§2231. Hemp

1. Definition.
[PL 2019, c. 528, §1 (RP).]

1-A. Definitions. As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

A. "Certified seed source" means a source of hemp seeds that are certified by a 3rd party as producing hemp having a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis. [PL 2019, c. 528, §1 (NEW).]

B. "Clone" means a hemp plant produced using any part of another hemp plant other than the seeds of that hemp plant. [PL 2019, c. 528, §1 (NEW).]

C. "Grower licensee" means a person licensed pursuant to subsection 4. [PL 2019, c. 528, §1 (NEW).]

D. "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or as otherwise defined in federal law. "Hemp" includes agricultural commodities and products derived from hemp and topical or ingestible consumer products, including food, food additives and food products derived from hemp, which in their final forms contain a delta-9-tetrahydrocannabinol concentration of not more than 0.3% or as otherwise defined in federal law. "Hemp" does not include cannabis for medical use pursuant to Title 22, chapter 558-C or adult use cannabis pursuant to Title 28-B, chapter 1. [PL 2019, c. 528, §1 (NEW); PL 2021, c. 669, §5 (REV).]

E. "Indoor facility" means a building, greenhouse, cold frame, hoop house, high tunnel, floating row cover or other agricultural or horticultural method of extending the growing season by enclosing the growing area. [PL 2019, c. 528, §1 (NEW).]

F. "Nonintoxicating cannabinoid" means:

(1) Cannabidiol, also known as "CBD";

(2) Tetrahydrocannabivarin, also known as "THCV";

(3) Cannabichromene, also known as "CBC";

(4) Cannabicitran, also known as "CBTC";

(5) Cannabicyclol, also known as "CBL";

(6) Cannabielsoin, also known as "CBE";

(7) Cannabigerol, also known as "CBG";

(8) Cannabidivarin, also known as "CBDV"; and

(9) Cannabinol, also known as "CBN." [PL 2025, c. 416, §1 (NEW).]

G. "Potentially intoxicating cannabinoids" include the following:

(1) Delta-10-tetrahydrocannabinol and its isomers;

(2) Delta-9-tetrahydrocannabinol and its isomers;

(3) Delta-8-tetrahydrocannabinol and its isomers;

(4) Delta-7-tetrahydrocannabinol and its isomers;

(5) Delta-6a,10a-tetrahydrocannabinol and its isomers;

(6) Exo-tetrahydrocannabinol;

(7) Metabolites of tetrahydrocannabinol, including 11-hydroxy-tetrahydrocannabinol, 3'-hydroxy-tetrahydrocannabinol and 7-hydroxy-delta-tetrahydrocannabinol;

(8) Hydrogenated forms of tetrahydrocannabinol, including hexahydrocannabinol, hexahydrocannabiphorol and hexahydrocannabihexol;

(9) Synthetic forms of tetrahydrocannabinol, including dronabinol;

(10) Ester forms of tetrahydrocannabinol, including delta-8-tetrahydrocannabinol-O-acetate, delta-9-tetrahydrocannabinol-O-acetate and hexahydrocannabinol-O-acetate;

(11) Varin forms of tetrahydrocannabinol, including delta-8-tetrahydrocannabivarin but excluding delta-9-tetrahydrocannabivarin; and

(12) Analogs of tetrahydrocannabinols with an alkyl chain of 4 or more carbon atoms, including tetrahydrocannabiphorols, tetrahydrocannabioctyls, tetrahydrocannabihexols and tetrahydrocannabutols. [PL 2025, c. 416, §2 (NEW).]

H. "Potentially intoxicating hemp product" means any products derived from hemp and ingestible consumer products, including food, food additives, food products and beverages derived from hemp, that in their final forms do not contain:

(1) A concentration of less than 0.3% potentially intoxicating cannabinoids; and

(2) A ratio of more than 10:1 of nonintoxicating cannabinoids to potentially intoxicating cannabinoids. [PL 2025, c. 416, §3 (NEW).]

[PL 2025, c. 416, §§1-3 (AMD).]

2. Growing permitted. Notwithstanding any provision of law to the contrary, a person may plant, grow, harvest, possess, process, sell and buy hemp if that person holds a license issued pursuant to subsection 4. A grower licensee may plant, grow and harvest only hemp that is grown from seeds saved by the grower licensee as provided in paragraph A, acquired from a certified seed source, grown from a clone that is produced from seeds acquired from a certified seed source or propagated from tissue cultures that are removed from live plants grown from seeds acquired from a certified seed source. A grower licensee may acquire hemp seeds directly from a certified seed source or from a hemp seed distributor licensed in this State distributing hemp seeds pursuant to subsection 2-A.

A. A grower licensee may save seeds from hemp plants that the person has grown and harvested and, after having ensured through testing by an independent 3rd-party tester that the plants that will grow from the seeds will meet the definition of hemp, may use those seeds for breeding and planting hemp. [PL 2019, c. 528, §1 (NEW).]

B. A grower licensee, within 14 days after planting hemp seeds or clones, shall provide to the commissioner a listing of the varieties of seeds or clones planted and a statement that the seeds or clones meet the definition of hemp. [PL 2021, c. 761, §2 (AMD).]

[PL 2021, c. 761, §2 (AMD).]

2-A. Seed distribution. The commissioner may issue a license for a hemp seed distributor if the hemp seeds distributed by the hemp seed distributor are from a certified seed source. The commissioner may issue a license under this subsection to a holder of a seed labeling license pursuant to section 1044-A.

[PL 2015, c. 202, §1 (NEW).]

