

Title 15 MARYLAND DEPARTMENT OF AGRICULTURE

Subtitle 01 OFFICE OF THE SECRETARY

Chapter 17 Hemp Farming Program

Authority: Agriculture Article, §14-307, Annotated Code of Maryland

.01 (text unchanged)

.02 Definitions.

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

B. Terms Defined.

(1)—(19) (text unchanged)

(20) “Hemp greens” mean hemp leaves from immature plants that are no more than 10 inches tall and are not flowering.

(21) “Hemp Microgreens” mean immature hemp seedlings for human consumption that are:

(a) Cut-off above the soil or substrate line and harvested before flowering and not more than 14 days after germination; and

(b) Typically between 2 and 3 inches in height, but not taller than 5 inches.

(22) “Hemp transplants” mean nonflowering hemp seedlings, rooted cuttings, immature plants produced from tissue culture, or other means of reproduction, which are not harvested but transplanted into a large container or field to mature for harvest.

[(20)](23)—[37](40)

.03—.07 (text unchanged)

.08 Grower Reporting Requirements.

A.—B. (text unchanged)

[C. Pre-Harvest Report.

(1) At least 5 days before the expected harvest date of a hemp crop, a licensed grower shall submit to the Department a signed, complete, accurate, and legible Departmental Pre-Harvest Report that includes:

(a) The licensed grower’s full name and contact information;

(b) The license number; and

(c) The anticipated date range for initiating and completing harvest, shown by lot, and, if the crop is being grown outdoors, a map designating the location of the lot or lots being harvested.

(2) If more than one harvest date is being reported for lots within a growing area, the map shall designate the locations of the lots, and the intended harvest dates that are to be harvested under the Pre-Harvest Report.

(3) If a licensed grower fails to submit a Pre-Harvest Report and proceeds to harvest a crop before a sample is collected by the Department, the Department may suspend or revoke the person’s license.

D. Postharvest Report. Within 15 days after a harvest of a lot is complete, the licensed grower shall submit to the Department a signed, complete, accurate, and legible Departmental Postharvest Report that includes:

(1) The licensed grower’s full name and contact information;

(2) The license number; and

(3) The independent harvest date of each lot.]

[E.]C.—[I.]G.

.09 (text unchanged)

.10 Sampling and Testing for THC.

A. (text unchanged)

B. Official Sampling Methodology. To ensure a confidence level of 95 percent that no more than 1 percent of the plants in a lot exceeds the acceptable hemp THC level, official samples collected by the Department or an authorized agent shall be done in accordance with the Department’s sampling methodology, which requires that:

(1)—(9) (text unchanged)

(10) If the licensed grower fails to complete the harvest within [15] 30 days, a new sample of the lot shall be collected for testing purposes following the procedures set forth in this regulation;

(11)—(12) (text unchanged)

C.—E. (text unchanged)

.11 Hemp Greens, Hemp Microgreens, and Hemp Transplants.

A. *Performance-Based Sampling Protocol.* For hemp plants that are not intended to be produced to a mature, flowering state (e.g., hemp greens, hemp microgreens, and hemp transplants), the Department may utilize a performance-based sampling protocol to determine THC crop compliance. This protocol, which has been approved by USDA, includes seed certification processes and other processes that identify varieties that have consistently resulted in compliant hemp plants.

B. *Notice to the Department.* At planting, the licensed grower shall notify the Department of the grower's intent and plans for producing hemp greens, hemp microgreens, or hemp transplants including the grower's intent to harvest these plants.

C. If the licensed grower is intending to produce hemp greens, hemp microgreens, or hemp transplants, the grower may only use hemp seeds or propagules that originate from THC compliant hemp plants. To ensure this, the licensed grower may only use:

(1) *Seeds originating from THC compliant hemp plants that have been certified by a member agency of the Association of Official Seed Certifying Agencies;*

(2) *Seeds derived from hemp plants that were tested during the preceding two-year period and, for each of these two years, deemed THC compliant by the Department, an authorized laboratory, or other USDA-approved Hemp Program; and*

(3) *Propagules from hemp plants that were tested by the Department, an authorized agency, or other USDA-approved Program and deemed THC compliant.*

D. If the licensed grower is using certified seeds, the grower shall provide the Department copies of the seed tags. If the licensed grower is using propagules, the grower shall provide the Department the test results of the hemp plants.

