

Bill as
Introduced

HB 459-FN - AS AMENDED BY THE HOUSE

19Mar2019... 0790h

2019 SESSION

19-0278
08/10

HOUSE BILL

459-FN

AN ACT

defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

SPONSORS:

Rep. Bixby, Straf. 17; Rep. Gagne, Hills. 13; Rep. Pearl, Merr. 26; Rep. Knirk, Carr. 3; Rep. O'Connor, Rock. 6; Rep. Cushing, Rock. 21; Sen. Giuda, Dist 2; Sen. Reagan, Dist 17; Sen. Fuller Clark, Dist 21

COMMITTEE:

Environment and Agriculture

AMENDED ANALYSIS

This bill:

- I. Defines "industrial hemp."
- II. Allows for the growth of industrial hemp in New Hampshire.
- III. Allows for the use of industrial hemp products in food.
- IV. Establishes a study committee to study the federal guidelines on growing industrial hemp.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Nineteen

AN ACT defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

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

1 Findings. The general court finds:

2 I. Hemp has been continuously cultivated for millennia, is accepted and available in the
3 global marketplace, and has numerous beneficial, practical, and economic uses, including: high-
4 strength fiber, textiles, clothing, bio-fuel, paper products, protein-rich food containing essential
5 fatty acids and amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic
6 products, construction materials, rope, and value-added crafts.

7 II. The many agriculturally and environmentally beneficial uses of industrial hemp include:
8 livestock feed and bedding, stream buffering, erosion control, water and soil purification, and weed
9 control.

10 III. The hemp plant, an annual herbaceous plant with a long slender stem ranging in
11 height from 4 to 15 feet and a stem diameter of ¼ to ¾ of an inch is morphologically distinctive and
12 readily identifiable as an agricultural crop grown for the cultivation and harvesting of its fiber and
13 seed.

14 IV. Industrial hemp cultivation will enable the state of New Hampshire to accelerate
15 economic growth and job creation and promote environmental stewardship.

16 2 New Chapter; Industrial Hemp. Amend RSA by inserting after chapter 439 the following new
17 chapter:

18 CHAPTER 439-A

19 INDUSTRIAL HEMP

20 439-A:1 Purpose. The intent of this chapter is to define industrial hemp so that farmers and
21 other businesses in the New Hampshire agricultural industry can take advantage of this market
22 opportunity afforded by the passage of the Agricultural Improvement Act of 2018.

23 439-A:2 Definitions. In this chapter:

24 I. "Cannabidiol" or "CBD" is a phytocannabinoid extracted from industrial hemp plants.

25 II. "Commissioner means the commissioner of the department of agriculture, markets, and
26 food.

27 III. "Department" means the department of agriculture, markets, and food.

28 IV. "Hemp products" means all products made from industrial hemp, including cloth,
29 cordage, fiber, food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and
30 certified seed for cultivation.

1 V. "Industrial hemp" means the plant *Cannabis sativa* L. and any part of the plant,
 2 whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than
 3 0.3 percent on a dry weight basis.

4 439-A:3 Industrial Hemp Permitted. Industrial hemp is an agricultural product which may be
 5 grown as a crop, processed, possessed, and commercially traded in New Hampshire. Any grower,
 6 processor, or commercial trader of industrial hemp shall be licensed by the United States
 7 Department of Agriculture.

8 439-A:4 Industrial Hemp; Use in Food. In order for food to contain industrial hemp, the
 9 manufacturer of the food shall demonstrate the following to the commissioner:

10 I. All parts of the hemp plant utilized in food shall come from a state that has an
 11 established and approved industrial hemp program or a country that inspects or regulates hemp
 12 under a food safety program or equivalent criteria to ensure safety for human consumption.

13 II. The industrial hemp producer shall be in good standing and compliance with the
 14 governing laws within the state or country of the industrial hemp's origin.

15 III. The industrial hemp shall conform to the standard of identity established above no
 16 more than .3 percent THC.

17 IV. The use of other parts of the industrial hemp plant other than seed and its derivatives:
 18 seed meal, flour, and oil, shall have lab test results indicating the levels of THC within the
 19 derivatives are not above the allowable limit of .3 percent THC.

20 V. The product shall be labeled in conformity with state and federal labeling laws,
 21 including:

22 (a) Clearly identify industrial hemp as an ingredient.

23 (b) Clearly identify CBD and the amount of CBD if added as an isolate.

24 (c) Include the statement "THE FDA HAS NOT EVALUATED THIS PRODUCT FOR
 25 SAFETY OR EFFICACY."

26 (d) Shall not contain any health or benefit claims.

27 VI. The producer shall document that the finished product does not contain more than .3
 28 THC.

29 3 Controlled Drug Act; Marijuana; Industrial Hemp Exception. Amend RSA 318-B:2-c, I(a) to
 30 read as follows:

31 (a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant
 32 genus *cannabis*, but shall not include the resin extracted from any part of such plant and every
 33 compound, manufacture, salt, derivative, mixture, or preparation from such resin including
 34 hashish, and further, shall not include the mature stalks of such plant, fiber [~~produced~~] **processed**
 35 from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture,
 36 salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized
 37 seed of such plant which is incapable of germination. ***Marijuana shall not include industrial***
 38 ***hemp grown, processed, marketed, or sold under RSA 439-A.***

1 4 Therapeutic Cannabis; Industrial Hemp Excepted. Amend 126-X:1, III to read as follows:

2 III. "Cannabis" means all parts of any plant of the Cannabis genus of plants, whether
3 growing or not; the seeds thereof; the resin extracted from any part of such plant; and every
4 compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term
5 shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made
6 from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such
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8 plants which are incapable of germination. *In this chapter, cannabis shall not include*
9 *industrial hemp grown, processed, marketed, or sold under RSA 439-A.*

10 5 Committee Established. There is established a committee to study the administrative
11 mechanisms for permitting growing hemp in New Hampshire consistent with the federal
12 Agricultural Improvement Act of 2018 and determining labeling requirements for hemp products
13 sold in New Hampshire.

14 6 Membership and Compensation.

15 I. The members of the committee shall be as follows:

16 (a) Three members of the house of representatives, appointed by the speaker of the
17 house of representatives.

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19 II. Members of the committee shall receive mileage at the legislative rate when attending to
20 the duties of the committee.

21 7 Duties. The committee shall:

22 I. Review the statutes relating to hemp in the Agricultural Improvement Act of 2018 and
23 the United States Department of Agriculture rules and guidelines for states choosing to license the
24 growing, processing, marketing, and sale of hemp and hemp products.

25 II. Determine whether it is preferable for the state of New Hampshire to establish a state
26 level oversight program for hemp within the department of agriculture, markets, and food or to
27 request the federal government to oversee hemp production in New Hampshire.

28 III. Determine labeling requirements for hemp products in New Hampshire, and in
29 particular, those products that may be intended for human consumption or for application to human
30 skin and further, determine what department would be charged with oversight of labeling, and
31 determine enforcement policies.

32 8 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
33 among the members. The first meeting of the committee shall be called by the first-named house
34 member. The first meeting of the committee shall be held within 45 days of the effective date of this
35 section. Three members of the committee shall constitute a quorum.

36 9 Report. The committee shall report its findings and any recommendations for proposed
37 legislation to the speaker of the house of representatives, the president of the senate, the house
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HB 459-FN - AS AMENDED BY THE HOUSE

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1 10 Effective Date. This act shall take effect upon its passage.

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VI. Clarifies the process for a defendant to post bond after conviction in order to retain a legal interest in the animals through the appeals process.

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16 legislation to the speaker of the house of representatives, the president of the senate, the house
17 clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

18 10 Animal Cruelty. RSA 644:8, IV is repealed and reenacted to read as follows:

19 IV.(a)(1) Any person charged with animal cruelty under paragraphs III or III-a may have his
20 or her animals confiscated by the arresting officer.

21 (2) Courts shall give cases in which animals have been confiscated by an arresting
22 officer priority on the court calendar. In cases in which animals have been confiscated by an
23 arresting officer or his or her agency, a preliminary hearing shall be held by the court within 14 days
24 of the confiscation of the animals.

25 (3) Any person with proof of sole ownership or co-ownership of an animal confiscated
26 by an arresting officer in an animal cruelty case and who is not a defendant or party of interest in
27 the criminal case may petition the court for temporary custody of the animal. The court shall give
28 such person priority for temporary custody of the animal if the court determines it is in the best
29 interest of the animal's health, safety, and wellbeing.

30 (4) No custodian of an animal confiscated under this section shall spay or neuter or
31 otherwise permanently alter the confiscated animal in his or her custody pending final disposition of
32 the court case unless a treating veterinarian deems such procedure necessary to save the life of the
33 animal.

34 (5) Upon a person's conviction of cruelty to animals, the court shall dispose of the
35 confiscated animal in any manner it decides except in a case in which the confiscated animal is
36 owned or co-owned by persons other than the defendant. If the defendant does not have an
37 ownership interest in the confiscated animal, the court shall give priority to restoring full ownership

1 rights to any person with proof of ownership if the court determines that such is in the best interest
2 of the animal's health, safety, and wellbeing. If the confiscated animal is co-owned by the defendant,
3 the court shall give priority to transferring the defendant's interest in the property to the remaining
4 owner or co-owners equitably if the court determines that such is in the best interest of the animal's
5 health, safety, and wellbeing.

