

Some maintain that the plant is monotypic and that the designation appearing in the Code, "Cannabis sativa L.", adequately describes the plant. Other persons are of the opinion that marihuana is polytypic and there are, therefore, other species in addition to C. sativa.

This debate among members of the scientific community as to the proper taxonomic designation of marihuana has entered the courtrooms of this State. In some cases, defendants have been found "not guilty" on the basis that the definition of marihuana in the Code does not embrace the species of the plant that was the subject of the charge against the defendant; now, therefore,

THE GENERAL ASSEMBLY OF MARYLAND, hereby finds and declares that it is and always has been its opinion and intention that in enacting Section 277(o) of Article 27 of the Code, as a definition of marihuana, "Cannabis sativa L.", although a highly variable species, is for the purposes of the Uniform Controlled Dangerous Substances Act the only valid species of the genus. However, in order to clarify the definition, the General Assembly by this Act, modifies the definition to make reference only to the genus of the plant. Nevertheless, it is the intention of the General Assembly that this modification is only for the purposes of clarifying the definition and removing the source of the controversy and misunderstanding. This Act is not a change of the General Assembly's expressed intention that in enacting the definition of marihuana in Chapter 403 of the Acts of 1970, the classification "Cannabis sativa L." was regarded by the Legislature and shall be interpreted as an adequate designation of a plant whose genus consists of a single species.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 277(o) of Article 27 - Crimes and Punishments, of the Annotated Code of Maryland (1971 Replacement Volume and 1974 Supplement) be and it is hereby repealed and re-enacted, with amendments, to read as follows:

Article 27 - Crimes and Punishments

277.

(o) "Marihuana" [shall mean] MEANS all parts of [the] ANY plant OF THE GENUS Cannabis [sativa L.], whether growing or not; the seeds thereof; the resin extracted from any part of [such] THE plant; and every compound, manufacture, salt, derivative, mixture, or