

LEGISLATIVE COMMITTEE MINUTES

# SB419

# Bill as Introduced

SB 419-FN - AS INTRODUCED

2016 SESSION

16-2713  
01/04

SENATE BILL        **419-FN**

AN ACT            relative to certain changes in the law governing the therapeutic use of cannabis.

SPONSORS:        Sen. Reagan, Dist 17

COMMITTEE:      Health and Human Services

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ANALYSIS

This bill clarifies the providers who are qualified to prescribe cannabis for therapeutic purposes. This bill also changes the amount of cannabis alternative treatment centers may possess.

This bill is a request of the department of health and human services.

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Explanation:      Matter added to current law appears in ***bold italics***.  
                         Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Sixteen*

AN ACT relative to certain changes in the law governing the therapeutic use of cannabis.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 Use of Cannabis for Therapeutic Purposes; Definitions. RSA 126-X:1, VII(a) is repealed and  
2 reenacted to read as follows:

3           (a) "Provider" means:

4           (1) A physician licensed to prescribe drugs to humans under RSA 329 and who  
5 possesses an active registration from the United States Drug Enforcement Administration to  
6 prescribe controlled substances;

7           (2) An advanced practice registered nurse licensed pursuant to RSA 326-B:18 and  
8 who possesses an active registration from the United States Drug Enforcement Administration to  
9 prescribe controlled substances; or

10          (3) A physician or advanced practice registered nurse licensed to prescribe drugs to  
11 humans under the relevant state licensing laws in Maine, Massachusetts, or Vermont and who  
12 possesses an active registration from the United States Drug Enforcement Administration to  
13 prescribe controlled substances.

14       2 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read  
15 as follows:

16           (b) For a visiting qualifying patient, "provider" means an individual licensed to  
17 prescribe drugs to humans in the state of the patient's residence and who possesses [~~certification~~]  
18 ***an active registration*** from the United States Drug Enforcement Administration to prescribe  
19 controlled substances. Such visiting patient shall not be eligible to purchase or transfer cannabis  
20 from an eligible New Hampshire patient.

21       3 Use of Cannabis for Therapeutic Purposes; Departmental Administration; Registry  
22 Identification Cards. Amend RSA 126-X:4, II-a to read as follows:

23           II-a. In addition to the information required pursuant to paragraph II, the department shall  
24 also receive [~~results of a criminal history records check~~] ***notification of any felony convictions***  
25 from the division of state police. A person applying to be a designated caregiver shall submit  
26 directly to the department of safety a notarized criminal history records release form, as provided  
27 by the New Hampshire division of state police, authorizing the release of [~~his or her criminal history~~  
28 ~~record, if any,~~] ***any felony convictions*** to the department. The applicant shall submit with the  
29 release form a complete set of electronic fingerprints taken by a qualified law enforcement agency or  
30 an authorized employee of the department of safety. In the event that the first set of fingerprints is  
31 invalid for whatever reason, a second set of fingerprints shall be necessary in order to complete the

1 criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to  
 2 insufficient pattern, the department may, in lieu of the criminal history records check, accept police  
 3 clearances *of no felony convictions* from every city, town, or county where the person has lived  
 4 during the past 5 years. The division of state police shall conduct a criminal history records check  
 5 through its records and through the Federal Bureau of Investigation. Upon completion of the  
 6 records check, the division of state police shall~~submit a copy of the criminal history records to the~~  
 7 ~~department~~ *report to the department whether or not there are any felony convictions.* The  
 8 department shall maintain the confidentiality of ~~[all]~~ criminal history ~~[records]~~ *record* information  
 9 received pursuant to this section. The applicant shall bear the cost of a criminal history records  
 10 check.

11 4 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 12 X:4, VII(b) to read as follows:

13 (b) The department shall track the number of qualifying patients certified by each  
 14 provider and registered with the department. Any concerns regarding provider conduct shall be  
 15 referred to the New Hampshire board of medicine ~~[or]~~, the New Hampshire board of nursing, *or the*  
 16 *appropriate regulatory entity in Maine, Massachusetts, or Vermont.*

17 5 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 18 X:4, IX(c) to read as follows:

19 (c) When a qualifying patient or a designated caregiver notifies the department of any  
 20 change to a name~~[ ]~~ or address, ~~[or alternative treatment center,]~~ the department shall issue the  
 21 qualifying patient or designated caregiver a new registry identification card with a new random 10-  
 22 digit identification number within 20 days of receiving the updated information.