6 (6) The costs to provide the confiscated animals with humane care and adequate and
7 necessary veterinary services, if any, incurred in boarding and treating the animal, pending
8 disposition of the case, and in disposing of the animal upon a conviction of said person for cruelty to
9 animals, shall be borne by the person so convicted in accordance with rules adopted by the
10 department of agriculture, markets, and food.

11 (b) In addition, the court may prohibit any person convicted of a misdemeanor offense
12 of animal cruelty under RSA 644:8, RSA 644:8-aa, RSA 644:8-b, RSA 644:8-c, or RSA 644:8-d, or
13 violation of RSA 644:8-f from having future ownership or custody of, or residing with other animals
14 for any period of time the court deems reasonable or impose any other reasonable restrictions on the
15 person's future ownership or custody of animals as necessary for the protection of the animals. The
16 court shall prohibit or limit any person convicted of a felony offense of animal cruelty under RSA
17 644:8 or a misdemeanor or felony offense of bestiality under RSA 644:8-g from having future
18 ownership or custody of other animals for a minimum of 5 years, and may impose any other
19 reasonable restrictions on the person's future ownership or custody of, or residing or having contact
20 with animals as necessary for the protection of the animals. For the purposes of this paragraph, a
21 reasonable restriction on future contact may include limiting a person from engaging in any
22 employment in the care of animals or other similar contact as the court sees fit. Any animal
23 involved in a violation of a court order prohibiting or limiting ownership or custody of animals shall
24 be subject to immediate forfeiture. Any person violating such order may, in addition to being held in
25 criminal contempt of court or subject to a probation violation, be fined in the amount of \$1,000 in any
26 court of competent jurisdiction for each animal held in unlawful ownership or custody.

27 (c) If a person convicted of any offense of cruelty to animals appeals any part of the
28 conviction to the superior court or a higher court and any confiscated animal remains in the custody
29 of the arresting officer, the arresting officer's agency, or the arresting officer's agency's designee
30 pending disposition of the appeal, in order for the appellant to maintain a future interest in the
31 animal, the trial or appellate court, after consideration of the income of the animal's owner, may
32 require the appellant to post a bond or other security in an amount not exceeding \$2,000 for each
33 animal in custody for costs expected to be incurred for the board and care of the animal during the
34 appeal. Such bond or security shall be posted to the court within 30 days. If such bond or security
35 is not paid within 30 days after the court orders the bond or security to be posted, the animals shall
36 be forfeited to the arresting officer, the arresting officer's agency, or the arresting officer's agency's
37 designee. The court may, for good cause, extend the deadline by no more than 15 days. If the

1 conviction is affirmed on appeal, the costs incurred for the board and care of the animal, from the
2 date the animal or animals were originally confiscated, shall be paid to the custodian from the
3 posted security and the balance, if any, shall be returned to the person who posted it. A court shall
4 order the return of any bond or security upon a court approved agreement of the parties, a finding of
5 not guilty, or the reversal of a conviction, unless it is a reversal with remand for further proceeding.

6 11 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8 by
7 inserting after paragraph V the following new paragraph:

8 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
9 without first being protected against infectious diseases using a vaccine approved by the state
10 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
11 unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer
12 shall occur unless the transferred animal is accompanied by a health certificate issued within the
13 prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing
14 veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be
15 given to the transferee upon transfer as provided in paragraph III. If an official health certificate is
16 produced, it shall be prima facie evidence of transfer. The signing veterinarian shall provide a copy
17 of the health certificate to the department of agriculture, markets, and food upon request.

18 12 Rulemaking; Authority; Care of Animals in Custody. Amend RSA 437:9, IV and V to read as
19 follows:

20 IV. Notice and hearing on the refusal to issue or the revocation of a license; ~~and~~

21 V. *Setting limits for reasonable daily boarding and care costs for animals*
22 *confiscated under RSA 644; and*

23 ~~[V.]~~ VI. Any other matter the commissioner may deem necessary to carry out the provisions
24 of this subdivision.

25 13 Effective Date.

26 I. Sections 10-12 of this act shall take effect January 1, 2020.

27 II. The remainder of this act shall take effect upon its passage.

LBAO
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Amended 4/30/19

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CHAPTER 306
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05/23/2019 1976s
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27Jun2019... 2614-CofC
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10 306:3 Controlled Drug Act; Marijuana; Hemp Exception. Amend RSA 318-B:2-c, I(a) to read as
11 follows:

12 (a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant
13 genus *cannabis*, but shall not include the resin extracted from any part of such plant and every
14 compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish,
15 and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or
16 cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture,
17 or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is
18 incapable of germination. ***Marijuana shall not include hemp grown, processed, marketed, or***
19 ***sold under RSA 439-A.***

20 306:4 Therapeutic Cannabis; Hemp Excepted. Amend 126-X:1, III to read as follows:

21 III. "Cannabis" means all parts of any plant of the *Cannabis* genus of plants, whether
22 growing or not; the seeds thereof; the resin extracted from any part of such plant; and every
23 compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term shall
24 not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made from
25 the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such
26 mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such
27 plants which are incapable of germination. ***In this chapter, cannabis shall not include hemp***
28 ***grown, processed, marketed, or sold under RSA 439-A.***

29 306:5 Committee Established. There is established a committee to study the administrative
30 mechanisms for permitting growing hemp in New Hampshire consistent with the federal
31 Agricultural Improvement Act of 2018 and determining labeling requirements for hemp products
32 sold in New Hampshire.

33 306:6 Membership and Compensation.

34 I. The members of the committee shall be as follows:

35 (a) Three members of the house of representatives, appointed by the speaker of the
36 house of representatives.

37 (b) One member of the senate, appointed by the president of the senate.

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1 II. Members of the committee shall receive mileage at the legislative rate when attending to
2 the duties of the committee.

3 306:7 Duties. The committee shall:

4 I. Review the statutes relating to hemp in the Agricultural Improvement Act of 2018 and the
5 United States Department of Agriculture rules and guidelines for states choosing to license the
6 growing, processing, marketing, and sale of hemp and hemp products.

7 II. Determine whether it is preferable for the state of New Hampshire to establish a state
8 level oversight program for hemp within the department of agriculture, markets, and food or to
9 request the federal government to oversee hemp production in New Hampshire.

10 III. Determine labeling requirements for hemp products in New Hampshire, and in
11 particular, those products that may be intended for human consumption or for application to human
12 skin and further, determine what department would be charged with oversight of labeling, and
13 determine enforcement policies.

14 306:8 Chairperson; Quorum. The members of the study committee shall elect a chairperson
15 from among the members. The first meeting of the committee shall be called by the first-named
16 house member. The first meeting of the committee shall be held within 45 days of the effective date
17 of this section. Three members of the committee shall constitute a quorum.

18 306:9 Report. The committee shall report its findings and any recommendations for proposed
19 legislation to the speaker of the house of representatives, the president of the senate, the house
20 clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

21 306:10 Animal Cruelty. RSA 644:8, IV is repealed and reenacted to read as follows:

22 IV.(a)(1) Any person charged with animal cruelty under paragraphs III or III-a may have his
23 or her animals confiscated by the arresting officer.

24 (2) A person charged under this section may petition the court to seek an
25 examination of the animals by a veterinarian licensed under RSA 332-B of his or her choice at the
26 expense of the person charged.

27 (3) Courts shall give cases in which animals have been confiscated by an arresting
28 officer priority on the court calendar. In cases in which animals have been confiscated by an
29 arresting officer or his or her agency, a status hearing shall be held by the court within 14 days of
30 the confiscation of the animals.

31 (4) Any person with proof of sole ownership or co-ownership of an animal confiscated
32 by an arresting officer in an animal cruelty case and who is not a defendant or party of interest in
33 the criminal case may petition the court for temporary custody of the animal. The court shall give
34 such person priority for temporary custody of the animal if the court determines it is in the best
35 interest of the animal's health, safety, and wellbeing.

36 (5) No custodian of an animal confiscated under this section shall spay or neuter or
37 otherwise permanently alter the confiscated animal in his or her custody pending final disposition of

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1 the court case unless a treating veterinarian deems such procedure necessary to save the life of the
2 animal.

3 (6) Upon a person's conviction of cruelty to animals, the court shall dispose of the
4 confiscated animal in any manner it decides except in a case in which the confiscated animal is
5 owned or co-owned by persons other than the defendant. If the defendant does not have an
6 ownership interest in the confiscated animal, the court shall give priority to restoring full ownership
7 rights to any person with proof of ownership if the court determines that such is in the best interest
8 of the animal's health, safety, and wellbeing. If the confiscated animal is co-owned by the defendant,
9 the court shall give priority to transferring the defendant's interest in the property to the remaining
10 owner or co-owners equitably if the court determines that such is in the best interest of the animal's
11 health, safety, and wellbeing.

