



UNIVERSITY OF MARYLAND EXTENSION

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Industrial Hemp Remains Illegal to Cultivate In Maryland Until Final Regulations and Research Programs Finalized

In 2016, the Maryland General Assembly first passed legislation allowing for the development of an Industrial Hemp Pilot Program in the state. That program was recently updated this year by House Bill (HB) 698 to allow farmers contracting with the Maryland Department of Agriculture (MDA) or Institutions of Higher Education (IHE) in Maryland to grow industrial hemp for *research* purposes. Production of hemp under the program must further either agricultural or academic research. While HB 698 becomes effective on July 1, MDA is currently developing regulations and applications required under this new law and IHE have not had sufficient time to develop research programs for industrial hemp production, which conform to the regulations. Until then, any grower attempting to produce industrial hemp in Maryland is still producing it illegally and faces potential criminal penalties.

Key Terms in HB 698

Growers considering participating in a research program with an IHE will need to understand some terms before entering the program. The new legislation defines “industrial hemp” to be the plant *Cannabis sativa L.* and any part of such plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration not exceeding 0.3% on a dry weight basis. An “institution of higher education” or a university is defined in the federal *Higher Education Act of 1965*. Under this federal law, the majority of universities in the state of Maryland would qualify for the Industrial Hemp Pilot Program.

Current Status in Maryland

In 2018, the General Assembly updated existing legislation to authorize MDA to develop a pilot research program allowing either MDA or an IHE to grow industrial hemp for agricultural research or academic research purposes. MDA will need to approve all sites used to grow industrial hemp in the program. As a part of the approval process, MDA is allowed to charge a fee of \$250 to support the state’s Industrial Hemp Pilot Program.

The 2018 legislation changes the Industrial Hemp Pilot Program to allow MDA or an IHE to contract with a person to grow or cultivate industrial hemp. By doing so, the person will be able to purchase or obtain industrial hemp seed conforming with the law.

The person participating in the program will need to verify that the industrial hemp plants grown meet the law’s requirements. Verification under the pilot program means that testing is done either by an independent laboratory registered to test cannabis products in the state or by the IHE which contracted with the grower. Independent laboratory testing/verification must be done through on-site inspections. A grower must maintain all records of verifying the industrial hemp growing on the site and make all such records available to MDA or the IHE contracting with the person for inspection, with MDA determining the frequency of verification.

What Does This Mean for You?

Currently, even after July 1, 2018, the legislation's effective date, industrial hemp will still be illegal to grow in Maryland. MDA is developing regulations which will meet federal law. The regulations will provide further details, such as how often independent testing should take place, records of verification, and other areas of the program to guide IHE and participating growers. MDA will also need to develop applications for IHE applying for the program, before the IHE can contract with growers.

After MDA develops regulations, IHE will need to develop research programs and determine

the number of growers an IHE has the faculty to work with in a research program. Many growers may not realize that on-farm research will include interaction with an IHE's faculty throughout the process and the IHE may not have a large number of faculty solely dedicated to handle hemp research.

So what does this mean for you, the grower? You currently have to continue to wait until after July 1 before you can begin to grow industrial hemp. Until MDA finalizes the regulations, IHE are approved by MDA, and research programs based on the regulations are developed, any hemp produced in Maryland will be grown illegally, meaning the grower faces potential criminal penalties for growing the crop.

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