23 6 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
 24 X:4, XI(b)(4) to read as follows:

25 (4) *Requests by law enforcement under this section to the department*  
 26 *pursuant to a sworn affidavit, search warrant, or court order, regardless of whether or*  
 27 *not the name or address was found in the registry, shall be confidential under this*  
 28 *chapter and exempt from disclosure under RSA 91-A. Aggregate data relative to such*  
 29 *requests may be made public if it does not contain any identifying information regarding*  
 30 *the specific law enforcement request.*

31 (5) Counsel for the department may notify law enforcement officials about falsified  
 32 or fraudulent information submitted to the department where counsel has made a legal  
 33 determination that there is probable cause to believe the information is false or falsified.

34 7 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers; Requirements.  
 35 Amend RSA 126-X:8, XV(a) to read as follows:

36 (a) An alternative treatment center shall not possess or cultivate cannabis in excess of  
 37 the following quantities:

38 (1) ~~[Eighty cannabis plants, 160 seedlings, and]~~ 80 ounces of usable cannabis~~[, or 6~~

SB 419-FN - AS INTRODUCED

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1 ~~ounces of usable cannabis per qualifying patient]; and~~

2 (2) ~~[Three mature cannabis plants, 12 seedlings, and]~~ 6 ounces *of usable cannabis*

3 for each qualifying patient who has designated the alternative treatment center to provide him or

4 her with cannabis for therapeutic use.

5 8 Effective Date. This act shall take effect upon its passage.

LBAO  
16-2713  
12/11/15

**SB 419-FN- FISCAL NOTE**

AN ACT                    relative to certain changes in the law governing the therapeutic use of cannabis.

**FISCAL IMPACT:**

The Department of Health and Human Services states this bill, as introduced, may increase state restricted revenue by an indeterminable amount in FY 2017 and each year thereafter. There will be no impact on county or local revenue, or on state, county, or local expenditures.

**METHODOLOGY:**

The Department of Health and Human Services states this bill makes several changes to the Therapeutic Use of Cannabis statute (RSA 126-X), including allowing physicians and advanced practice registered nurses (APRN) licensed in Maine, Massachusetts, and Vermont to complete certifications for potentially qualifying patients. Currently, only physicians and APRNs licensed in New Hampshire are able to complete patient certifications. This change may increase by an indeterminable amount the number of potentially qualifying patients who apply for registry cards, which cost \$50 apiece. This revenue would go into a fund dedicated to the Therapeutic Cannabis Program which is entirely funded with other funds consisting of revenue generated by licensing fees paid by the four alternative treatment centers, as well as fees for registry cards paid by potentially qualifying patients and dedicated caregivers.

SB 419-FN - AS AMENDED BY THE SENATE

03/03/2016 0604s

2016 SESSION

16-2713  
01/04

SENATE BILL **419-FN**

AN ACT relative to requests by law enforcement officials under the law governing the therapeutic use of cannabis.

SPONSORS: Sen. Reagan, Dist 17

COMMITTEE: Health and Human Services

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AMENDED ANALYSIS

This bill clarifies the confidentiality for requests by law enforcement officials for information under the use of cannabis for therapeutic purposes law.

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Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.



STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Sixteen*

AN ACT relative to requests by law enforcement officials under the law governing the therapeutic use of cannabis.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       1 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
2 X:4, XI(b)(4) to read as follows:

3               (4) *Requests by law enforcement officials under this section to the*  
4 *department pursuant to a sworn affidavit, search warrant, or court order, regardless of*  
5 *whether or not the name or address was found in the registry, shall be confidential under*  
6 *this chapter and exempt from disclosure under RSA 91-A. Aggregate data relative to such*  
7 *requests may be made public if it does not contain any identifying information regarding*  
8 *the specific law enforcement request.*

9               (5) Counsel for the department may notify law enforcement officials about falsified  
10 or fraudulent information submitted to the department where counsel has made a legal  
11 determination that there is probable cause to believe the information is false or falsified.

12       2 Effective Date. This act shall take effect upon its passage.

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**METHODOLOGY:**

The Department of Health and Human Services states this bill makes several changes to the Therapeutic Use of Cannabis statute (RSA 126-X), including allowing physicians and advanced practice registered nurses (APRN) licensed in Maine, Massachusetts, and Vermont to complete certifications for potentially qualifying patients. Currently, only physicians and APRNs licensed in New Hampshire are able to complete patient certifications. This change may increase by an indeterminable amount the number of potentially qualifying patients who apply for registry cards, which cost \$50 apiece. This revenue would go into a fund dedicated to the Therapeutic Cannabis Program which is entirely funded with other funds consisting of revenue generated by licensing fees paid by the four alternative treatment centers, as well as fees for registry cards paid by potentially qualifying patients and dedicated caregivers.