12 (7) The costs to provide the confiscated animals with humane care and adequate and
13 necessary veterinary services, if any, incurred in boarding and treating the animal, pending
14 disposition of the case, and in disposing of the animal upon a conviction of said person for cruelty to
15 animals, shall be borne by the person so convicted in accordance with rules adopted by the
16 department of agriculture, markets, and food.

17 (b) In addition, the court may prohibit any person convicted of a misdemeanor offense
18 of animal cruelty under RSA 644:8, RSA 644:8-aa, RSA 644:8-b, RSA 644:8-c, or RSA 644:8-d, or
19 violation of RSA 644:8-f from having future ownership or custody of, or residing with other animals
20 for any period of time the court deems reasonable or impose any other reasonable restrictions on the
21 person's future ownership or custody of animals as necessary for the protection of the animals. The
22 court shall prohibit or limit any person convicted of a felony offense of animal cruelty under RSA
23 644:8 or a misdemeanor or felony offense of bestiality under RSA 644:8-g from having future
24 ownership or custody of other animals for a minimum of 5 years, and may impose any other
25 reasonable restrictions on the person's future ownership or custody of, or residing or having contact
26 with animals as necessary for the protection of the animals. For the purposes of this paragraph, a
27 reasonable restriction on future contact may include limiting a person from engaging in any
28 employment in the care of animals or other similar contact as the court sees fit. Any animal
29 involved in a violation of a court order prohibiting or limiting ownership or custody of animals shall
30 be subject to immediate forfeiture. Any person violating such order may, in addition to being held in
31 criminal contempt of court or subject to a probation violation, be fined in the amount of \$1,000 in any
32 court of competent jurisdiction for each animal held in unlawful ownership or custody.

33 (c) If a person convicted of any offense of cruelty to animals appeals the conviction in an
34 initial de novo or subsequent appeal and any confiscated animal remains in the custody of the
35 arresting officer, the arresting officer's agency, or the arresting officer's agency's designee pending
36 disposition of the appeal, in order for the defendant or appellant to maintain a future interest in the
37 animal, the trial or appellate court, after consideration of the income of the defendant or appellant,

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- Page 5 -

1 may require the defendant or appellant to post a bond or other security in an amount not exceeding
2 \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the
3 animal during the trial, trial de novo, or appeal. Such bond or security shall be posted to the court
4 within 30 days. If such bond or security is not paid within 30 days after the court orders the bond or
5 security to be posted, the animals shall be forfeited to the arresting officer, the arresting officer's
6 agency, or the arresting officer's agency's designee. The court may, for good cause, extend the
7 deadline by no more than 15 days. If the conviction is affirmed on appeal, the costs incurred for the
8 board and care of the animal, from the date the animal or animals were originally confiscated, shall
9 be paid to the custodial agency from the posted security and the balance, if any, shall be returned to
10 the person who posted it. A court shall order the return of any bond or security upon a court
11 approved agreement of the parties, a finding of not guilty, or the reversal of a conviction, unless it is
12 a reversal with remand for further proceeding.

13 306:11 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8 by
14 inserting after paragraph V the following new paragraph:

15 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
16 without first being protected against infectious diseases using a vaccine approved by the state
17 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
18 unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer
19 shall occur unless the transferred animal is accompanied by a health certificate issued within the
20 prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the signing
21 veterinarian, one copy of which shall be for the licensee's records, and one copy of which shall be
22 given to the transferee upon transfer as provided in paragraph III. If an official health certificate is
23 produced, it shall be prima facie evidence of transfer. The signing veterinarian shall provide a copy
24 of the health certificate to the department of agriculture, markets, and food upon request.

25 306:12 Rulemaking; Authority; Care of Animals in Custody. Amend RSA 437:9, IV and V to
26 read as follows:

27 IV. Notice and hearing on the refusal to issue or the revocation of a license; ~~and~~

28 V. *Setting limits for reasonable daily boarding and care costs for animals*
29 *confiscated under RSA 644:8, IV.*

30 ~~[V.]~~ VI. Any other matter the commissioner may deem necessary to carry out the provisions
31 of this subdivision.

32 306:13 Effective Date.

33 I. Sections 10-12 of this act shall take effect January 1, 2020.

34 II. The remainder of this act shall take effect upon its passage.

Approved: July 30, 2019

Effective Date:

I. Sections 10-12 shall take effect January 1, 2020.

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II. Remainder shall take effect July 30, 2019.

Amendments

Amendment to HB 459-FN

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

2

3 AN ACT defining hemp, relative to its growth and use in New Hampshire, and establishing a
4 committee to study the federal guidelines on growing hemp.
5

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

7

8 1 Findings. The general court finds:

9 I. Hemp has been continuously cultivated for millennia, is accepted and available in the
10 global marketplace, and has numerous beneficial, practical, and economic uses, including: high-
11 strength fiber, textiles, clothing, bio-fuel, paper products, protein-rich food containing essential
12 fatty acids and amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic
13 products, construction materials, rope, and value-added crafts.

14 II. The many agriculturally and environmentally beneficial uses of hemp include: livestock
15 feed and bedding, stream buffering, erosion control, water and soil purification, and weed control.

16 III. The hemp plant, an annual herbaceous plant with a long slender stem ranging in
17 height from 4 to 15 feet and a stem diameter of $\frac{1}{4}$ to $\frac{3}{4}$ of an inch is morphologically distinctive and
18 readily identifiable as an agricultural crop grown for the cultivation and harvesting of its fiber and
19 seed.

20 IV. Hemp cultivation will enable the state of New Hampshire to accelerate economic growth
21 and job creation and promote environmental stewardship.

22 2 New Chapter; Hemp. Amend RSA by inserting after chapter 439 the following new chapter:

23

CHAPTER 439-A

24

HEMP

25 439-A:1 Purpose. The intent of this chapter is to define hemp so that farmers and other
26 businesses in the New Hampshire agricultural industry can take advantage of this market
27 opportunity afforded by the passage of the Agricultural Improvement Act of 2018.

28 439-A:2 Definitions. In this chapter:

29

I. "Cannabidiol" or "CBD" is a phytocannabinoid extracted from hemp plants.

30

II. "Commissioner" means the commissioner of the department of agriculture, markets, and
31 food.

32

III. "Department" means the department of agriculture, markets, and food.

33

IV. "Hemp products" means all products made from hemp, including cloth, cordage, fiber,

Amendment to HB 459-FN

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1 food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and certified seed
2 for cultivation.

3 V. "Hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing
4 or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3 percent on a
5 dry weight basis.

6 439-A:3 Hemp Permitted. Hemp is an agricultural product which may be grown as a crop,
7 processed, possessed, and commercially traded in New Hampshire. Any grower, processor, or
8 commercial trader of hemp shall be licensed by the United States Department of Agriculture.

9 3 Controlled Drug Act; Marijuana; Hemp Exception. Amend RSA 318-B:2-c, I(a) to read as
10 follows:

11 (a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant
12 genus *cannabis*, but shall not include the resin extracted from any part of such plant and every
13 compound, manufacture, salt, derivative, mixture, or preparation from such resin including
14 hashish, and further, shall not include the mature stalks of such plant, fiber produced from such
15 stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt,
16 derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of
17 such plant which is incapable of germination. ***Marijuana shall not include hemp grown,
18 processed, marketed, or sold under RSA 439-A.***

19 4 Therapeutic Cannabis; Industrial Hemp Excepted. Amend 126-X:1, III to read as follows:

20 III. "Cannabis" means all parts of any plant of the *Cannabis* genus of plants, whether
21 growing or not; the seeds thereof; the resin extracted from any part of such plant; and every
22 compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term
23 shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made
24 from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such
25 mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such
26 plants which are incapable of germination. ***In this chapter, cannabis shall not include hemp
27 grown, processed, marketed, or sold under RSA 439-A.***

28 5 Committee Established. There is established a committee to study the administrative
29 mechanisms for permitting growing hemp in New Hampshire consistent with the federal
30 Agricultural Improvement Act of 2018 and determining labeling requirements for hemp products
31 sold in New Hampshire.

32 6 Membership and Compensation.

33 I. The members of the committee shall be as follows:

34 (a) Three members of the house of representatives, appointed by the speaker of the
35 house of representatives.

36 (b) One member of the senate, appointed by the president of the senate.

37 II. Members of the committee shall receive mileage at the legislative rate when attending to

Amendment to HB 459-FN

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1 the duties of the committee.

2 7 Duties. The committee shall:

3 I. Review the statutes relating to hemp in the Agricultural Improvement Act of 2018 and
4 the United States Department of Agriculture rules and guidelines for states choosing to license the
5 growing, processing, marketing, and sale of hemp and hemp products.

6 II. Determine whether it is preferable for the state of New Hampshire to establish a state
7 level oversight program for hemp within the department of agriculture, markets, and food or to
8 request the federal government to oversee hemp production in New Hampshire.

9 III. Determine labeling requirements for hemp products in New Hampshire, and in
10 particular, those products that may be intended for human consumption or for application to human
11 skin and further, determine what department would be charged with oversight of labeling, and
12 determine enforcement policies.

