Acquisition of Hemp - FAQs

Q1: May licensed medical cannabis processors and dispensaries obtain hemp from sources outside the seed-to-sale system?

A1: Yes. Pursuant to COMAR 10.62.22.03 and 10.62.28.03, licensed processors and dispensaries may obtain hemp from sources outside the seed-to-sale system under certain circumstances outlined below.

A licensed processor may obtain hemp from sources outside the seed-to-sale system if:

1. The hemp producer is licensed by (1) the Maryland Department of Agriculture, (2) the U.S. Department of Agriculture or (3) an agency of another state pursuant to a hemp production plan that has been approved by the Secretary of the U.S. Department of Agriculture; and
2. Any hemp product derived from hemp complies with MMCC testing requirements.

A licensed dispensary may obtain hemp product from sources outside the seed-to-sale system if:

1. The hemp product is acquired in accordance with the Agriculture Article, §§14-301—14-309, Annotated Code of Maryland; and
2. Any hemp product complies with MMCC testing requirements.

See A4 below for additional information.

Q2: How may a licensed medical cannabis processor acquire hemp?

A2: A licensed medical cannabis processor must adhere to the following in order to acquire hemp:

1. The hemp must be acquired from a hemp producer that is licensed by the USDA, the Maryland Department of Agriculture, or the agency of another state that administers a hemp production program that has been approved by the USDA.
2. The processor must submit the Hemp Acquisition Form after ordering the hemp and prior to accepting delivery of the hemp. The following documentation must be submitted along with the completed Hemp Acquisition Form:
   a. An invoice that identifies the hemp producer the processor ordered the hemp from; and
   b. A copy of the hemp producer’s license to produce hemp issued by the USDA, the Maryland Department of Agriculture, or the agency of another state that administers a hemp production program that has been approved by the USDA.
3. After ordering the hemp and prior to accepting delivery of the hemp, the processor must input the relevant data into METRC. The processor must select “external transfer - hemp” in METRC, and then enter:
   a. Shipper license number, name, address;
   b. Package weight; and
   c. A certificate of analysis issued by an independent testing laboratory that is registered with the Commission showing the total THC concentration on a dry weight basis of the hemp.
4. Upon receiving delivery of the hemp, the processor must update the METRC entry by indicating that the external transfer has been completed.

Q3: When must hemp or hemp derived products undergo testing by a registered independent testing laboratory in accordance with COMAR 10.62.23?

A3: Hemp must be tested upon receipt by the processor, and the certificate of analysis must be uploaded into METRC by a registered independent testing laboratory. This initial limited test panel only requires screening for THC and CBD to ensure that the product received is hemp.

Important: Additionally, any hemp-derived product that is processed by a licensed medical cannabis processor, regardless of the delta–9–tetrahydrocannabinol concentration on a dry weight basis, must be tested in accordance with COMAR 10.62.23 prior to being entered into METRC and transferred to a licensed medical cannabis dispensary.

Q4: May a licensed medical cannabis dispensary sell a fully-hemp-derived CBD product?

A4: Yes. A licensed medical cannabis dispensary may sell a fully-hemp derived CBD product under the following circumstances:

1. If the hemp product was obtained from a licensed hemp producer (as outlined in Q1 above) AND passes the full compliance panel conducted by a registered independent testing laboratory in accordance with COMAR 10.62.23; OR
2. In accordance with guidance previously issued by the Commission in Bulletin: 2019 - 011, a fully-hemp-derived product that has not been tested by a registered
independent testing laboratory in accordance with COMAR 10.62.23 may be sold only in the public area of a licensed dispensary, and be appropriately labeled indicating that the product does not contain medical cannabis and has not been tested by the Maryland Medical Cannabis Commission.