

Committee Report

CONSENT CALENDAR

May 7, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Health, Human Services and Elderly
Affairs to which was referred SB 33,**

AN ACT relative to the therapeutic use of cannabis.

**Having considered the same, report the same with the
recommendation that the bill OUGHT TO PASS.**

Rep. Susan Ticehurst

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Health, Human Services and Elderly Affairs
Bill Number:	SB 33
Title:	relative to the therapeutic use of cannabis.
Date:	May 7, 2019
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

A report on the data collected under the Therapeutic Use of Cannabis Program is issued annually. The Commissioner of Health and Human Services is required to deliver this report to the Health and Human Services Oversight Committee, the Board of Medicine, and the Board of Nursing. The purpose of the report, as stated in statute, is for analysis and research to inform future policy, educational, and clinical decisions. However, the current law does not allow the commissioner to release the data to research organizations, such as Dartmouth Health Center. This bill would allow the release of the data, with the approval of the commissioner or designee, to individuals or entities for the purposes of public health, health care operations, or research if, and only if, such release is consistent with all applicable HIPAA standards for privacy and confidentiality. Making de-identified data available to researchers is in the public's best interest, given the demand for therapeutic cannabis for a widening array of conditions and the lack of federal research.

Vote 21-1.

Rep. Susan Ticehurst
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Health, Human Services and Elderly Affairs

SB 33, relative to the therapeutic use of cannabis. **OUGHT TO PASS.**

Rep. Susan Ticehurst for Health, Human Services and Elderly Affairs. A report on the data collected under the Therapeutic Use of Cannabis Program is issued annually. The Commissioner of Health and Human Services is required to deliver this report to the Health and Human Services Oversight Committee, the Board of Medicine, and the Board of Nursing. The purpose of the report, as stated in statute, is for analysis and research to inform future policy, educational, and clinical decisions. However, the current law does not allow the commissioner to release the data to research organizations, such as Dartmouth Health Center. This bill would allow the release of the data, with the approval of the commissioner or designee, to individuals or entities for the purposes of public health, health care operations, or research if, and only if, such release is consistent with all applicable HIPAA standards for privacy and confidentiality. Making de-identified data available to researchers is in the public's best interest, given the demand for therapeutic cannabis for a widening array of conditions and the lack of federal research. **Vote 21-1.**

Original: House Clerk

Cc: Committee Bill File

Committee Report

Committee: Health, Human Services and Elderly Affairs

Bill Number: SB33

Title: relative to the therapeutic use of cannabis

Date: 5/6/19

Consent Calendar: (_____)

Statement of Intent:

A report on the data collected under the Therapeutic Use of Cannabis Program is issued annually. The Commissioner of Health and Human Services is required to deliver this report to the Health and Human Services Oversight Committee, the Board of Medicine, and the Board of Nursing. The purpose of the report, as stated in statute, is for analysis and research to inform future policy, educational, and clinical decisions. However, the current law does not allow the commissioner to release the data to research organizations, such as Dartmouth Health Center. SB33 would allow the release of the data, with the approval of the commissioner or designee, to individuals or entities for the purposes of public health, health care operations, or research if, and only if, such release is consistent with all applicable HIPAA standards for privacy and confidentiality. Making de-identified data available to researchers is in the public's best interest, given the demand for therapeutic cannabis for a widening array of conditions and the lack of federal research.

Committee Vote: (_____)

Respectfully Submitted,

Rep. Susan Ticehurst, For the Committee

Voting Sheets

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

EXECUTIVE SESSION on SB 33

BILL TITLE: relative to the therapeutic use of cannabis.

DATE: May 2, 2019

LOB ROOM: 205

MOTIONS: OUGHT TO PASS

Moved by Rep. Ticehurst

Seconded by Rep. MacKay

Vote: 21-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep Susan Ticehurst, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

2/7/2019 12:10:51 PM
Roll Call Committee Registers
Report

2019 SESSION

Health, Human Services and Elderly Affairs

Bill #: SB 33 Motion: OTP AM #: _____ Exec Session Date: 5-2-19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Weber, Lucy M. Chairman	✓		
Campion, Polly Kent Vice Chairman	✓		
MacKay, James R.	✓		
Snow, Kendall A.	✓		
Freitas, Mary C.	✓		
Ticehurst, Susan J. Clerk	✓		
Knirk, Jerry L.	✓		
Salloway, Jeffrey C.		✓	
Cannon, Gerri D.	✓		
Nutter-Upham, Frances E.	✓		
Osborne, Richard G.	✓		
Schapiro, Joe	✓		
Woods, Gary L.	✓		
McMahon, Charles E.	✓		
Nelson, Bill G.	✓		
Guthrie, Joseph A.	✓		
Fothergill, John J.	✓		
Marsh, William M.	✓		
Pearson, Mark A. <i>Steve</i>	✓		
Acton, Dennis F.	✓		
DeClercq, Edward	✓		
Stapleton, Walter A.	✓		
TOTAL VOTE:	21	1	

Sub-
Committee
Actions

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SUBCOMMITTEE WORK SESSION on SB 33

BILL TITLE: relative to the therapeutic use of cannabis.