13 8 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
14 among the members. The first meeting of the committee shall be called by the first-named house
15 member. The first meeting of the committee shall be held within 45 days of the effective date of this
16 section. Three members of the committee shall constitute a quorum.

17 9 Report. The committee shall report its findings and any recommendations for proposed
18 legislation to the speaker of the house of representatives, the president of the senate, the house
19 clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

20 10 Effective Date. This act shall take effect upon its passage.

2019-1935s

AMENDED ANALYSIS

This bill:

I. Defines "hemp."

II. Allows for the growth of hemp in New Hampshire.

III. Establishes a study committee to study the federal guidelines on growing hemp.

UNAPPROVED

Sen. Bradley, Dist 3
Sen. Fuller Clark, Dist 21
May 14, 2019
2019-1936s
08/10

Amendment to HB 459-FN

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

2

3 AN ACT defining industrial hemp, relative to its growth in New Hampshire, its use in food,
4 establishing a committee to study the federal guidelines on growing industrial hemp,
5 and relative to costs of care for animals seized in animal cruelty cases and
6 prohibiting the future ownership of animals in certain animal cruelty cases.
7

8 Amend the bill by replacing all after section 9 with the following:

9

10 10 Animal Cruelty. RSA 644:8, IV is repealed and reenacted to read as follows:

11 IV.(a)(1) Any person charged with animal cruelty under paragraphs III or III-a may have
12 his or her animals confiscated by the arresting officer.

13 (2) Courts shall give cases in which animals have been confiscated by an arresting
14 officer priority on the court calendar. In cases in which animals have been confiscated by an
15 arresting officer or his or her agency, a preliminary hearing shall be held by the court within 14
16 days of the confiscation of the animals.

17 (3) Any person with proof of sole ownership or co-ownership of an animal
18 confiscated by an arresting officer in an animal cruelty case and who is not a defendant or party of
19 interest in the criminal case may petition the court for temporary custody of the animal. The court
20 shall give such person priority for temporary custody of the animal if the court determines it is in
21 the best interest of the animal's health, safety, and wellbeing.

22 (4) No custodian of an animal confiscated under this section shall spay or neuter or
23 otherwise permanently alter the confiscated animal in his or her custody pending final disposition
24 of the court case unless a treating veterinarian deems such procedure necessary to save the life of
25 the animal.

26 (5) Upon a person's conviction of cruelty to animals, the court shall dispose of the
27 confiscated animal in any manner it decides except in a case in which the confiscated animal is
28 owned or co-owned by persons other than the defendant. If the defendant does not have an
29 ownership interest in the confiscated animal, the court shall give priority to restoring full
30 ownership rights to any person with proof of ownership if the court determines that such is in the
31 best interest of the animal's health, safety, and wellbeing. If the confiscated animal is co-owned by
32 the defendant, the court shall give priority to transferring the defendant's interest in the property to
33 the remaining owner or co-owners equitably if the court determines that such is in the best interest

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1 of the animal's health, safety, and wellbeing.

2 (6) The costs to provide the confiscated animals with humane care and adequate
3 and necessary veterinary services, if any, incurred in boarding and treating the animal, pending
4 disposition of the case, and in disposing of the animal upon a conviction of said person for cruelty to
5 animals, shall be borne by the person so convicted in accordance with rules adopted by the
6 department of agriculture, markets, and food.

7 (b) In addition, the court may prohibit any person convicted of a misdemeanor offense
8 of animal cruelty under RSA 644:8, RSA 644:8-aa, RSA 644:8-b, RSA 644:8-c, or RSA 644:8-d, or
9 violation of RSA 644:8-f from having future ownership or custody of, or residing with other animals
10 for any period of time the court deems reasonable or impose any other reasonable restrictions on the
11 person's future ownership or custody of animals as necessary for the protection of the animals. The
12 court shall prohibit or limit any person convicted of a felony offense of animal cruelty under RSA
13 644:8 or a misdemeanor or felony offense of bestiality under RSA 644:8-g from having future
14 ownership or custody of other animals for a minimum of 5 years, and may impose any other
15 reasonable restrictions on the person's future ownership or custody of, or residing or having contact
16 with animals as necessary for the protection of the animals. For the purposes of this paragraph, a
17 reasonable restriction on future contact may include limiting a person from engaging in any
18 employment in the care of animals or other similar contact as the court sees fit. Any animal
19 involved in a violation of a court order prohibiting or limiting ownership or custody of animals shall
20 be subject to immediate forfeiture. Any person violating such order may, in addition to being held
21 in criminal contempt of court or subject to a probation violation, be fined in the amount of \$1,000 in
22 any court of competent jurisdiction for each animal held in unlawful ownership or custody.

23 (c) If a person convicted of any offense of cruelty to animals appeals any part of the
24 conviction to the superior court or a higher court and any and any confiscated animal remains in
25 the custody of the arresting officer, the arresting officer's agency, or
26 the arresting officer's agency's designee pending disposition of the appeal, in order for the appellant
27 to maintain a future interest in the animal, the trial or appellate court may require the appellant to
28 post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs
29 expected to be incurred for the board and care of the animal during the appeal. Such bond or
30 security shall be posted to the court within 30 days. If such bond or security is not paid within 30
31 days after the court orders the bond or security to be posted, the animals shall be forfeited to the
32 arresting officer, the arresting officer's agency, or the arresting officer's agency's designee. The
33 court may, for good cause, extend the deadline by no more than 15 days. If the conviction is
34 affirmed on appeal, the costs incurred for the board and care of the animal, from the date the
35 animal or animals were originally confiscated, shall be paid to the custodian from the posted
36 security and the balance, if any, shall be returned to the person who posted it. A court shall order
37 the return of any bond or security upon a court approved agreement of the parties, a finding of not

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1 guilty, or the reversal of a conviction, unless it is a reversal with remand for further proceeding.

2 11 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8 by
3 inserting after paragraph V the following new paragraph:

4 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
5 without first being protected against infectious diseases using a vaccine approved by the state
6 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
7 unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer
8 shall occur unless the transferred animal is accompanied by a health certificate issued within the
9 prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the
10 signing veterinarian, one copy of which shall be for the licensee's records, and one copy of which
11 shall be given to the transferee upon transfer as provided in paragraph III. If an official health
12 certificate is produced, it shall be prima facie evidence of transfer. The signing veterinarian shall
13 provide a copy of the health certificate to the department of agriculture, markets, and food upon
14 request.

15 12 Rulemaking; Authority; Care of Animals in Custody. Amend RSA 437:9, IV and V to read as
16 follows:

17 IV. Notice and hearing on the refusal to issue or the revocation of a license; ~~and~~

18 V. *Setting limits for reasonable daily boarding and care costs for animals*
19 *confiscated under RSA 644; and*

20 ~~[V.]~~ VI. Any other matter the commissioner may deem necessary to carry out the provisions
21 of this subdivision.

22 13 Effective Date.

23 I. Sections 10-12 of this act shall take effect January 1, 2020.

24 II. The remainder of this act shall take effect upon its passage.

UNAPPROVED

2019-1936s

AMENDED ANALYSIS

This bill:

- I. Defines "industrial hemp."
- II. Allows for the growth of industrial hemp in New Hampshire.
- III. Allows for the use of industrial hemp products in food.
- IV. Establishes a study committee to study the federal guidelines on growing industrial hemp.
- V. Further defines the meaning of priority on the calendar for animal cruelty cases in which animals must be held for the duration of a criminal prosecution.
- VI. Clarifies the process for a defendant to post bond after conviction in order to retain a legal interest in the animals through the appeals process.
- VII. Further defines the court's ability to ban a person convicted of animal cruelty from owning animals.
- VIII. Requires dogs, cats, and ferrets to be transferred with a health certificate.

UNAPPROVED

Amendment to HB 459-FN

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

2

3 AN ACT defining hemp, relative to its growth and use in New Hampshire, establishing a
4 committee to study the federal guidelines on growing hemp, and relative to costs of
5 care for animals seized in animal cruelty cases and prohibiting the future ownership
6 of animals in certain animal cruelty cases.
7

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

9

10 1 Findings. The general court finds:

11 I. Hemp has been continuously cultivated for millennia, is accepted and available in the
12 global marketplace, and has numerous beneficial, practical, and economic uses, including: high-
13 strength fiber, textiles, clothing, bio-fuel, paper products, protein-rich food containing essential
14 fatty acids and amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic
15 products, construction materials, rope, and value-added crafts.

16 II. The many agriculturally and environmentally beneficial uses of hemp include: livestock
17 feed and bedding, stream buffering, erosion control, water and soil purification, and weed control.

18 III. The hemp plant, an annual herbaceous plant with a long slender stem ranging in
19 height from 4 to 15 feet and a stem diameter of $\frac{1}{4}$ to $\frac{3}{4}$ of an inch is morphologically distinctive and
20 readily identifiable as an agricultural crop grown for the cultivation and harvesting of its fiber and
21 seed.

22 IV. Hemp cultivation will enable the state of New Hampshire to accelerate economic growth
23 and job creation and promote environmental stewardship.

