

SENATE BILL 788

M4, E1, J1

EMERGENCY BILL

2lr2842
CF 2lr2844

By: **Senator Feldman**

Introduced and read first time: February 7, 2022

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Cannabis – Regulation – Revisions**

3 FOR the purpose of prohibiting a person from knowingly producing plants, or any part of a
4 plant, that exceed a certain concentration of delta-8-tetrahydrocannabinol; altering
5 the definition of “hemp product” for purposes of certain provisions of law governing
6 hemp research and production to exclude certain products made through a process
7 that includes the use of hemp; altering the definition of “marijuana” for purposes of
8 the Maryland Controlled Dangerous Substances Act to include certain products
9 made through a process that includes the use of hemp; defining “medical cannabis”
10 for the purposes of provisions of law regulating medical cannabis; and generally
11 relating to the regulation of cannabis.

12 BY repealing and reenacting, without amendments,
13 Article – Agriculture
14 Section 14–101(a)
15 Annotated Code of Maryland
16 (2016 Replacement Volume and 2021 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article – Agriculture
19 Section 14–101(d) and 14–309(a)
20 Annotated Code of Maryland
21 (2016 Replacement Volume and 2021 Supplement)

22 BY repealing and reenacting, without amendments,
23 Article – Criminal Law
24 Section 5–101(a)
25 Annotated Code of Maryland
26 (2021 Replacement Volume and 2021 Supplement)

27 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Criminal Law

Section 5–101(r)

Annotated Code of Maryland

(2021 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,

Article – Health – General

Section 13–3301(a)

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

BY adding to

Article – Health – General

Section 13–3301(l)

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Health – General

Section 13–3301(l) through (p)

Annotated Code of Maryland

(2019 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

That the Laws of Maryland read as follows:

Article – Agriculture

14–101.

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

(d) **(1)** “Hemp product” means a product derived from hemp produced in accordance with Subtitle 3 of this title.

(2) “HEMP PRODUCT” DOES NOT INCLUDE ANY PRODUCT:

(I) MADE THROUGH A PROCESS THAT INCLUDES THE USE OF HEMP; AND

(II) 1. THAT CONTAINS A CONCENTRATION OF 0.3% OR GREATER OF DELTA–8– OR DELTA–9–TETRAHYDROCANNABINOL CONCENTRATION ON A DRY WEIGHT BASIS; AND

2. THAT IS INTENDED FOR A USE THAT IS REGULATED UNDER TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE.

1 14–309.

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

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

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

7 (iii) Produce hemp without a valid license; or

8 (iv) Produce plants, or any part of a plant, that exceeds a
9 ~~DELTA–8– OR~~ delta–9–tetrahydrocannabinol concentration of 0.3% on a dry weight basis.

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

12 Article – Criminal Law

13 5–101.

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

15 (r) (1) “Marijuana” means:

16 (i) 1. all parts of any plant of the genus Cannabis, whether or
17 not the plant is growing;

18 [(ii)] 2. the seeds of the plant;

19 [(iii)] 3. the resin extracted from the plant; and

20 [(iv)] 4. each compound, manufactured product, salt, derivative,
21 mixture, or preparation of the plant, its seeds, or its resin; **OR**

22 **(II) ANY PRODUCT:**

23 1. **MADE THROUGH A PROCESS THAT INCLUDES THE USE**
24 **OF HEMP; AND**

25 2. **A. THAT CONTAINS A CONCENTRATION OF 0.3% OR**
26 **GREATER OF DELTA–8– OR DELTA–9–TETRAHYDROCANNABINOL CONCENTRATION**
27 **ON A DRY WEIGHT BASIS; AND**

**B. INTENDED FOR A USE THAT IS REGULATED UNDER
TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE.**

(2) “Marijuana” does not include:

(i) the mature stalks of the plant;

(ii) fiber produced from the mature stalks;

(iii) oil or cake made from the seeds of the plant;

(iv) except for resin, any other compound, manufactured product,
salt, derivative, mixture, or preparation of the mature stalks, fiber, oil, or cake;

(v) the sterilized seed of the plant that is incapable of germination;
or

(vi) hemp as defined in § 14–101 of the Agriculture Article.