DATE: April 25, 2019

Subcommittee Members: Reps. MacKay, Snow, Ticehurst, Cannon, Nutter-Upham, Schapiro, Guthrie, Marsh and Acton

Comments and Recommendations:

MOTIONS: OUGHT TO PASS

Moved by Rep. Rep. Ticehurst

Seconded by Rep. Rep. Marsh

Vote: 9-0

Respectfully submitted,



Rep. Susan Ticehurst
Subcommittee Clerk

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

SUBCOMMITTEE WORK SESSION on SB 33

BILL TITLE: relative to the therapeutic use of cannabis.

DATE: 4-25-19

Subcommittee Members: Reps. MacKay, Snow, Ticehurst, Cannon, Nutter-Upham, Schapiro, Guthrie, Fothergill, Marsh and Acton

Comments and Recommendations:

Three horizontal lines for writing comments and recommendations.

MOTIONS: (OTP), OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. Ticehurst Seconded by Rep. Marsh AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: 9-0

_____ Amendment Adopted _____ Amendment Failed

MOTIONS: OTP, OTP/A, ITL, Retained (1st Yr), Interim Study (2nd Yr) (Please circle one)

Moved by Rep. _____ Seconded by Rep. _____ AM Vote: _____

Adoption of Amendment # _____

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

_____ Amendment Adopted _____ Amendment Failed

Respectfully submitted,

Rep. Susan Ticehurst Subcommittee Chairman/Clerk

Hearing Minutes

HOUSE COMMITTEE ON HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

PUBLIC HEARING ON SB 33

BILL TITLE: relative to the therapeutic use of cannabis.

DATE: April 23, 2019

LOB ROOM: 205

Time Public Hearing Called to Order: 10:30 AM

Time Adjourned: 10:50 AM

Committee Members: Reps. Weber, Campion, Ticehurst, MacKay, Snow, Freitas, Knirk, Nutter-Upham, R. Osborne, Schapiro, Woods, McMahon, Nelson, Guthrie, Fothergill, Marsh, M. Pearson, DeClercq and Stapleton

Bill Sponsors:
Sen. Reagan

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Introduced By: Sen. Reagan –

Bill was sponsored at the request of the department. Intent is to receive de-identified data about people's use of therapeutic cannabis. The department is currently allowed to give out data only in an annual report.

Question - Rep. Fothergill: The original bill had some language about inspections of alternative treatment centers. Are you aware of this?

Answer - No.

Question - Rep. McMahon inquires.

Answer - This is a thing they did in Maine. Employees were confused in distribution centers, so they set up a spreadsheet about what conditions were best served by which strains of cannabis. Distributors were not expecting to collect and distribute data. This raw data may help research.

Question - Rep. McMahon: With that information, are there any rules which will need to be put into place to put the data into context?

Answer - Rules may need to be edited.

Michael Holt, DHHS, Program Administrator for the Cannabis Program –

The department requested and supports the bill. Current law contains strict privacy and confidentiality requirements. Currently, the only way to release data is through the annual report which falls short. The bill allows the department to release data for public health research purposes. The program has been operational for three years. It is important to look at outcomes from a public health perspective. The department was approached by Dartmouth Health Center. They were unable to engage with researchers because there was nothing in the statute to allow this. Could also use the data to demonstrate a decrease in Medicaid costs.

Question - Rep. Shapiro: Does this change the kind of data that is collected?

Answer - No. Efficacy data is currently permitted to be collected on a voluntary basis.

Question - Rep. Woods: How granular is that data that you are collecting?

Answer - Some data only covers the primary condition. The 2018 data report shows what is currently collected. We are entering data that Alternative Treatment Centers collect. Doctors are welcome to indicate any secondary conditions, but we do not parse out which are primary, and which are secondary.

Question - Rep. Woods: Have researchers requested particular data sets?

Answer - Yes.

Question - Rep. Knirk: Why was a section of the bill as introduced, having to do with problems

with quality, pesticides, etc., removed?

Answer - The bill was introduced as a place holder while the department completed work on it. The discussion in the Senate was on the amendment only. The bill was intended to be a single-issue bill. The issues removed can be taken up by the oversight board and further legislation.

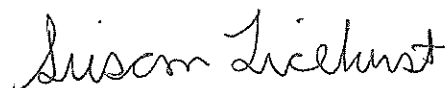
Question - Rep. Knirk inquired further.

Answer - Since the medical oversight board is charged with looking at cannabis testing data, they would be permitted to look at cannabis testing data.

Question - Rep. Campion: Regarding line 9, health care information sharing has to do with the ability to transfer care from one provider or another but can also be used for claims. To what extent will these be used for business development purposes?