SB 419-FN - AS AMENDED BY THE HOUSE

03/03/2016 0604s  
11May2016... 1339h

2016 SESSION

16-2713  
01/04

SENATE BILL *419-FN*

AN ACT relative to certain changes in the law governing the therapeutic use of cannabis.

SPONSORS: Sen. Reagan, Dist 17

COMMITTEE: Health and Human Services

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AMENDED ANALYSIS

This bill clarifies the providers who are qualified to prescribe cannabis for therapeutic purposes. This bill authorizes certain facilities licensed under RSA 151 to assist qualifying patients in the therapeutic use of their cannabis. This bill also clarifies the confidentiality for requests by law enforcement officials for information under the use of cannabis for therapeutic purposes law.

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Explanation: Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through~~].

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11May2016... 1339h 16-2713  
01/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Sixteen*

AN ACT relative to certain changes in the law governing the therapeutic use of cannabis.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Facility caregiver" means a residential care facility, nursing home, hospital or hospice house licensed under RSA 151 which has agreed to allow one or more qualifying patients who are residents or patients of the facility to utilize therapeutic cannabis obtained by the resident or the resident's designated caregiver from an alternative treatment center, and which has agreed to assist such residents in the therapeutic use of their cannabis in accordance with a policy developed by the facility, and in accordance with rules adopted by the commissioner of health and human services pursuant to RSA 541-A.

2 Use of Cannabis for Therapeutic Purposes; Definitions. RSA 126-X:1, VII(a) is repealed and reenacted to read as follows:

(a) "Provider" means:

- (1) A physician licensed to prescribe drugs to humans under RSA 329 and who possesses an active registration from the United States Drug Enforcement Administration to prescribe controlled substances;
- (2) An advanced practice registered nurse licensed pursuant to RSA 326-B:18 and who possesses an active registration from the United States Drug Enforcement Administration to prescribe controlled substances; or
- (3) A physician or advanced practice registered nurse licensed to prescribe drugs to humans under the relevant state

licensing laws in Maine, Massachusetts, or Vermont and who possesses an active registration from the United States Drug Enforcement Administration to prescribe controlled substances and who is primarily responsible for the patient's care related to his or her qualifying medical condition.

3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read as follows:

(b) For a visiting qualifying patient, "provider" means an individual licensed to prescribe drugs to humans in the state of the patient's residence and who possesses ~~[certification]~~ **an active registration** from the United States Drug Enforcement Administration to prescribe controlled substances. Such visiting patient shall not be eligible to purchase or transfer cannabis from an eligible New Hampshire patient.

4 New Paragraph; Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections. Amend RSA 126-X:2 by inserting after paragraph XV the following new paragraph:

XVI. A facility caregiver and those employees designated by the facility to assist qualifying patients, shall not be subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or search, for acting pursuant to this chapter and department rules to possess cannabis on the premises of the facility for the purpose of assisting a qualifying patient who is a resident or patient of the facility in the therapeutic use of the qualifying patient's cannabis.

5 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic Use of Cannabis. Amend RSA 126-X:3, III(c) to read as follows:

(c) Any accommodation of the therapeutic use of cannabis on the property or premises of any place of employment or on the property or premises of any **residential care facility, nursing home, hospital or hospice house**, jail, correctional facility, or other type of penal institution where prisoners reside or persons under arrest are detained.

This chapter shall in no way limit an employer's ability to discipline an employee for ingesting cannabis in the workplace or for working while under the influence of cannabis.

6 New Paragraph; Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic Use of Cannabis. Amend RSA 126-X:3 by inserting after paragraph VII the following new paragraph:

VIII. A facility caregiver shall treat cannabis in a manner similar to medications with respect to its storage, security, and administration when assisting qualifying patients with the therapeutic use of cannabis.

7 Use of Cannabis for Therapeutic Purposes; Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, II-a to read as follows:

II-a. In addition to the information required pursuant to paragraph II, the department shall also receive ~~[results of a criminal history records check]~~ **notification of any felony convictions** from the division of state police. A person applying to be a designated caregiver shall submit directly to the department of safety a notarized criminal history records release form, as provided by the New Hampshire division of state police, authorizing the release of ~~[his or her criminal history record, if any,]~~ **any felony convictions** to the department. The applicant shall submit with the release form a complete set of electronic fingerprints taken by a qualified law enforcement agency or an authorized employee of the department of safety. In the event that the first set of fingerprints is invalid for whatever reason, a second set of fingerprints shall be necessary in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances **showing no felony convictions** from every city, town, or county where the person has lived during the past 5 years. The division of state police shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall ~~[submit a copy of the criminal history records]~~ **report** to the department **whether or not there are any felony convictions**. The department shall maintain the confidentiality of ~~[all]~~ criminal history ~~[records]~~ **record** information received pursuant to this section. The applicant shall bear the cost of a criminal history records check.

