING REQUIREMENTS SET FORTH IN § 9-805 OF THIS SUBTITLE, THE SECRETARY SHALL ENSURE THE SAFE CULTIVATION AND USE OF INDUSTRIAL HEMP BY:

(1) CONTROLLING THE SUPPLY OF INDUSTRIAL HEMP SEEDS THAT WILL BE USED IN THE PILOT PROGRAM TO ENSURE THAT ONLY THOSE VARIETIES THAT MEET THE TETRAHYDROCANNABINOL LIMITATIONS OF THIS SUBTITLE ARE CULTIVATED;

(2) REQUIRING THAT INDIVIDUALS WHO PARTICIPATE IN THE PILOT PROGRAM BY GROWING, HANDLING, TRANSPORTING, OR PROCESSING INDUSTRIAL HEMP BE LICENSED BY THE DEPARTMENT IN ACCORDANCE WITH § 9-805 OF THIS SUBTITLE;

(3) INSPECTING AND TESTING PERIODICALLY INDUSTRIAL HEMP CROPS FOR TETRAHYDROCANNABINOL CONTENT TO ENSURE COMPLIANCE WITH THIS SUBTITLE; AND

(4) CERTIFYING THE TRANSPORTATION AND FINAL DESTINATION OF RAW INDUSTRIAL HEMP.

9-804.

(A) ONLY STATE AGRICULTURAL LAND MAY BE USED FOR GROWING INDUSTRIAL HEMP IN THE PILOT PROGRAM.

(B) ACCESS TO THE PROPERTY THAT IS BEING USED TO GROW INDUSTRIAL HEMP SHALL BE RESTRICTED TO THOSE WHO ARE LICENSED UNDER § 9-805 OF THIS SUBTITLE.

(C) THE DEPARTMENT SHALL REGISTER AND CERTIFY SITES FOR THE GROWTH OF INDUSTRIAL HEMP WITH THE DEPARTMENT AND WITH THE DEPARTMENT OF STATE POLICE.

(D) THE DEPARTMENT OF STATE POLICE MAY ENTER ANY PREMISES, LAND, OR BUILDING WHERE INDUSTRIAL HEMP IS GROWN OR MANUFACTURED IN ORDER TO MONITOR COMPLIANCE WITH THIS SUBTITLE DURING REASONABLE BUSINESS HOURS, WITH OR WITHOUT NOTICE.

9-805.

(A) AN INDIVIDUAL SHALL BE LICENSED BY THE DEPARTMENT BEFORE THE INDIVIDUAL MAY PARTICIPATE IN THE PILOT PROGRAM.
(2) A LICENSE IS NONTRANSFERABLE.

(3) A LICENSE MAY NOT BE ISSUED TO A PERSON WHO HAS BEEN
CONVICTED OF A FELONY OR A DRUG-RELATED MISDEMEANOR.

(4) THE DEPARTMENT SHALL CONDUCT A BACKGROUND AND CRIMINAL
HISTORY RECORDS CHECK OF THE INDIVIDUAL IN ORDER TO DETERMINE
ELIGIBILITY FOR PARTICIPATION UNDER THIS SUBSECTION.

(B) (1) IN ORDER TO DETERMINE AN INDIVIDUAL'S ELIGIBILITY FOR A
LICENSE UNDER THIS SECTION, THE DEPARTMENT SHALL:

   (I) CONDUCT A BACKGROUND CHECK OF THE INDIVIDUAL; AND

   (II) APPLY TO THE CRIMINAL JUSTICE INFORMATION SYSTEM
CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONAL SERVICES FOR A NATIONAL AND STATE CRIMINAL HISTORY
RECORDS CHECK OF THE INDIVIDUAL.

(2) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS
CHECK, THE DEPARTMENT SHALL SUBMIT TO THE CRIMINAL JUSTICE INFORMATION
SYSTEM CENTRAL REPOSITORY:

   (I) TWO COMPLETE SETS OF THE INDIVIDUAL'S LEGIBLE
FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CRIMINAL
JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY AND THE DIRECTOR OF THE
FEDERAL BUREAU OF INVESTIGATION;

   (II) THE MANDATORY PROCESSING FEE REQUIRED BY THE
FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY
RECORDS CHECK; AND

   (III) THE FEE AUTHORIZED UNDER ARTICLE 27, § 746(B)(8) OF THE
CODE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS.

(3) IN ACCORDANCE WITH ARTICLE 27, §§ 742 THROUGH 755 OF THE
CODE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE INDIVIDUAL AND THE
DEPARTMENT THE INDIVIDUAL'S CRIMINAL HISTORY RECORD INFORMATION.

(4) INFORMATION OBTAINED FROM THE CRIMINAL JUSTICE
INFORMATION SYSTEM CENTRAL REPOSITORY UNDER THIS SUBSECTION SHALL BE:

   (I) CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

   (II) USED ONLY FOR THE PURPOSE AUTHORIZED BY THIS SECTION.

(1) AN INDIVIDUAL SHALL REGISTER WITH THE UNITED STATES
DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION PURSUANT TO 21
U.S.C. 823(A) BEFORE THE DEPARTMENT MAY ISSUE A LICENSE TO PARTICIPATE IN
THE PILOT PROGRAM.
THE DEPARTMENT SHALL ASSIST INDIVIDUALS THAT SEEK TO PARTICIPATE IN THE PILOT PROGRAM IN OBTAINING REGISTRATION WITH THE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION UNDER THIS SUBSECTION.

THE SECRETARY, IN CONSULTATION WITH THE UNITED STATES DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION, AND THE MARYLAND DEPARTMENT OF STATE POLICE MAY ADOPT REGULATIONS NECESSARY TO IMPLEMENT THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before December 1, 2000, 2001, 2002, and 2003, respectively, the Secretary shall report to the Governor and, subject to § 2-1246 of the State Government Article, to the General Assembly on: (1) the status of efforts to implement the pilot program to study the growth and marketing of industrial hemp in the State established by this Act; (2) the amount of acreage under cultivation in the pilot program; (3) the feasibility of growing industrial hemp in the State; and (4) the market or potential market for industrial hemp grown in the State and industrial hemp products manufactured in the State.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2000. It shall remain effective for a period of 4 years and 6 months and, at the end of June 30, 2004, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.