24 2 New Chapter; Hemp. Amend RSA by inserting after chapter 439 the following new chapter:

25

CHAPTER 439-A

26

HEMP

27 439-A:1 Purpose. The intent of this chapter is to define hemp so that farmers and other
28 businesses in the New Hampshire agricultural industry can take advantage of this market
29 opportunity afforded by the passage of the Agricultural Improvement Act of 2018.

30 439-A:2 Definitions. In this chapter:

31 I. "Cannabidiol" or "CBD" is a phytocannabinoid extracted from hemp plants.

32 II. "Commissioner" means the commissioner of the department of agriculture, markets, and
33 food.

Amendment to HB 459-FN

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1 III. "Department" means the department of agriculture, markets, and food.

2 IV. "Hemp products" means all products made from hemp, including cloth, cordage, fiber,
3 food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and certified seed
4 for cultivation.

5 V. "Hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing
6 or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3 percent on a
7 dry weight basis.

8 439-A:3 Hemp Permitted. Hemp is an agricultural product which may be grown as a crop,
9 processed, possessed, and commercially traded in New Hampshire. Any grower, processor, or
10 commercial trader of hemp shall be licensed by the United States Department of Agriculture.

11 3 Controlled Drug Act; Marijuana; Hemp Exception. Amend RSA 318-B:2-c, I(a) to read as
12 follows:

13 (a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant
14 genus *cannabis*, but shall not include the resin extracted from any part of such plant and every
15 compound, manufacture, salt, derivative, mixture, or preparation from such resin including
16 hashish, and further, shall not include the mature stalks of such plant, fiber produced from such
17 stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt,
18 derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of
19 such plant which is incapable of germination. ***Marijuana shall not include hemp grown,
20 processed, marketed, or sold under RSA 439-A.***

21 4 Therapeutic Cannabis; Industrial Hemp Excepted. Amend 126-X:1, III to read as follows:

22 III. "Cannabis" means all parts of any plant of the *Cannabis* genus of plants, whether
23 growing or not; the seeds thereof; the resin extracted from any part of such plant; and every
24 compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term
25 shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made
26 from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such
27 mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such
28 plants which are incapable of germination. ***In this chapter, cannabis shall not include hemp
29 grown, processed, marketed, or sold under RSA 439-A.***

30 5 Committee Established. There is established a committee to study the administrative
31 mechanisms for permitting growing hemp in New Hampshire consistent with the federal
32 Agricultural Improvement Act of 2018 and determining labeling requirements for hemp products
33 sold in New Hampshire.

34 6 Membership and Compensation.

35 I. The members of the committee shall be as follows:

36 (a) Three members of the house of representatives, appointed by the speaker of the
37 house of representatives.

Amendment to HB 459-FN

- Page 3 -

1 (b) One member of the senate, appointed by the president of the senate.

2 II. Members of the committee shall receive mileage at the legislative rate when attending to
3 the duties of the committee.

4 7 Duties. The committee shall:

5 I. Review the statutes relating to hemp in the Agricultural Improvement Act of 2018 and
6 the United States Department of Agriculture rules and guidelines for states choosing to license the
7 growing, processing, marketing, and sale of hemp and hemp products.

8 II. Determine whether it is preferable for the state of New Hampshire to establish a state
9 level oversight program for hemp within the department of agriculture, markets, and food or to
10 request the federal government to oversee hemp production in New Hampshire.

11 III. Determine labeling requirements for hemp products in New Hampshire, and in
12 particular, those products that may be intended for human consumption or for application to human
13 skin and further, determine what department would be charged with oversight of labeling, and
14 determine enforcement policies.

15 8 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
16 among the members. The first meeting of the committee shall be called by the first-named house
17 member. The first meeting of the committee shall be held within 45 days of the effective date of this
18 section. Three members of the committee shall constitute a quorum.

19 9 Report. The committee shall report its findings and any recommendations for proposed
20 legislation to the speaker of the house of representatives, the president of the senate, the house
21 clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

22 10 Animal Cruelty. RSA 644:8, IV is repealed and reenacted to read as follows:

23 IV.(a)(1) Any person charged with animal cruelty under paragraphs III or III-a may have
24 his or her animals confiscated by the arresting officer.

25 (2) Courts shall give cases in which animals have been confiscated by an arresting
26 officer priority on the court calendar. In cases in which animals have been confiscated by an
27 arresting officer or his or her agency, a preliminary hearing shall be held by the court within 14
28 days of the confiscation of the animals.

29 (3) Any person with proof of sole ownership or co-ownership of an animal
30 confiscated by an arresting officer in an animal cruelty case and who is not a defendant or party of
31 interest in the criminal case may petition the court for temporary custody of the animal. The court
32 shall give such person priority for temporary custody of the animal if the court determines it is in
33 the best interest of the animal's health, safety, and wellbeing.

34 (4) No custodian of an animal confiscated under this section shall spay or neuter or
35 otherwise permanently alter the confiscated animal in his or her custody pending final disposition
36 of the court case unless a treating veterinarian deems such procedure necessary to save the life of
37 the animal.

Amendment to HB 459-FN

- Page 4 -

1 (5) Upon a person's conviction of cruelty to animals, the court shall dispose of the
2 confiscated animal in any manner it decides except in a case in which the confiscated animal is
3 owned or co-owned by persons other than the defendant. If the defendant does not have an
4 ownership interest in the confiscated animal, the court shall give priority to restoring full
5 ownership rights to any person with proof of ownership if the court determines that such is in the
6 best interest of the animal's health, safety, and wellbeing. If the confiscated animal is co-owned by
7 the defendant, the court shall give priority to transferring the defendant's interest in the property
8 to the remaining owner or co-owners equitably if the court determines that such is in the best
9 interest of the animal's health, safety, and wellbeing.

10 (6) The costs to provide the confiscated animals with humane care and adequate
11 and necessary veterinary services, if any, incurred in boarding and treating the animal, pending
12 disposition of the case, and in disposing of the animal upon a conviction of said person for cruelty to
13 animals, shall be borne by the person so convicted in accordance with rules adopted by the
14 department of agriculture, markets, and food.

15 (b) In addition, the court may prohibit any person convicted of a misdemeanor offense
16 of animal cruelty under RSA 644:8, RSA 644:8-aa, RSA 644:8-b, RSA 644:8-c, or RSA 644:8-d, or
17 violation of RSA 644:8-f from having future ownership or custody of, or residing with other animals
18 for any period of time the court deems reasonable or impose any other reasonable restrictions on the
19 person's future ownership or custody of animals as necessary for the protection of the animals. The
20 court shall prohibit or limit any person convicted of a felony offense of animal cruelty under RSA
21 644:8 or a misdemeanor or felony offense of bestiality under RSA 644:8-g from having future
22 ownership or custody of other animals for a minimum of 5 years, and may impose any other
23 reasonable restrictions on the person's future ownership or custody of, or residing or having contact
24 with animals as necessary for the protection of the animals. For the purposes of this paragraph, a
25 reasonable restriction on future contact may include limiting a person from engaging in any
26 employment in the care of animals or other similar contact as the court sees fit. Any animal
27 involved in a violation of a court order prohibiting or limiting ownership or custody of animals shall
28 be subject to immediate forfeiture. Any person violating such order may, in addition to being held
29 in criminal contempt of court or subject to a probation violation, be fined in the amount of \$1,000 in
30 any court of competent jurisdiction for each animal held in unlawful ownership or custody.

31 (c) If a person convicted of any offense of cruelty to animals appeals any part of the
32 conviction to the superior court or a higher court and any and any confiscated animal remains in
33 the custody of the arresting officer, the arresting officer's agency, or
34 the arresting officer's agency's designee pending disposition of the appeal, in order for the appellant
35 to maintain a future interest in the animal, the trial or appellate court may require the appellant to
36 post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs
37 expected to be incurred for the board and care of the animal during the appeal. Such bond or

Amendment to HB 459-FN

- Page 5 -

1 security shall be posted to the court within 30 days. If such bond or security is not paid within 30
2 days after the court orders the bond or security to be posted, the animals shall be forfeited to the
3 arresting officer, the arresting officer's agency, or the arresting officer's agency's designee. The
4 court may, for good cause, extend the deadline by no more than 15 days. If the conviction is
5 affirmed on appeal, the costs incurred for the board and care of the animal, from the date the
6 animal or animals were originally confiscated, shall be paid to the custodian from the posted
7 security and the balance, if any, shall be returned to the person who posted it. A court shall order
8 the return of any bond or security upon a court approved agreement of the parties, a finding of not
9 guilty, or the reversal of a conviction, unless it is a reversal with remand for further proceeding.

10 11 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8 by
11 inserting after paragraph V the following new paragraph:

12 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
13 without first being protected against infectious diseases using a vaccine approved by the state
14 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
15 unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer
16 shall occur unless the transferred animal is accompanied by a health certificate issued within the
17 prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the
18 signing veterinarian, one copy of which shall be for the licensee's records, and one copy of which
19 shall be given to the transferee upon transfer as provided in paragraph III. If an official health
20 certificate is produced, it shall be prima facie evidence of transfer. The signing veterinarian shall
21 provide a copy of the health certificate to the department of agriculture, markets, and food upon
22 request.

