

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1942

S.P. 683

In Senate, January 26, 2022

An Act To Make Changes to the State's Hemp Program

Reported by Senator DILL of Penobscot for the Joint Standing Committee on Agriculture, Conservation and Forestry pursuant to Resolve 2021, chapter 32, section 1.

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed pursuant to Joint Rule 218.

A handwritten signature in black ink that reads "D M Grant".

DAREK M. GRANT
Secretary of the Senate

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 7 MRSA §2231, sub-§1-A, ¶A**, as enacted by PL 2019, c. 528, §1, is
3 amended to read:

4 A. "Certified seed source" means a source of hemp seeds that are certified by a 3rd
5 party as producing hemp having a ~~delta-9-tetrahydrocannabinol~~ total
6 tetrahydrocannabinol concentration of not more than ~~0.3%~~ 1% on a dry weight basis.

7 **Sec. 2. 7 MRSA §2231, sub-§1-A, ¶D**, as enacted by PL 2019, c. 528, §1, is
8 amended to read:

9 D. "Hemp" means the plant Cannabis sativa L. and any part of that plant, including
10 the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of
11 isomers, whether growing or not, with a ~~delta-9-tetrahydrocannabinol~~ total
12 tetrahydrocannabinol concentration of not more than ~~0.3%~~ 1% on a dry weight basis;
13 ~~or as otherwise defined in federal law~~. "Hemp" includes agricultural commodities and
14 products derived from hemp and topical or ingestible consumer products, including
15 food, food additives and food products derived from hemp, which in their final forms
16 contain a ~~delta-9-tetrahydrocannabinol~~ total tetrahydrocannabinol concentration of not
17 more than ~~0.3%~~ or as otherwise defined in federal law 1%. "Hemp" does not include
18 marijuana for medical use pursuant to Title 22, chapter 558-C or adult use marijuana
19 pursuant to Title 28-B, chapter 1.

20 **Sec. 3. 7 MRSA §2231, sub-§2**, as amended by PL 2019, c. 12, Pt. B, §1, is further
21 amended to read:

22 **2. Growing permitted.** Notwithstanding any ~~other~~ provision of law to the contrary,
23 a person may plant, grow, harvest, possess, process, sell and buy hemp if that person holds
24 a license issued pursuant to subsection 4, except that a person may plant and grow up to 3
25 hemp plants on no more than one acre of land area or within an indoor facility and harvest,
26 possess and process that hemp for personal use without a license. A person may also plant,
27 grow, harvest, possess, process, sell and buy hemp in accordance with a license issued to
28 that person by the United States Department of Agriculture pursuant to 7 United States
29 Code, Section 1639q or any other federal statute or regulation. A grower licensee may
30 plant, grow and harvest only hemp that is grown from seeds saved by the grower licensee
31 as provided in paragraph A, acquired from a certified seed source, grown from a clone that
32 is produced from seeds acquired from a certified seed source or propagated from tissue
33 cultures that are removed from live plants grown from seeds acquired from a certified seed
34 source. A grower licensee may acquire hemp seeds directly from a certified seed source or
35 from a hemp seed distributor licensed in this State distributing hemp seeds pursuant to
36 subsection 2-A.

37 A. A grower licensee may save seeds from hemp plants that the person has grown and
38 harvested and, after having ensured through testing by an independent 3rd-party tester
39 that the plants that will grow from the seeds will meet the definition of hemp, may use
40 those seeds for breeding and planting hemp.

41 B. A grower licensee, within 14 days after planting hemp seeds or clones, shall provide
42 to the commissioner a listing of the varieties of seeds or clones planted and a statement
43 that the seeds or clones meet the definition of hemp. This paragraph may not be

1 interpreted to require providing the information required by this paragraph to the
2 commissioner in advance of an application to grow hemp.

3 **SUMMARY**

4 This bill is reported out by the Joint Standing Committee on Agriculture, Conservation
5 and Forestry pursuant to Resolve 2021, chapter 32. The committee is reporting the bill out
6 for the sole purpose of turning the proposal into a printed bill that can be referred to the
7 committee for an appropriate public hearing and subsequent processing in the normal
8 course. The committee has not taken a position on the substance of this bill, and by
9 reporting this bill out the committee is not suggesting and does not intend to suggest that it
10 agrees or disagrees with any aspect of this bill.

11 The bill changes the definitions of “hemp” and “certified seed source” by increasing
12 the amount of allowable tetrahydrocannabinol concentration from a delta-9-
13 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or as
14 otherwise defined in federal law, to a total tetrahydrocannabinol concentration of not more
15 than 1% on a dry weight basis. Current law provides that a person may plant, grow, harvest,
16 possess, process, sell and buy hemp if that person holds a license issued by the State, except
17 that a person may plant and grow up to 3 hemp plants on no more than one acre of land
18 area or within an indoor facility and harvest, possess and process that hemp for personal
19 use without a license. This bill provides that a person may also plant, grow, harvest,
20 possess, process, sell and buy hemp if that person holds a license issued by the United
21 States Department of Agriculture.