

SENATE BILL 1109

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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.



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

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

(5) (I) “INTOXICATING CANNABINOIDS” MEANS HEMP-DERIVED COMPOUNDS OR CANNABINOIDS THAT:

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

2. ARE IDENTIFIED BY THE ADMINISTRATION AS INTOXICATING CANNABINOIDS.

(II) “INTOXICATING CANNABINOIDS” INCLUDES:

1. DELTA-10 THC AND ITS ISOMERS;

2. DELTA-9 THC AND ITS ISOMERS;

3. DELTA-8 THC AND ITS ISOMERS;

4. DELTA-7 THC AND ITS ISOMERS;

5. DELTA-6A, 10A THC AND ITS ISOMERS;

6. EXO-THC;

7. METABOLITES OF THC, INCLUDING 11-HYDROXY-THC, 3-HYDROXY-THC, OR 7-HYDROXY-THC;

8. HYDROGENATED FORMS OF THC, INCLUDING HEXAHYDROCANNABINOL, HEXAHYDROCANNABIPHOROL, AND HEXAHYDROCANNABIHEXOL;

9. SYNTHETIC FORMS OF THC, INCLUDING DRONABINOL;

7. CANNABICYCLOL, ALSO KNOWN AS CBL:

8. CANNABIELSOIN, ALSO KNOWN AS CBE;

9. CANNABIGEROL, ALSO KNOWN AS CBG;

10. CANNABIDIVARIN, ALSO KNOWN AS CBDV; AND

11. CANNABINOL, ALSO KNOWN AS CBN.

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

(I) CHEMICAL SYNTHESIS;

(II) CHEMICAL MODIFICATION; OR

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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