

§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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