8 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, VII(b) to read as follows:

(b) The department shall track the number of qualifying patients certified by each provider and registered with the department. ~~[Any concerns regarding provider conduct shall be referred to the New Hampshire board of medicine or the New Hampshire board of nursing.]~~

(c) **Any concerns regarding provider conduct shall be referred to the New Hampshire board of medicine, the New Hampshire board of nursing, or the appropriate regulatory entity in Maine, Massachusetts, or**

*Vermont. The New Hampshire board of medicine, the New Hampshire board of nursing, or the appropriate regulatory entity in Maine, Massachusetts, or Vermont may direct the department to prohibit a provider's participation in New Hampshire's therapeutic cannabis program if the regulatory entity takes disciplinary action against a provider regarding the provider's involvement in the therapeutic cannabis program in New Hampshire or in his or her respective state.*

9 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, IX(c) to read as follows:

(c) When a qualifying patient or a designated caregiver notifies the department of any change to a name<sup>[7]</sup> or address, [~~or alternative treatment center,~~] the department shall issue the qualifying patient or designated caregiver a new registry identification card with a new random 10-digit identification number within 20 days of receiving the updated information.

10 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, XI(b)(4) to read as follows:

(4) *Requests by law enforcement officials under this section to the department pursuant to a sworn affidavit, search warrant, or court order, regardless of whether or not the name or address was found in the registry, shall be confidential under this chapter and exempt from disclosure under RSA 91-A. Aggregate data relative to such requests may be made public if it does not contain any identifying information regarding the specific law enforcement request.*

(5) Counsel for the department may notify law enforcement officials about falsified or fraudulent information submitted to the department where counsel has made a legal determination that there is probable cause to believe the information is false or falsified.

11 Effective Date. This act shall take effect upon its passage.

LBAO  
16-2713  
12/11/15

#### SB 419-FN- FISCAL NOTE

AN ACT relative to certain changes in the law governing the therapeutic use of cannabis.

#### FISCAL IMPACT:

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#### METHODOLOGY:

The Department of Health and Human Services states this bill makes several changes to the Therapeutic Use of Cannabis statute (RSA 126-X), including allowing physicians and advanced practice registered nurses (APRN) licensed in Maine, Massachusetts, and Vermont to complete certifications for potentially qualifying patients. Currently, only physicians and APRNs licensed in New Hampshire are able to complete patient certifications. This change may increase by an indeterminable amount the number of potentially qualifying patients who apply for registry cards, which cost \$50 apiece. This revenue would go into a fund dedicated to the Therapeutic Cannabis Program which is entirely funded with other funds consisting of revenue generated by licensing fees paid by the four alternative treatment centers, as well as fees for registry cards paid by potentially qualifying patients and dedicated caregivers.

CHAPTER 247  
SB 419-FN - FINAL VERSION

03/03/2016 0604s  
11May2016... 1339h

2016 SESSION

16-2713  
01/04

SENATE BILL        **419-FN**

AN ACT            relative to certain changes in the law governing the therapeutic use of cannabis.

SPONSORS:        Sen. Reagan, Dist 17

COMMITTEE:       Health and Human Services

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AMENDED ANALYSIS

This bill clarifies the providers who are qualified to prescribe cannabis for therapeutic purposes. This bill authorizes certain facilities licensed under RSA 151 to assist qualifying patients in the therapeutic use of their cannabis. This bill also clarifies the confidentiality for requests by law enforcement officials for information under the use of cannabis for therapeutic purposes law.

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CHAPTER 247  
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16-2713  
01/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Sixteen*

AN ACT relative to certain changes in the law governing the therapeutic use of cannabis.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1 247:1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA  
2 126-X:1 by inserting after paragraph VI the following new paragraph:

3 VI-a. "Facility caregiver" means a residential care facility, nursing home, hospital, or  
4 hospice house licensed under RSA 151 which has agreed to allow one or more qualifying patients  
5 who are residents or patients of the facility to utilize therapeutic cannabis obtained by the resident  
6 or the resident's designated caregiver from an alternative treatment center, and which has agreed  
7 to assist such residents in the therapeutic use of their cannabis in accordance with a policy  
8 developed by the facility, and in accordance with rules adopted by the commissioner of health and  
9 human services pursuant to RSA 541-A.

