

Industrial Hemp Pilot Program

COMAR 15.01.16.01 Purpose.

This chapter establishes the Department of Agriculture’s Industrial Hemp Pilot Program, including the requirement for the registration and the certification of a site that will be used to grow or cultivate industrial hemp to further agricultural or academic research purposes.

COMAR 15.01.16.02 Definitions.

A. In this chapter, the following terms have the meanings indicated:

B. Terms Defined.

(1) “Authorized holder” or “holder” means an institution of higher education or a person who has contracted with an institution or the Department to grow or cultivate industrial hemp for agricultural research or academic research purposes as authorized by this chapter.

(2) “Certified site” means any property site certified by and registered with the Department as a site where industrial hemp may be grown or cultivated for agricultural or academic research purposes.

(3) “Department” means the Maryland Department of Agriculture.

(4) “Independent testing laboratory” has the meaning stated in Health-General Article, §13-3301, Annotated Code of Maryland.

(5) Industrial Hemp.

(a) “Industrial hemp” means the plant *Cannabis sativa* L. and any part of such plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry weight basis.

(b) “Industrial hemp” does not include any plant or part of a plant intended for a use that is regulated under Health-General Article, Title 13, Subtitle 33, Annotated Code of Maryland.

(6) “Institution of higher education” or “institution” has the meaning stated in the federal Higher Education Act of 1965.

(7) “Person” means an individual, partnership, corporation, limited liability company, association, or any business entity, by whatever name designated and whether or not incorporated, unless the context clearly indicates otherwise.

COMAR 15.01.16.03 Authorization to Grow and Cultivate Industrial Hemp.

A. Only an institution of higher education within Maryland may submit an application to the Department for authorization to grow, cultivate, harvest, process, manufacture, transport, market or sell industrial hemp for agricultural, industrial, or commercial purposes to further agricultural or academic research purposes.

B. Only a person contracting with the Department or an approved institution of higher education as provided in this regulation may possess, grow, cultivate, harvest, process, manufacture, transport, market, or sell industrial hemp for commercial purposes as part of the Pilot Program to further agricultural or academic research purposes.

C. Industrial hemp may only be grown or cultivated at a registered site or premises owned or controlled by an institution of higher education or by a person who contracts with an institution to grow and cultivate it.

D. A person who contracts with an institution to grow and cultivate industrial hemp shall:

(1) Be at least 18 years old;

(2) Pass a criminal background test with no felony convictions in the past 10 years;

(3) Own or lease, with the approval of the owner, the property used to grow and cultivate hemp;

(4) Have the site registered and approved with the Department before contracting to grow or cultivate hemp;

(5) Grant the Department permission to enter and inspect the property to ensure compliance with the requirements of this chapter.

(6) Only grow hemp on land that is at least 1,000 feet from a school or public recreation area when the hemp is being grown in an outdoor field or an outdoor site;

(7) Post a sign on the certified site that notifies the public that the site is used to grow hemp as part of the Pilot Program; and

(8) Attend an orientation session by the Department, in cooperation with the institution, that explains the requirements of this chapter before contracting to grow or cultivate hemp.

E. It is the sole responsibility of any institution or person qualifying under this chapter to hold any required federal permit to possess, grow, or cultivate industrial hemp.

COMAR 15.01.16.04 Application Review and Approval.

An application to grow, cultivate, harvest, process, manufacture, transport, market, or sell industrial hemp to further agricultural research or academic research purposes shall be made on a Departmental form. Each application shall provide the following information, including, but not limited to:

- A. A description of each site where industrial hemp will be grown or cultivated, either by the institution of higher education or by an authorized person who contracts with the institution by physical address with a map clearly showing the location of the site with GPS coordinates;
- B. A diagram for each site that visually depicts the buildings, structures, and improvements on the premises, and identifies their use, and that sets forth the relevant activities conducted at the site;
- C. A detailed summary of the issues and matters that the applicant intends to study in conjunction with growing, cultivating, processing, manufacturing, transporting, marketing, or selling industrial hemp; and
- D. Payment of a \$250 fee to certify and register each site used to grow or cultivate industrial hemp either by the institution or the person who contracts with the institution.

COMAR 15.01.16.05 Rejection of Application or Revocation of Authority.

The Department may reject any application to grow or cultivate industrial hemp, and may revoke an authorization to grow and cultivate industrial hemp, if the Department determines that:

- A. The application is incomplete or does not provide the information required pursuant to Regulation .04 of this chapter; or
- B. The authorized holder has failed to comply with the requirements of this chapter or the terms of the holder's application.

COMAR 15.01.16.06 Hemp Seeds.

A person or institution that grows or cultivates industrial hemp as authorized by this chapter may purchase or otherwise obtain seeds or a plant or plant part that can be utilized to grow a new plant that produce plants that meet the definition of industrial hemp as provided in this chapter.

COMAR 15.01.16.07 Hemp Verification and Reports.

A. In accordance with this regulation, a person who grows or cultivates industrial hemp as authorized by this chapter shall:

(1) Verify that the plants grown or cultivated by the person meet the definition of industrial hemp under this chapter;

(2) Maintain all records of verification at the site that is used to grow or cultivate industrial hemp; and

(3) Make all records available for inspection by:

(a) The Department; or

(b) The institution of higher education that contracted with the person under this chapter to grow or cultivate industrial hemp.

B. The verification required under this regulation shall include:

(1) Documentation from an independent testing laboratory registered as defined by this chapter; or

(2) Documentation from the institution of higher education that contracted with the person under this chapter to grow or cultivate industrial hemp.

C. An independent testing laboratory or an institution of higher education that provides verification documentation under this chapter shall conduct on-site inspections to perform the testing necessary for the verification.

D. If it is determined that the industrial hemp exceeds a delta-9-tetrahydrocannabinol concentration that exceeds 0.3 percent on a dry weight basis, it shall be destroyed by the authorized holder within 7 days under the supervision of the institution of higher education.

E. The frequency of the verification required under this subsection shall be determined by:

(1) The Department; or

(2) The institution of higher education that contracted with a person under this chapter to grow or cultivate industrial hemp.