Article – Health – General

13–3301.

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

**(L) (1) “MEDICAL CANNABIS” MEANS ANY OF THE FOLLOWING WHEN
INTENDED FOR A USE THAT IS REGULATED UNDER THIS TITLE:**

**(I) 1. ALL PARTS OF ANY PLANT OF THE GENUS CANNABIS,
WHETHER OR NOT THE PLANT IS GROWING;**

2. THE SEEDS OF THE PLANT;

3. THE RESIN EXTRACTED FROM THE PLANT; AND

**4. EACH COMPOUND, MANUFACTURED PRODUCT, SALT,
DERIVATIVE, MIXTURE, OR PREPARATION OF THE PLANT, ITS SEEDS, OR ITS RESIN;**

(II) ANY PLANT OR PART OF A PLANT:

**1. THAT CONTAINS A CONCENTRATION OF 0.3% OR
GREATER OF DELTA-8- OR DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION
ON A DRY WEIGHT BASIS; OR**

1 2. INTENDED FOR A USE THAT IS REGULATED UNDER
2 THIS SUBTITLE; OR

3 (III) ANY OTHER NATURALLY PRODUCED CANNABINOL
4 DERIVATE, WHETHER PRODUCED DIRECTLY OR INDIRECTLY BY EXTRACTION.

5 (2) “MEDICAL CANNABIS” DOES NOT INCLUDE:

6 (I) THE MATURE STALKS OF THE PLANT OR FIBER PRODUCED
7 FROM MATURE STALKS;

8 (II) FIBER PRODUCED FROM THE MATURE STALKS;

9 (III) OIL OR CAKE MADE FROM THE SEEDS OF THE PLANT;

10 (IV) EXCEPT FOR RESIN, ANY OTHER COMPOUND,
11 MANUFACTURED PRODUCT, SALT, DERIVATIVE, MIXTURE, OR PREPARATION OF THE
12 MATURE STALKS, FIBER, OIL, OR CAKE;

13 (V) THE STERILIZED SEED OF THE PLANT THAT IS INCAPABLE
14 OF GERMINATION; OR

15 (VI) HEMP AS DEFINED IN § 14-101 OF THE AGRICULTURE
16 ARTICLE.

17 [(l)] (M) “Medical cannabis grower agent” means an owner, an employee, a
18 volunteer, an officer, or a director of a grower.

19 [(m)] (N) “Processor” means an entity that:

20 (1) Transforms medical cannabis into another product or extract; and

21 (2) Packages and labels medical cannabis.

22 [(n)] (O) “Processor agent” means an owner, a member, an employee, a
23 volunteer, an officer, or a director of a processor.

24 [(o)] (P) “Qualifying patient” means an individual who:

25 (1) Has been provided with a written certification by a certifying provider
26 in accordance with a bona fide provider–patient relationship; and

27 (2) If under the age of 18 years, has a caregiver.

28 [(p)] (Q) “Written certification” means a certification that:

1 (1) Is issued by a certifying provider to a qualifying patient with whom the
2 provider has a bona fide provider–patient relationship;

3 (2) Includes a written statement certifying that, in the provider’s
4 professional opinion, after having completed an assessment of the patient’s medical history
5 and current medical condition, the patient has a condition:

6 (i) That meets the inclusion criteria and does not meet the exclusion
7 criteria of the certifying provider’s application; and

8 (ii) For which the potential benefits of the medical use of cannabis
9 would likely outweigh the health risks for the patient; and

10 (3) May include a written statement certifying that, in the provider’s
11 professional opinion, a 30–day supply of medical cannabis would be inadequate to meet the
12 medical needs of the qualifying patient.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
14 measure, is necessary for the immediate preservation of the public health or safety, has
15 been passed by a yea and nay vote supported by three–fifths of all the members elected to
16 each of the two Houses of the General Assembly, and shall take effect from the date it is
17 enacted.