10 247:2 Use of Cannabis for Therapeutic Purposes; Definitions. RSA 126-X:1, VII(a) is repealed  
11 and reenacted to read as follows:

12 (a) "Provider" means:

13 (1) A physician licensed to prescribe drugs to humans under RSA 329 and who  
14 possesses an active registration from the United States Drug Enforcement Administration to  
15 prescribe controlled substances;

16 (2) An advanced practice registered nurse licensed pursuant to RSA 326-B:18 and  
17 who possesses an active registration from the United States Drug Enforcement Administration to  
18 prescribe controlled substances; or

19 (3) A physician or advanced practice registered nurse licensed to prescribe drugs to  
20 humans under the relevant state licensing laws in Maine, Massachusetts, or Vermont and who  
21 possesses an active registration from the United States Drug Enforcement Administration to  
22 prescribe controlled substances and who is primarily responsible for the patient's care related to his  
23 or her qualifying medical condition.

24 247:3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to  
25 read as follows:

26 (b) For a visiting qualifying patient, "provider" means an individual licensed to  
27 prescribe drugs to humans in the state of the patient's residence and who possesses ~~[certification]~~  
28 **an active registration** from the United States Drug Enforcement Administration to prescribe  
29 controlled substances. Such visiting patient shall not be eligible to purchase or transfer cannabis

CHAPTER 247  
SB 419-FN - FINAL VERSION  
- Page 2 -

1 from an eligible New Hampshire patient.

2 247:4 New Paragraph; Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis  
3 Protections. Amend RSA 126-X:2 by inserting after paragraph XV the following new paragraph:

4 XVI. A facility caregiver and those employees designated by the facility to assist qualifying  
5 patients, shall not be subject to arrest by state or local law enforcement, prosecution or penalty  
6 under state or municipal law, or search, for acting pursuant to this chapter and department rules to  
7 possess cannabis on the premises of the facility for the purpose of assisting a qualifying patient who  
8 is a resident or patient of the facility in the therapeutic use of the qualifying patient's cannabis.

9 247:5 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the  
10 Therapeutic Use of Cannabis. Amend RSA 126-X:3, III(c) to read as follows:

11 (c) Any accommodation of the therapeutic use of cannabis on the property or premises  
12 of any place of employment or on the property or premises of any *residential care facility,*  
13 *nursing home, hospital or hospice house,* jail, correctional facility, or other type of penal  
14 institution where prisoners reside or persons under arrest are detained. This chapter shall in no  
15 way limit an employer's ability to discipline an employee for ingesting cannabis in the workplace or  
16 for working while under the influence of cannabis.

17 247:6 New Paragraph; Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations  
18 on the Therapeutic Use of Cannabis. Amend RSA 126-X:3 by inserting after paragraph VII the  
19 following new paragraph:

20 VIII. A facility caregiver shall treat cannabis in a manner similar to medications with  
21 respect to its storage, security, and administration when assisting qualifying patients with the  
22 therapeutic use of cannabis.

23 247:7 Use of Cannabis for Therapeutic Purposes; Departmental Administration; Registry  
24 Identification Cards. Amend RSA 126-X:4, II-a to read as follows:

25 II-a. In addition to the information required pursuant to paragraph II, the department shall  
26 also receive ~~[results of a criminal history records check]~~ **notification of any felony convictions**  
27 from the division of state police. A person applying to be a designated caregiver shall submit  
28 directly to the department of safety a notarized criminal history records release form, as provided  
29 by the New Hampshire division of state police, authorizing the release of ~~[his or her criminal history~~  
30 ~~record, if any,]~~ **any felony convictions** to the department. The applicant shall submit with the  
31 release form a complete set of electronic fingerprints taken by a qualified law enforcement agency or  
32 an authorized employee of the department of safety. In the event that the first set of fingerprints is  
33 invalid for whatever reason, a second set of fingerprints shall be necessary in order to complete the  
34 criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to  
35 insufficient pattern, the department may, in lieu of the criminal history records check, accept police  
36 clearances **showing no felony convictions** from every city, town, or county where the person has  
37 lived during the past 5 years. The division of state police shall conduct a criminal history records



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- Page 3 -

1 check through its records and through the Federal Bureau of Investigation. Upon completion of the  
2 records check, the division of state police shall ~~[submit a copy of the criminal history records]~~  
3 **report** to the department ***whether or not there are any felony convictions.*** The department  
4 shall maintain the confidentiality of ~~[all]~~ criminal history ~~[records]~~ **record** information received  
5 pursuant to this section. The applicant shall bear the cost of a criminal history records check.