23 12 Rulemaking; Authority; Care of Animals in Custody. Amend RSA 437:9, IV and V to read as
24 follows:

25 IV. Notice and hearing on the refusal to issue or the revocation of a license; ~~and~~

26 V. *Setting limits for reasonable daily boarding and care costs for animals*
27 *confiscated under RSA 644; and*

28 ~~[V.]~~ VI. Any other matter the commissioner may deem necessary to carry out the provisions
29 of this subdivision.

30 13 Effective Date.

31 I. Sections 10-12 of this act shall take effect January 1, 2020.

32 II. The remainder of this act shall take effect upon its passage.

2019-1976s.

AMENDED ANALYSIS

This bill:

I. Defines "hemp."

II. Allows for the growth of hemp in New Hampshire.

III. Establishes a study committee to study the federal guidelines on growing hemp.

IV. Establishes a study committee to study the federal guidelines on growing industrial hemp.

V. Further defines the meaning of priority on the calendar for animal cruelty cases in which animals must be held for the duration of a criminal prosecution.

VI. Clarifies the process for a defendant to post bond after conviction in order to retain a legal interest in the animals through the appeals process.

VII. Further defines the court's ability to ban a person convicted of animal cruelty from owning animals.

VIII. Requires dogs, cats, and ferrets to be transferred with a health certificate.

Sen. Bradley, Dist 3
Sen. Feltes, Dist 15
May 23, 2019
2019-2258s
08/05

Floor Amendment to HB 459-FN

1 Amend RSA 644:8, IV(c) as inserted by section 10 of the bill by replacing it with the following:

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(c) If a person convicted of any offense of cruelty to animals appeals any part of the conviction to the superior court or a higher court and any confiscated animal remains in the custody of the arresting officer, the arresting officer's agency, or the arresting officer's agency's designee pending disposition of the appeal, in order for the appellant to maintain a future interest in the animal, the trial or appellate court, after consideration of the income of the animal's owner, may require the appellant to post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the animal during the appeal. Such bond or security shall be posted to the court within 30 days. If such bond or security is not paid within 30 days after the court orders the bond or security to be posted, the animals shall be forfeited to the arresting officer, the arresting officer's agency, or the arresting officer's agency's designee. The court may, for good cause, extend the deadline by no more than 15 days. If the conviction is affirmed on appeal, the costs incurred for the board and care of the animal, from the date the animal or animals were originally confiscated, shall be paid to the custodian from the posted security and the balance, if any, shall be returned to the person who posted it. A court shall order the return of any bond or security upon a court approved agreement of the parties, a finding of not guilty, or the reversal of a conviction, unless it is a reversal with remand for further proceeding.

Committee Minutes

SENATE CALENDAR NOTICE

Energy and Natural Resources

Sen Martha Fuller Clark, Chair
Sen Dan Feltes, Vice Chair
Sen David Watters, Member
Sen Jeb Bradley, Member
Sen Bob Giuda, Member

Date: April 17, 2019

HEARINGS

Tuesday		04/23/2019
(Day)		(Date)
Energy and Natural Resources	SH 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)
PRESENTATION		
9:00 a.m.		Committee to Study Exotic Aquatic Weeds and Exotic Aquatic Species of Wildlife in the State of New Hampshire
9:30 a.m.	HB 325	relative to control of marine pollution and aquatic growth.
9:45 a.m.	HB 326	relative to the definition of prime wetland.
10:00 a.m.	HB 682-FN	establishing a water resources fund in the department of environmental services and charging certain application and permit fees.
10:15 a.m.	HB 645-FN	establishing a dock registration procedure.
10:30 a.m.	HB 459-FN	defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 325

Rep. Grassie

Rep. Adjutant

HB 326

Rep. Grassie

Rep. Adjutant

HB 682-FN

Rep. Spang

Sen. D'Allesandro

Sen. Watters

HB 645-FN

Rep. Renzullo

HB 459-FN

Rep. Bixby

Rep. Gagne

Rep. Pearl

Rep. Knirk

Rep. O'Connor

Rep. Cushing

Sen. Giuda

Sen. Reagan

Sen. Fuller Clark

Griffin Roberge 271-7875

Martha Fuller Clark
Chairman

Senate Energy and Natural Resources Committee

Griffin Roberge 271-7875

HB 459-FN, defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

Hearing Date: April 23, 2019.

Time Opened: 11:40 a.m.

Time Closed: 12:00 p.m.

Members of the Committee Present: Senators Fuller Clark and Watters.

Members of the Committee Absent: Senators Feltes, Bradley and Giuda.

Bill Analysis: This bill:

I. Defines "industrial hemp."

II. Allows for the growth of industrial hemp in New Hampshire.

III. Allows for the use of industrial hemp products in food.

IV. Establishes a study committee to study the federal guidelines on growing industrial hemp.

Sponsors:

Rep. Bixby

Rep. Gagne

Rep. Pearl

Rep. Knirk

Rep. O'Connor

Rep. Cushing

Sen. Giuda

Sen. Reagan

Sen. Fuller Clark

Who supports the bill: Senator Bob Giuda (NH Senate District 2), Representative Judith Spang (Strafford - District 6), Senator Martha Fuller Clark (NH Senate District 21), Representative Peter Bixby (Strafford - District 17).

Who opposes the bill: None.

Who is neutral on the bill: Michele Roberge, Colleen Smith, & John Williams (DHHS), Commissioner Shawn Jasper (DAMF), Representative Suzanne Smith (Grafton - District 8).

Summary of testimony presented in support:

Representative Peter Bixby – provided written testimony

Strafford – District 17

- The Agricultural Act of 2014 (2014 US Farm Bill) allowed NH to establish a pilot program for industrial hemp under the NH Department of Agriculture, Markets, and Food (DAMF). A study committee was established via HB 151 (2018) called the Committee to Study the Feasibility of Using Hemp in Agricultural and Industrial Processes and to Further Study the Licensing, Registration, and Permitting of Industrial Hemp Growers (HB 151 Committee). The HB 151 Committee thought it prudent to move ahead with a pilot

program via HB 459-FN.

- The Agriculture Improvement Act of 2018 (2018 US Farm Bill) altered the ability to grow, process, market, and sell industrial hemp within the US. The licensing could be overseen by states or the US Department of Agriculture (USDA). However, the draft licensing rules from the USDA were not expected until summer 2019, with final rules expected in fall/winter 2019. Therefore, NH was unable to establish an industrial hemp pilot program for the 2020 growing season until NH could align itself with USDA rules.
- HB 459-FN as amended by the House does the following:
 - Section 2: Aligns NH's definition of hemp with the federal definition. The federal government has a definition for the term "hemp." HB 459-FN followed the federal definition, but used the term "industrial hemp." The HB 151 Committee thought it prudent to have a distinct term to prevent confusion with marijuana.
 - Section 2: Authorizes the growing of industrial hemp under federal licensure for the 2020 growing season. It also allows industrial hemp to be used in food. However, HB 459-FN had the DAMF Commissioner overseeing the use of industrial hemp in food. The use of industrial hemp in food should be overseen by the Commissioner of the NH Department of Health & Human Services (DHHS).
 - Sections 3 and 4: Ensures that industrial hemp does not conflict with statutory provisions in the Controlled Drug Act and statutes relating to therapeutic cannabis.
 - Section 5: Establishes a study committee to explore whether to establish state licensing and oversight for hemp production based on the rules adopted by the USDA per the 2018 US Farm Bill, or to request the federal government to oversee hemp production in NH.
- Senator Fuller Clark said she was confused as to the reasoning behind using the term "industrial hemp" instead of the term "hemp." The use of two different terms, while having the same definition, created confusion.
 - Representative Bixby said the HB 151 Committee felt the term "industrial hemp" would create a distinction from "hemp." Representative Bixby said that the terms should align and "industrial" should be removed.
- Senator Watters said HB 459-FN's fiscal note was not revised based on the amendment adopted by the House. He asked if there was a revised fiscal note.
 - Representative Bixby said he had not seen a revised fiscal note. HB 459-FN was amended by the House to remove the creation of NH's pilot program for industrial hemp, thus removing any fiscal impact. The House amended HB 459-FN to create a study committee instead to examine whether the state should create its own rulemaking or follow federal guidelines. The study committee would complete its work after the USDA finalized its rules.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Shawn Jasper – provided written testimony

Commissioner, NH Department of Agriculture, Markets and Food (DAMF)

- Commissioner Jasper apologized as he was not keeping track of HB 459-FN as it progressed through the NH General Court. Prior to the hearing, Commissioner Jasper was approached by DHHS about HB 459-FN. Commissioner Jasper thought HB 459-FN established a study committee and was not aware of the bill's other impacts.
- Concerns with HB 459-FN:
 - Possibly conflicts with RSA 433-C: This statute allows an institution of higher learning to grow or cultivate industrial hemp for the purposes of research under a pilot program with the DAMF for a period of three years after the program's commencement. DAMF is currently in a negotiation with the University of New Hampshire (UNH) to undertake a pilot program for medical research. If HB 459-FN removed RSA 433-C, RSA 433-C should be reinserted.
 - Definition of "Commissioner:" Both the DHHS and DAMF Commissioners should oversee industrial hemp's use in food on page 2, lines 8-28.
 - Industrial hemp permitted: Page 2, lines 4-7 recognize industrial hemp as an agricultural product in NH. Any grower, processor, or commercial trader of industrial hemp shall be licensed by the USDA. While industrial hemp is permitted through federal licensure under HB 459-FN, page 2, lines 4-7 presuppose the outcome of the proposed study committee under HB 459-FN. Additionally,

the 2018 US Farm Bill allowed NH to prohibit industrial hemp as an agricultural product. Farmers could make the physical and monetary investments to produce industrial hemp with a federal license, but if the NH General Court prohibited the activity, it would ruin a farmer's investment. Commissioner Jasper was also hesitant to invite federal inspectors onto NH farms to ensure compliance in producing industrial hemp if NH chose not to adopt its own licensure process.