3. Application. A person desiring to grow hemp for commercial purposes shall apply to the commissioner for a license on a form prescribed by the commissioner. The application must include the name and address of the applicant, the legal description of the land area or indoor facility to be used

for the production of hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating the production fields or the floor plan of any indoor facility.
[PL 2019, c. 528, §1 (AMD).]

4. License issued. Upon review and approval of an application, the commissioner shall notify the applicant for a license to grow hemp under subsection 3 of the approval and request that the application fee determined under subsection 7 be submitted. Upon receipt of the appropriate fee, the commissioner shall issue a license, which is valid for a period of one year and only for the site or sites specified in the license.

A person who manufactures, sells, offers for sale or serves ingestible consumer products containing hemp or cannabidiol derived from hemp must be licensed pursuant to section 2901-C; Title 22, chapters 551, 562 or 562-A; or Title 28-A. [PL 2019, c. 528, §1 (NEW).]
[PL 2019, c. 528, §1 (AMD).]

5. Documentation.
[PL 2015, c. 202, §1 (RP).]

5-A. Final location for growing hemp. A grower licensee shall, within 14 days of planting hemp, provide the commissioner with a final legal description of the land area or indoor facility to be used for the production of hemp and a map, an aerial photograph or global positioning coordinates sufficient for locating each field, site or indoor facility where hemp is growing.
[PL 2019, c. 528, §1 (NEW).]

6. Rules. The commissioner shall adopt rules to align the laws governing hemp in this State with 7 United States Code, Section 1639p(a)(2)(A) (2020), 7 Code of Federal Regulations, Part 990 (2020) and any additional federal statutes or regulations.

The rules must establish an application fee, a license fee, per acre or per square foot fees for monitoring, sampling and testing and guidelines for monitoring the growth and harvest of hemp.

The rules must establish a mechanism for conducting criminal background checks on grower licensees and all key participants and require fees to be paid by the grower licensee or key participant.

For purposes of this subsection, "key participant" means a person who, as determined by the commissioner by rule, has a direct or indirect financial interest in an entity producing hemp, such as an owner or partner in a partnership. "Key participant" also includes a person in a corporate entity at an executive level including a chief executive officer, chief operating officer and chief financial officer. "Key participant" does not include other management positions such as farm, field or shift managers.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
[PL 2021, c. 761, §3 (RPR).]

6-A. Preliminary program; indoor cultivation.
[PL 2021, c. 761, §4 (RP).]

7. Fees. The commissioner shall establish through rulemaking under subsection 6 an application fee, a license fee and per acre or per square foot fees for monitoring, sampling and testing that are reasonable and necessary to cover the costs of the department. The application fee must be no less than $50 and no more than $100, the license fee must be no less than $100 and no more than $500, and the fees for monitoring, sampling and testing must be no less than $1 per acre and no more than $100 per acre and no more than 25¢ per square foot.

All fees received pursuant to this subsection must be paid to the Treasurer of State and credited to a separate, nonlapsing account in the department. Money received pursuant to this subsection must be used for the expenses of administering this chapter.
[PL 2019, c. 528, §1 (AMD).]

8. Licensing contingent upon action by Federal Government.
[PL 2015, c. 202, §1 (RP).]

9. Confidentiality.

[PL 2021, c. 761, §5 (RP).]

10. Hemp not tracked as cannabis. Notwithstanding any provision of Title 22, chapter 558-C or Title 28-B, chapter 1 to the contrary, hemp and products derived from hemp may not be tracked as part of the medical use of cannabis program under Title 22, chapter 558-C or the regulation of adult use cannabis under Title 28-B, chapter 1.
[PL 2019, c. 528, §1 (NEW); PL 2021, c. 669, §5 (REV).]

11. Annual report. No later than April 1st, the commissioner shall submit to the joint standing committee of the Legislature having jurisdiction over agricultural matters an annual report that contains at a minimum:

A. The number of licenses issued under subsection 4; [PL 2019, c. 528, §1 (NEW).]

B. The number of acres of all land areas licensed for the cultivation of hemp and the square footage of indoor facilities licensed for the cultivation of hemp; [RR 2021, c. 2, Pt. A, §12 (COR).]

C. Total amount of harvested hemp, in pounds; [PL 2019, c. 528, §1 (NEW).]

D. The types of commodities or products derived from hemp manufactured or sold within the State; and [PL 2019, c. 528, §1 (NEW).]

E. The types of commodities or products derived from hemp exported outside the State. [PL 2019, c. 528, §1 (NEW).]
[RR 2021, c. 2, Pt. A, §12 (COR).]

12. Potentially intoxicating hemp products; prohibited sales. A potentially intoxicating hemp product may not be sold to a person who has not attained 21 years of age.
[PL 2025, c. 416, §4 (NEW).]

13. Packaging and labeling requirements. This subsection governs packaging and labeling requirements for hemp products.

A. A potentially intoxicating hemp product that is not a beverage, salve or topical product must be packaged in child-resistant and tamper-evident packaging. [PL 2025, c. 416, §5 (NEW).]

B. A hemp product may not be labeled or packaged in violation of a federal trademark law or regulation or in a manner that would cause a reasonable consumer confusion as to whether the item was a different trademarked product. [PL 2025, c. 416, §5 (NEW).]
[PL 2025, c. 416, §5 (NEW).]

SECTION HISTORY

PL 2009, c. 320, §1 (NEW). PL 2015, c. 202, §1 (AMD). PL 2019, c. 12, Pt. B, §1 (AMD). PL 2019, c. 115, §1 (AMD). PL 2019, c. 528, §1 (AMD). PL 2021, c. 669, §5 (REV). PL 2021, c. 761, §§2-5 (AMD). RR 2021, c. 2, Pt. A, §12 (COR). PL 2025, c. 416, §§1-5 (AMD).

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