6 247:8 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA  
7 126-X:4, VII(b) to read as follows:

8 (b) The department shall track the number of qualifying patients certified by each  
9 provider and registered with the department. ~~[Any concerns regarding provider conduct shall be~~  
10 ~~referred to the New Hampshire board of medicine or the New Hampshire board of nursing.]~~

11 (c) ***Any concerns regarding provider conduct shall be referred to the New***  
12 ***Hampshire board of medicine, the New Hampshire board of nursing, or the appropriate***  
13 ***regulatory entity in Maine, Massachusetts, or Vermont. The New Hampshire board of***  
14 ***medicine, the New Hampshire board of nursing, or the appropriate regulatory entity in***  
15 ***Maine, Massachusetts, or Vermont may direct the department to prohibit a provider's***  
16 ***participation in New Hampshire's therapeutic cannabis program if the regulatory entity***  
17 ***takes disciplinary action against a provider regarding the provider's involvement in the***  
18 ***therapeutic cannabis program in New Hampshire or in his or her respective state.***

19 247:9 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA  
20 126-X:4, IX(c) to read as follows:

21 (c) When a qualifying patient or a designated caregiver notifies the department of any  
22 change to a name~~[-]~~ or address, ~~[or alternative treatment center,]~~ the department shall issue the  
23 qualifying patient or designated caregiver a new registry identification card with a new random 10-  
24 digit identification number within 20 days of receiving the updated information.

25 247:10 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA  
26 126-X:4, XI(b)(4) to read as follows:

27 (4) ***Requests by law enforcement officials under this section to the***  
28 ***department pursuant to a sworn affidavit, search warrant, or court order, regardless of***  
29 ***whether or not the name or address was found in the registry, shall be confidential under***  
30 ***this chapter and exempt from disclosure under RSA 91-A. Aggregate data relative to such***  
31 ***requests may be made public if it does not contain any identifying information regarding***  
32 ***the specific law enforcement request.***

33 (5) Counsel for the department may notify law enforcement officials about falsified  
34 or fraudulent information submitted to the department where counsel has made a legal  
35 determination that there is probable cause to believe the information is false or falsified.

36 247:11 Effective Date. This act shall take effect upon its passage.

37 Approved: June 10, 2016

Effective Date: June 10, 2016

**CHAPTER 247**  
**SB 419-FN - FINAL VERSION**  
**- Page 4 -**

# Amendments

Amendment to SB 419-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to requests by law enforcement officials under the law governing the  
4 therapeutic use of cannabis.

5

6 Amend the bill by replacing all after the enacting clause with the following:

7

8 1 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-  
9 X:4, XI(b)(4) to read as follows:

10 (4) *Requests by law enforcement officials under this section to the*  
11 *department pursuant to a sworn affidavit, search warrant, or court order, regardless of*  
12 *whether or not the name or address was found in the registry, shall be confidential under*  
13 *this chapter and exempt from disclosure under RSA 91-A. Aggregate data relative to such*  
14 *requests may be made public if it does not contain any identifying information regarding*  
15 *the specific law enforcement request.*

16 (5) Counsel for the department may notify law enforcement officials about falsified  
17 or fraudulent information submitted to the department where counsel has made a legal  
18 determination that there is probable cause to believe the information is false or falsified.

19 2 Effective Date. This act shall take effect upon its passage.

21016-0604s

AMENDED ANALYSIS

This bill clarifies the confidentiality for requests by law enforcement officials for information under the use of cannabis for therapeutic purposes law.

# Committee Minutes

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**SENATE CALENDAR NOTICE**  
**Health and Human Services**

Sen Andy Sanborn; Chair  
Sen Molly Kelly; Vice Chair  
Sen Kevin Avard; Member  
Sen Sharon Carson; Member  
Sen Martha Fuller Clark; Member

Date: January 14, 2016

**HEARINGS**

Tuesday	01/19/2016
(Day)	(Date)

  

Health and Human Services	LOB 101	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.	<b>SB 420-FN</b>	relative to aid to the permanently and totally disabled.
1:20 p.m.	<b>SB 422-FN</b>	relative to the tobacco use prevention and cessation program.
1:50 p.m.	<b>SB 477-FN</b>	relative to nonemergency involuntary admissions.
2:20 p.m.	<b>SB 419-FN</b>	relative to certain changes in the law governing the therapeutic use of cannabis.