- RSA 439-A:4, II: As proposed under HB 459-FN, this section requires that the producer of hemp-based products to be in good standing and compliance with the governing laws within the state and country of the industrial hemp's origin. This level of work is intensive for state employees to research the rules and regulations of other states, and potentially, other counties to ensure that the producer is in compliance with those regulations.
- RSA-A:4, V(c): As proposed under HB 459-FN, this section requires a product containing industrial hemp to have the following label: "The FDA has not evaluated this product for safety or efficacy." The FDA must approve any product containing cannabis-derived compounds before that product claims any specific health benefit or is sold into interstate commerce.
- Senator Fuller Clark asked if Commissioner Jasper would work with HB 459-FN's sponsor on alternative language.
 - Commissioner Jasper said he would work with Representative Bixby to find agreeable language, but could not promise that a compromise would be found.
- Senator Watters asked Commissioner Jasper if it would make sense to grandfather the ongoing talks regarding hemp research.
 - Commissioner Jasper said it may not be the best way forward as there may be other entities interested in conducting research in partnership with DAMF and UNH.
 - Representative Bixby commented that HB 459-FN did not affect RSA 433-C. The only concern would be if federal guidelines would sunset the research program, which could not be determined at the time.
- Senator Fuller Clark asked Commissioner Jasper for his opinion on the term "industrial hemp".
 - Commissioner Jasper said he agreed with Representative Bixby that NH should follow the federal term and definition of "hemp." There is no difference between "hemp" and "industrial hemp" as a definition, but they should use the same term.

Michele Roberge and Colleen Smith - provided written testimony

Public Health Protection Bureau Chief, NH Department of Health & Human Services (DHHS)

Food Safety and Defense Specialist, NH Department of Health & Human Services (DHHS)

- Offered an amendment that would be inserted on page 2, line 28, which would read: "VII. Nothing in this section shall be construed to negate any authority of the department of health and human services pursuant to RSA chapters 143, 143-A, and/or 146." This language was supported by DAMF and ensured DHHS's Food Protection Program maintained the authority to oversee industrial hemp in food.

GJR, edited by Marie Marston.

Date Hearing Report completed: April 23, 2019.

Speakers

Testimony

Rep. Peter Bixby
Strafford District 17
Dover/Somersworth
April 23, 2019

Testimony on HB 459 defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

1. Study committee on USDA pilot program for hemp in NH under 2014 Farm Bill
 - a. Recommended legislation
2. 2018 farm bill changes status of hemp
 - a. Legal to grow, process, market, and sell under licensed program
 - b. Licensing can be overseen by states or by USDA
 - c. Rules for licensing still in process
 - d. Draft rules expected this summer
 - e. Final rules expected late fall/early winter
3. What HB 459 does
 - a. Define hemp consistent with USDA
 - b. Remove from NH law any reference to hemp being illegal
 - c. Authorize the growing of hemp under federal licensure for the 2020 growing season.
 - d. Establish a study committee to look at creating a state licensing program in the DAMF based on the draft guidelines to be published this summer.

Congress explicitly preserved the agency's current authority to regulate products containing cannabis or cannabis-derived compounds under the Federal Food, Drug, and Cosmetic Act. In doing so, Congress recognized the agency's important public health role with respect to all the products it regulates. This allows the FDA to continue enforcing the law to protect patients and the public while also providing potential regulatory pathways for products containing cannabis and cannabis-derived compounds.

We treat products containing cannabis or cannabis-derived compounds as we do any other FDA-regulated products — meaning they're subject to the same authorities and requirements as FDA-regulated products containing any other substance.

the FDA requires a cannabis product (hemp-derived or otherwise) that is marketed with a claim of therapeutic benefit, or with any other disease claim, to be approved by the FDA for its intended use before it may be introduced into interstate commerce. Selling unapproved products with unsubstantiated therapeutic claims is not only a violation of the law, but also can put patients at risk, as these products have not been proven to be safe or effective. This deceptive marketing of unproven treatments raises significant public health concerns, as it may keep some patients from accessing appropriate, recognized therapies to treat serious and even fatal diseases.

Additionally, it's unlawful under the FD&C Act to introduce food containing added CBD or THC into interstate commerce, or to market CBD or THC products as, or in, dietary supplements. Under the FD&C Act, it's illegal to introduce drug ingredients like these into the food supply, or to market them as dietary supplements. This is a requirement that we apply across the board to food products that contain substances that are active ingredients in any drug.

We'll take enforcement action needed to protect public health against companies illegally selling cannabis and cannabis-derived products that can put consumers at risk and are being marketed in violation of the FDA's authorities. The FDA has sent warning letters in the past to companies illegally selling CBD products that claimed to prevent, diagnose, treat, or cure serious diseases, such as cancer. Some of these products were in further violation of the FD&C Act because they were marketed as dietary supplements or because they involved the addition of CBD to food.

FDA Statement

Statement from FDA Commissioner Scott Gottlieb, M.D., on signing of the Agriculture Improvement Act and the agency's regulation of products containing cannabis and cannabis-derived compounds

For Immediate Release

December 20, 2018

Statement

Today, the Agriculture Improvement Act of 2018 was signed into law. Among other things, this new law changes certain federal authorities relating to the production and marketing of hemp, defined as cannabis (*Cannabis sativa L.*), and derivatives of cannabis with extremely low (less than 0.3 percent on a dry weight basis) concentrations of the psychoactive compound delta-9-tetrahydrocannabinol (THC). These changes include removing hemp from the Controlled Substances Act, which means that it will no longer be an illegal substance under federal law.

Just as important for the FDA and our commitment to protect and promote the public health is what the law *didn't* change: Congress explicitly preserved the agency's current authority to regulate products containing cannabis or cannabis-derived compounds under the Federal Food, Drug, and Cosmetic Act (FD&C Act) and section 351 of the Public Health Service Act. In doing so, Congress recognized the agency's important public health role with respect to all the products it regulates. This allows the FDA to continue enforcing the law to protect patients and the public while also providing potential regulatory pathways for products containing cannabis and cannabis-derived compounds.

We're aware of the growing public interest in cannabis and cannabis-derived products, including cannabidiol (CBD). This increasing public interest in these products makes it even more important with the passage of this law for the FDA to clarify its regulatory authority over these products. In short, we treat products containing cannabis or cannabis-derived compounds as we do any other FDA-regulated products — meaning they're subject to the same authorities and requirements as FDA-regulated products containing any other substance. This is true regardless of the source of

the substance, including whether the substance is derived from a plant that is classified as hemp under the Agriculture Improvement Act. To help members of the public understand how the FDA's requirements apply to these products, the FDA has maintained a [webpage \(/NewsEvents/PublicHealthFocus/ucm421168.htm\)](https://www.fda.gov/NewsEvents/PublicHealthFocus/ucm421168.htm) with answers to frequently asked questions, which we intend to update moving forward to address questions regarding the Agriculture Improvement Act and regulation of these products generally.

In view of the proliferation of products containing cannabis or cannabis-derived substances, the FDA will advance new steps to better define our public health obligations in this area. We'll also continue to closely scrutinize products that could pose risks to consumers. Where we believe consumers are being put at risk, the FDA will warn consumers and take enforcement actions.

In particular, we continue to be concerned at the number of drug claims being made about products not approved by the FDA that claim to contain CBD or other cannabis-derived compounds. Among other things, the FDA requires a cannabis product (hemp-derived or otherwise) that is marketed with a claim of therapeutic benefit, or with any other disease claim, to be approved by the FDA for its intended use before it may be introduced into interstate commerce. This is the same standard to which we hold any product marketed as a drug for human or animal use. Cannabis and cannabis-derived products claiming in their marketing and promotional materials that they're intended for use in the diagnosis, cure, mitigation, treatment, or prevention of diseases (such as cancer, Alzheimer's disease, psychiatric disorders and diabetes) are considered new drugs or new animal drugs and must go through the FDA drug approval process for human or animal use before they are marketed in the U.S. Selling unapproved products with unsubstantiated therapeutic claims is not only a violation of the law, but also can put patients at risk, as these products have not been proven to be safe or effective. This deceptive marketing of unproven treatments raises significant public health concerns, as it may keep some patients from accessing appropriate, recognized therapies to treat serious and even fatal diseases.