Answer - Unknown. The data requests are per the approval of the commissioner. If the commissioner believes it is inappropriate, it would not be permitted.

Respectfully submitted,

A handwritten signature in cursive script that reads "Susan Ticehurst".

Rep. Susan Ticehurst, Clerk

House Committee on Health, Human Services & Elderly Affairs
Public Hearing on SB 33

Bill Title:	relative to the therapeutic use of cannabis.		
Date:	4/23/19		
Room:	205	Time Public Hearing Called to Order:	10:30
		Time Adjourned:	10:50

Committee Members Present:

X	Shapiro
	Cannon
X	Stapleton
X	Nutter-Upham
X	Marsh
	Salloway
X	Fothergill
X	Freitas
X	Snow
X	MacKay
X	Ticehurst
X	Weber

X	DeClercq
X	Osborne
	Acton
X	Woods
X	Pearson
X	Knirk
X	Guthrie
X	Nelson
X	McMahon
X	Campion

Testimony

* Use asterisk if written testimony and/or amendments are submitted.

*	Attch #	Name	Testimony:
		Introduced By: Sen. Reagan	Bill was sponsored at the request of the department. Intent is to receive de-identified data about people's use of therapeutic data. The department is currently allowed to give out data only in an annual report. Rep. Fothergill: The original bill had some language about inspections of alternative treatment centers. Are you aware of this? Sen. Reagan: No. Rep. McMahon inquires.

			<p>Sen. Reagan: This is a thing they did in Maine. Employees were confused in distribution centers so they set up a spreadsheet about what conditions were best served by which strains of cannabis. Distributors were not expecting to collect and distribute data. This raw data may help research. Rep. McMahon: With that information, are there any rules which will need to be put into place to put the data into context? Sen. Reagan: Rules may need to be edited.</p>
		<p>Michael Holt, DHHS, Program Administrator for the Cannabis Program.</p>	<p>The department requested and supports the bill. Current law contains strict privacy and confidentiality requirements. Currently, the only way to release data is through the annual report which falls short. The bill allows the department to release data for public health research purposes. The program has been operational for three years. It is important to look at outcomes from a public health perspective. The department was approached by Dartmouth Health Center. They were unable to engage with researchers because there was nothing in the statute to allow this. Could also use the data to demonstrate a decrease in Medicaid costs. Rep. Shapiro: Does this change the kind of data that is collected? Holt: No. Efficacy data is currently permitted to be collected on a voluntary basis. Rep. Woods: How granular is that data that you are collecting? Holt: Some data only covers the primary condition. The 2018 data report shows what is currently collected. We are entering data that Alternative Treatment Centers collect. Doctors are welcome to indicate any secondary conditions, but we do not parse out which are primary and which are secondary. Rep. Woods: Have researchers requested particular data sets? Holt: Yes. Rep. Knirk: Why was a section of the bill as introduced, having to do with problems with quality, pesticides,</p>

		<p>etc., removed? Holt: The bill was introduced as a place holder while the department completed work on it. The discussion in the Senate was on the amendment only. The bill was intended to be a single issue bill. The issues removed can be taken up by the oversight board and further legislation. Rep. Knirk inquired further. Holt: Since the medical oversight board is charged with looking at cannabis testing data, they would be permitted to look at cannabis testing data. Rep. Campion: Regarding line 9, health care information sharing has to do with the ability to transfer care from one provider or another but can also be used for claims. To what extent will these be used for business development purposes? Holt: Unknown. The data requests are per the approval of the commissioner. If the commissioner believes it is inappropriate, it would not be permitted.</p>
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Respectfully submitted,

Rep. Susan Ticehurst, Clerk

Bill as
Introduced

SB 33 - AS AMENDED BY THE SENATE

03/21/2019 1040s

2019 SESSION

19-0915
01/04

SENATE BILL

33

AN ACT

relative to the therapeutic use of cannabis.

SPONSORS:

Sen. Reagan, Dist 17

COMMITTEE:

Health and Human Services

AMENDED ANALYSIS

This bill authorizes the department of health and human services to collect certain data regarding the therapeutic use of cannabis.

Explanation:

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

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

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 Nineteen

AN ACT relative to 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: Annual Data Report. Amend the section heading
2 of RSA 126-X:10 to read as follows:

3 126-X:10 Annual Data Report; *Release of Data.*

4 2 New Paragraph; Use of Cannabis for Therapeutic Purposes; Annual Data Report. Amend
5 RSA 126-X:10 by inserting after paragraph V the following new paragraph:

6 VI. Notwithstanding any other provision of law, data collected under this chapter, including
7 de-identified or aggregate data contained in the confidential registry database, may be released,
8 with the approval of the commissioner or designee, to individuals or entities for the purposes of
9 public health, health care operations, or research if such release is consistent with all applicable
10 HIPAA standards.

11 3 Effective Date. This act shall take effect 60 days after its passage.