**EXECUTIVE SESSION ON PENDING LEGISLATION**

2:50 p.m.	<b>HB 628-FN</b>	relative to indemnification of health care facilities under certain circumstances.
3:20 p.m.	<b>SB 127-FN</b>	relative to special conservatorships for Medicaid.

**Sponsors:**

**SB 420-FN**

Sen. Stiles  
Sen. Woodburn

Sen. Carson  
Rep. M. Smith

Sen. Bradley  
Rep. Kotowski

Sen. Watters  
Rep. Leishman

**SB 422-FN**

Sen. Watters

**SB 477-FN**

Sen. Carson

Sen. Reagan

Sen. Bradley

Rep. MacKay

**SB 419-FN**

Sen. Reagan

**HB 628-FN**

Rep. Sherman  
Sen. Fuller Clark

Rep. Byron

Sen. Reagan

Sen. Stiles

**SB 127-FN**

Sen. Forrester  
Sen. Hosmer  
Rep. Chandler

Sen. Carson  
Sen. Lasky  
Rep. Sherman

Sen. Reagan  
Rep. Hagan  
Rep. Ladd

Sen. Little  
Rep. Abrami

Kelly Flathers 271-3091

Andy Sanborn  
Chairman



# Senate Health and Human Services Committee

*Kelly Flathers 271-3091*

**SB 419-FN**, relative to certain changes in the law governing the therapeutic use of cannabis.

**Hearing Date:** January 19, 2016

**Time Opened:** 2:47 p.m.

**Time Closed:** 3:14 p.m.

**Members of the Committee Present:** Sanborn, Kelly, Avard, Carson and Fuller Clark

**Bill Analysis:** This bill clarifies the providers who are qualified to prescribe cannabis for therapeutic purposes. This bill also changes the amount of cannabis alternative treatment centers may possess. This bill is a request of the department of health and human services.

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**Sponsors:**  
Sen. Reagan

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**Who supports the bill:** Sen. Reagan; Michael Holt - DHHS; John B. Martin - DHHS; Brett Sicklick - Prime ATC

**Summary of testimony presented in support:**  
Senator Kelly introduced the bill on behalf of Sen Reagan (Prime).

Michael Holt - DHHS: I am testifying in support of this bill. The provisions range from technical cleanup to more significant policy changes. Sections 1 and 2 of the bill amend the definition of "provider". This opens it up to licensed physicians and nurses in border states. This would make NH residents without NH providers eligible for the program.

Senator Sanborn: My concern is "doctor shopping". How do we prevent "finding the doctor for the prescription" while making sure people get appropriate care?

Michael Holt: Out-of-state doctors would still be required to follow our laws. There is no enforcement arm, but section 4 of the bill requires the department to refer any concerning provider conduct to the appropriate regulatory entity in that state.

Senator Sanborn: I thought there was a requirement for the continuation of care.

Michael Holt: That is in current law. The out-of-state doctor would need to certify that all of those things are true. Section 3 works with streamlining the criminal records

check process. Current law requires the Department of Safety to share entire criminal history record. We do not need the whole record. This promotes the privacy of our citizens.

Senator Carson: Are the licensing provisions in other states as strict as they are in NH?

Michael Holt: I do not know in detail.

Senator Carson: We want to make sure that the nurse practitioners are held to the same standard, especially if they are writing prescriptions. Would it be appropriate for them to hold a NH license as well? What happens if an out-of-state nurse makes a mistake? What recourse does the state of NH have?

Michael Holt: No, that would not be appropriate. Our assumption is that we would have the responsibility to refer any issues to the out-of-state regulatory entity.

Senator Carson: There should be a stronger provision in here. The state has no recourse; we cannot revoke their license because they are not licensed here.

Michael Holt: There is no recourse for NH doctors and nurses, either. It is up to the regulatory board to pull a license. We can work on an amendment regarding this issue. Section 4 is related to 1 and 2. Section 5 is a technical fix about issuing updated cards. Section 6 adds an exemption regarding law enforcement requests for confidential information. We added this at the request of law enforcement. Section 7 is another policy consideration. It removes plant limitations for alternative treatment centers. This would not change the limits on the amount of usable cannabis, but it does change limits on plant counts. It allows for efficiencies and breeding programs. This lowers the cost of the product for the patients.

Senator Carson: We originally put some very hard limits in place. Why do we need this now?

Michael Holt: This allows for an increased number of plants to produce that limit of usable cannabis. It is important in terms of strain variety. Half the seedlings are male plants and cannot be used. The amount of usable cannabis in an ATC will not change.

Senator Carson: Was this discussed when the bill was originally filed?

Michael Holt: I do not know.

Senator Carson: Haven't ATCs have made business decisions based on these limits?

