

**§1117. Cultivating marijuana**

1. Except as provided in subsection 4, a person is guilty of cultivating marijuana if:

A. The person intentionally or knowingly grows or cultivates marijuana. Violation of this paragraph is a Class E crime; or [PL 2009, c. 631, §2 (AMD); PL 2009, c. 631, §51 (AFF).]

B. The person violates paragraph A and the number of marijuana plants is:

(1) Five hundred or more. Violation of this subparagraph is a Class B crime;

(2) One hundred or more but fewer than 500. Violation of this subparagraph is a Class C crime;

(3) More than 5 but fewer than 100. Violation of this subparagraph is a Class D crime; or

(4) Five or fewer. Violation of this subparagraph is a Class E crime. [PL 2001, c. 383, §148 (NEW); PL 2001, c. 383, §156 (AFF).]

[PL 2009, c. 631, §2 (AMD); PL 2009, c. 631, §51 (AFF).]

2.

[PL 2001, c. 383, §148 (RP); PL 2001, c. 383, §156 (AFF).]

3. It is an affirmative defense to prosecution under this section that the substance cultivated or grown is hemp.

[PL 2019, c. 12, Pt. B, §11 (AMD).]

4. A person is not guilty of cultivating marijuana if the conduct is expressly authorized by Title 22, chapter 558-C or Title 28-B.

[PL 2017, c. 409, Pt. B, §10 (AMD).]

**SECTION HISTORY**

PL 1999, c. 374, §5 (NEW). PL 2001, c. 383, §148 (RPR). PL 2001, c. 383, §156 (AFF). PL 2003, c. 61, §9 (AMD). PL 2009, c. 631, §§2, 3 (AMD). PL 2009, c. 631, §51 (AFF). PL 2017, c. 409, Pt. B, §10 (AMD). PL 2019, c. 12, Pt. B, §11 (AMD).

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