

HOUSE BILL 249

M4
HB 574/20 – ENT

(PRE-FILED)

1l0775
CF 1l1393

By: **Delegate Cardin**

Requested: September 29, 2020

Introduced and read first time: January 13, 2021

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Agriculture – License to Produce Hemp – Limitation**

3 FOR the purpose of altering a certain licensing requirement for producing hemp in the
4 State; prohibiting the Department of Agriculture from issuing a license to a person
5 to produce hemp in the State under certain circumstances; requiring the Department
6 to make a certain determination in a certain manner; and generally relating to the
7 production of hemp in the State.

8 BY repealing and reenacting, with amendments,
9 Article – Agriculture
10 Section 14–308
11 Annotated Code of Maryland
12 (2016 Replacement Volume and 2020 Supplement)

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

15 **Article – Agriculture**

16 14–308.

17 (a) This section does not apply to an institution of higher education or a person
18 that produces hemp under the Hemp Research Pilot Program in accordance with Subtitle
19 2 of this title.

20 (b) A person may not produce hemp in the State unless the person is licensed by[:

21 (1) The] **THE** Department[; or

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2) The Secretary of the U.S. Department of Agriculture].

(C) (1) THE DEPARTMENT MAY NOT ISSUE A LICENSE TO A PERSON TO PRODUCE HEMP IN THE STATE IF THE DEPARTMENT DETERMINES THAT THE LAND SUBJECT TO A LICENSE APPLICATION IS LOCATED WITHIN 25 FEET OF A PROPERTY OR PROPERTIES WITH THREE OR MORE INDIVIDUAL RESIDENCES, UNLESS THE PERSON AGREES TO PRODUCE HEMP IN AN INDOOR FACILITY THAT EXHAUSTS ITS FUMES TO THE OUTSIDE WITH APPROVED PURIFYING APPARATUSES TO ADEQUATELY REDUCE ALL ODORS.

(2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DEPARTMENT SHALL:

(I) EVALUATE THE LAND SUBJECT TO A LICENSE APPLICATION AS A WHOLE, WITHOUT REGARD TO A SPECIFIC AREA WHERE THE APPLICANT PLANS TO PRODUCE HEMP; AND

(II) CONSIDER AN INDIVIDUAL RESIDENCE ON THE LAND SUBJECT TO A LICENSE APPLICATION AS COUNTING TOWARD THE LIMITATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2021.