Michael Holt: This provision is at the request of ATCs.

Senator Fuller Clark: Can the current limits for seedlings and plants not meet the limit for the final product?

Michael Holt: It impacts the variety of plants that can be produced.

Brett Sicklick - Prime ATC: Cannabis production is not the same as normal medication manufacturing. Increasing variety is important, which is done through breeding. By allowing us to cultivate more plants, it does not necessarily require more square footage; it changes the density of plants under each light. This equates to lower costs for the ATCs and the patients.

**Fiscal Note:** See Fiscal Note dated 12/11/15.

**Future Action:** Pending

KEF

Date Hearing Report completed: January 21, 2016

# Speakers



# Committee Report

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Tuesday, February 16, 2016

THE COMMITTEE ON Health and Human Services

to which was referred SB 419-FN

AN ACT

relative to certain changes in the law governing the  
therapeutic use of cannabis.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 2016-0604s

Senator Andy Sanborn  
For the Committee

Kelly Flathers 271-3091

**HEALTH AND HUMAN SERVICES**

**SB 419-FN**, relative to certain changes in the law governing the therapeutic use of cannabis.

Ought to Pass with Amendment, Vote 4-0.

Senator Andy Sanborn for the committee.



**Docket of SB419**

Docket Abbreviations

**Bill Title:** (New Title) relative to certain changes in the law governing the therapeutic use of cannabis.*Official Docket of SB419:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
12/29/2015	S	To Be <b>Introduced</b> 01/06/2016 and Referred to Health and Human Services; <b>SJ 1</b>
1/14/2016	S	Hearing: 01/19/2016, Room 101, LOB, 02:20 pm; <b>SC2</b>
2/18/2016	S	Committee Report: Ought to Pass with Amendment <b>#2016-0604s</b> , NT, 03/03/2016; <b>SC7</b>
3/3/2016	S	Special Order SB 419 to after the Committee on Education, Without Objection, MA
3/3/2016	S	Committee Amendment 0604s, NT, AA, VV; 03/03/2016
3/3/2016	S	<b>Ought to Pass with Amendment</b> 0604s, NT, MA, VV; OT3rdg; 03/03/2016; <b>SJ 7</b>
3/15/2016	H	Introduced 03/10/2016 and referred to Health, Human Services and Elderly Affairs <b>HJ 25</b> P. 118
3/15/2016	H	Public Hearing: 03/22/2016 03:15 PM LOB 205
4/14/2016	H	Executive Session: 04/13/2016 10:00 AM LOB 205
4/21/2016	H	Committee Report: Ought to Pass with Amendment <b>#2016-1339h</b> (NT) for 05/11/2016 (Vote 16-0; CC) <b>HC 29</b> P. 11
5/11/2016	H	Amendment <b>#2016-1339h</b> : AA VV 05/11/2016 <b>HJ 38</b> P. 22
5/11/2016	H	<b>Ought to Pass with Amendment</b> 1339h: MA VV 05/11/2016 <b>HJ 38</b> P. 22
5/19/2016	S	Sen. Sanborn Moved to Concur with House Amendment # 1339h, NT, MA, VV; 05/19/2016; <b>SJ 18</b>
6/3/2016	H	Enrolled 06/01/2016
6/3/2016	S	Enrolled (In recess 06/01/2016); <b>SJ 20</b>
6/20/2016	S	Signed by the Governor on 06/10/2016; Chapter 0247; Effective 06/10/2016

NH House

NH Senate

# Other Referrals

# COMMITTEE REPORT FILE INVENTORY

  X   ORIGINAL REFERRAL                             RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- X   DOCKET (Submit only the latest docket found in Bill Status)
- X   COMMITTEE REPORT
- X   CALENDAR NOTICE
- X   HEARING REPORT
- N/A   PREPARED TESTIMONY AND OTHER SUBMISSIONS HANDED IN AT THE PUBLIC HEARING

  X   SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

  X   - AMENDMENT # 2016-06045                             - AMENDMENT #         
       - AMENDMENT #                                    - AMENDMENT #       

ALL AVAILABLE VERSIONS OF THE BILL:

  X   AS INTRODUCED                        X   AS AMENDED BY THE HOUSE  
  X   FINAL VERSION                        X   AS AMENDED BY THE SENATE

  N/A   OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

PLEASE INCLUDE THE COMMITTEE OF CONFERENCE REPORT HERE IF IT IS SIGNED BY ALL.

DATE DELIVERED TO SENATE CLERK

7/26/16

BY:

Billy Flathers  
COMMITTEE AIDE