E. The Department may conduct random testing of hemp greens, hemp microgreens, and hemp transplants produced by licensed growers. The Department may collect samples for determining the total THC concentration. The license grower must have an authorized representative on-site during the site-inspection conducted by the Department. If the crop does not meet the protocol for determining crop compliance under this regulation, the licensed grower shall hold the harvest lot until notified by the Department of the grower's options.

F. *Hemp Microgreens Verification.* The Department shall verify that the producer:

(1) *Obtained and used only authorized hemp seed or propagules;*

(2) *Harvested the crop no more than fourteen days after planting;*

(3) *Only grew hemp plants that were no more than five inches in height; and*

(4) *Did not grow hemp plants to a flowering state.*

G. *Hemp Greens Verification.* The Department shall verify that the producer:

(1) *Obtained and used only authorized hemp seed or propagules;*

(2) *Harvested the crop prior to the plants being ten inches in height; and*

(3) *Did not produce a flowering crop.*

H. *Hemp transplants Verification.* The Department shall verify that the producer:

(1) *Obtained and used only authorized hemp seed or propagules;*

(2) *Only grew plants that were no more than 12 inches in height;*

(3) *Did not grow plants to a flowering state.*

I. If the licensed grower produces a crop that does not meet the protocol for determining THC crop compliance under this regulation, the grower shall:

(1) *Follow the compliance, sampling, and testing requirements set forth in Regulation .10; or*

(2) *Dispose of the crop.*

J. *Records.*

(1) *Proof of THC Compliance.* A licensed grower producing hemp greens, hemp microgreens, or hemp transplants shall maintain for three years records showing proof of THC compliance of seeds or propagules used to produce these crops.

(2) *Sales Records.* A licensed grower producing hemp transplants shall maintain for three years records showing the name and address of persons to whom the transplants were sold or transferred.

[.11].12 Prerequisites for Placing Hemp in Commerce.

A.—B. (text unchanged)

C. Hemp samples with a post-decarboxylated THC level equal to or below 0.3 percent THC requires no further action by the Department. The area or harvested plant material from which the sample was obtained that was harvested within [15] 30 days of the date of sampling may be marketed or further processed.

[.12].13 Nonmarketable Hemp.

A. Upon receipt of a failing test result, a licensed grower may request resampling and retesting of the varieties in question. If no retest is requested, or the retested sample is greater than 0.3 percent THC, the area represented by the sample, or any harvested hemp from the area represented by the sample shall be disposed of as provided in Regulation [.13].14 of this chapter. The grower shall retain all such testing results and make them available to the Department upon demand for a minimum of 3 years.

B.—C. (text unchanged)

[.13].14 Grower's Duty to Dispose of Nonmarketable Hemp.

A.—B. (text unchanged)

C. If hemp is deemed nonmarketable (that is, the plants exceed the acceptable hemp THC level), the Department shall:

(1)—(2) (text unchanged)

(3) Offer options for retesting *and remediation consistent with remediation guidelines approved by U.S.*

Domestic Hemp Production Program; and

(4) (text unchanged)

D.—G. (text unchanged)

[.14].15 Sanctions for Violating the Department's Hemp Farming Program.

[.15].16 Notice, Hearings, and Appeals.

A. Notice. If it determines that sanctions are warranted against a person under Regulation [.14].15 of this chapter, the Department shall provide the person written Notice of the Violation via regular mail, certified mail, or personal service that includes:

(1)—(6) (text unchanged)

B.—D. (text unchanged)

[.16].17—[.19].20