Additionally, it's unlawful under the FD&C Act to introduce food containing added CBD or THC into interstate commerce, or to market CBD or THC products as, or in, dietary supplements, regardless of whether the substances are hemp-derived. This is because both CBD and THC are active ingredients in FDA-approved drugs and were the subject of substantial clinical investigations before they were marketed as foods or dietary supplements. Under the FD&C Act, it's illegal to introduce drug ingredients like these into the food supply, or to market them as dietary supplements. This is a requirement that we apply across the board to food products that contain substances that are active ingredients in any drug.

We'll take enforcement action needed to protect public health against companies illegally selling cannabis and cannabis-derived products that can put consumers at risk and are being marketed in violation of the FDA's authorities. The FDA has sent [warning letters \(/NewsEvents/PublicHealthFocus/ucm484109.htm\)](https://www.fda.gov/NewsEvents/PublicHealthFocus/ucm484109.htm) in the past to companies illegally selling CBD products that claimed to prevent, diagnose, treat, or cure serious diseases, such as cancer. Some of these products were in further violation of the FD&C Act because they were marketed as dietary supplements or because they involved the addition of CBD to food.

While products containing cannabis and cannabis-derived compounds remain subject to the FDA's authorities and requirements, there are pathways available for those who seek to lawfully introduce these products into interstate commerce. The FDA will continue to take steps to make the pathways for the lawful marketing of these products more efficient.

These pathways include ways for companies to seek approval from the FDA to market with therapeutic claims a human or animal drug that is derived from cannabis. For example, in June 2018, the FDA approved a drug, [Epidiolex \(/NewsEvents/Newsroom/PressAnnouncements/ucm611046.htm\)](#), that contains cannabis-derived CBD for the treatment of seizures associated with two rare and severe forms of epilepsy. That approval was based on adequate and well-controlled clinical studies, which gives prescribers confidence in the drug's uniform strength and consistent delivery that support appropriate dosing needed for treating patients with these complex and serious epilepsy syndromes.

In addition, pathways remain available for the FDA to consider whether there are circumstances in which certain cannabis-derived compounds might be permitted in a food or dietary supplement. Although such products are generally prohibited to be introduced in interstate commerce, the FDA has authority to issue a regulation allowing the use of a pharmaceutical ingredient in a food or dietary supplement. We are taking new steps to evaluate whether we should pursue such a process. However, the FDA would only consider doing so if the agency were able to determine that all other requirements in the FD&C Act are met, including those required for food additives or new dietary ingredients.

It should also be noted that some foods are derived from parts of the hemp plant that may not contain CBD or THC, meaning that their addition to foods might not raise the same issues as the addition of drug ingredients like CBD and THC. We are able to advance the lawful marketing of three such ingredients today. We are announcing that the agency has completed our evaluation of three [Generally Recognized as Safe \(/Food/NewsEvents/ConstituentsUpdates/ucm628910.htm\)](#) (GRAS) notices related to hulled hemp seeds, hemp seed protein and hemp seed oil and that the agency had no questions regarding the company's conclusion that the use of such products as described in the notices is safe. Therefore, these products can be legally marketed in human foods for these uses without food additive approval, provided they comply with all other requirements and do not make disease treatment claims.

Given the substantial public interest in this topic and the clear interest of Congress in fostering the development of appropriate hemp products, we intend to hold a public meeting in the near future for stakeholders to share their experiences and challenges with these products, including information and views related to the safety of such products.

We'll use this meeting to gather additional input relevant to the lawful pathways by which products containing cannabis or cannabis-derived compounds can be marketed, and how we can make these legal pathways more predictable and efficient. We'll also solicit input relevant to our regulatory strategy related to existing products, while we continue to evaluate and take action against products that are being unlawfully marketed and create risks for consumers.

At the same time, we recognize the potential opportunities that cannabis or cannabis-derived compounds could offer and acknowledge the significant interest in these possibilities. We're committed to pursuing an efficient regulatory framework for allowing product developers that meet the requirements under our authorities to lawfully market these types of products.

The FDA, an agency within the U.S. Department of Health and Human Services, protects the public health by assuring the safety, effectiveness, and security of human and veterinary drugs, vaccines and other biological products for human use, and medical devices. The agency also is responsible for the safety and security of our nation's food supply, cosmetics, dietary supplements, products that give off electronic radiation, and for regulating tobacco products.

###

Inquiries




Media

✉ [Lyndsay Meyer \(mailto:lyndsay.meyer@fda.hhs.gov\)](mailto:lyndsay.meyer@fda.hhs.gov)
☎ 240-402-5345

Consumers

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HB 459-FN - AS AMENDED BY THE HOUSE

19Mar2019... 0790h

2019 SESSION

19-0278
08/10

HOUSE BILL **459-FN**

AN ACT defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

SPONSORS: Rep. Bixby, Straf. 17; Rep. Gagne, Hills. 13; Rep. Pearl, Merr. 26; Rep. Knirk, Carr. 3; Rep. O'Connor, Rock. 6; Rep. Cushing, Rock. 21; Sen. Giuda, Dist 2; Sen. Reagan, Dist 17; Sen. Fuller Clark, Dist 21

COMMITTEE: Environment and Agriculture

AMENDED ANALYSIS

This bill:

- I. Defines "industrial hemp."
- II. Allows for the growth of industrial hemp in New Hampshire.
- III. Allows for the use of industrial hemp products in food.
- IV. Establishes a study committee to study the federal guidelines on growing industrial hemp.

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.
 19Mar2019... 0790h 19-0278
 08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

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

1 Findings. The general court finds:

- I. Hemp has been continuously cultivated for millennia, is accepted and available in the global marketplace, and has numerous beneficial, practical, and economic uses, including: high-strength fiber, textiles, clothing, bio-fuel, paper products, protein-rich food containing essential fatty acids and amino

acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic products, construction materials, rope, and value-added crafts.

II. The many agriculturally and environmentally beneficial uses of industrial hemp include: livestock feed and bedding, stream buffering, erosion control, water and soil purification, and weed control.

III. The hemp plant, an annual herbaceous plant with a long slender stem ranging in height from 4 to 15 feet and a stem diameter of $\frac{1}{4}$ to $\frac{3}{4}$ of an inch is morphologically distinctive and readily identifiable as an agricultural crop grown for the cultivation and harvesting of its fiber and seed.

IV. Industrial hemp cultivation will enable the state of New Hampshire to accelerate economic growth and job creation and promote environmental stewardship.

2 New Chapter; Industrial Hemp. Amend RSA by inserting after chapter 439 the following new chapter:

CHAPTER 439-A
INDUSTRIAL HEMP

439-A:1 Purpose. The intent of this chapter is to define industrial hemp so that farmers and other businesses in the New Hampshire agricultural industry can take advantage of this market opportunity afforded by the passage of the Agricultural Improvement Act of 2018:

439-A:2 Definitions. In this chapter:

I. "Cannabidiol" or "CBD" is a phytocannabinoid extracted from industrial hemp plants.

II. "Commissioner" means the commissioner of the department of agriculture, markets, and food.

III. "Department" means the department of agriculture, markets, and food.

IV. "Hemp products" means all products made from industrial hemp, including cloth, cordage, fiber, food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and certified seed for cultivation.

V. "Industrial hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3 percent on a dry weight basis.

439-A:3 Industrial Hemp Permitted. Industrial hemp is an agricultural product which may be grown as a crop, processed, possessed, and commercially traded in New Hampshire. Any grower, processor, or commercial trader of industrial hemp shall be licensed by the United States Department of Agriculture.

439-A:4 Industrial Hemp; Use in Food. In order for food to contain industrial hemp, the manufacturer of the food shall demonstrate the following to the commissioner:

I. All parts of the hemp plant utilized in food shall come from a state that has an established and approved industrial hemp program or a country that inspects or regulates hemp under a food safety program or equivalent criteria to ensure safety for human consumption.

II. The industrial hemp producer shall be in good standing and compliance with the governing laws within the state or country of the industrial hemp's origin.

III. The industrial hemp shall conform to the standard of identity established above no more than .3 percent THC.

IV. The use of other parts of the industrial hemp plant other than seed and its derivatives: seed meal, flour, and oil, shall have lab test results indicating the levels of THC within the derivatives are not above the allowable limit of .3 percent THC.

V. The product shall be labeled in conformity with state and federal labeling laws, including:

(a) Clearly identify industrial hemp as an ingredient.

(b) Clearly identify CBD and the amount of CBD if added as an isolate.

(c) Include the statement "THE FDA HAS NOT EVALUATED THIS PRODUCT FOR SAFETY OR EFFICACY."

DRAFT AMENDMENT TO HB 459 (04-12-2019 jlw)

Insert on page 2 after line 28 a new paragraph VII to 439-A:4 Industrial Hemp; Use in Food, to read as follows:

VII. Nothing in this section shall be construed to negate any authority of the department of health and human services pursuant to RSA Chapters 143, 143-A and or 146.

Roberge, Griffin

From: Daniel Itse <itsenh@comcast.net>
Sent: Friday, April 19, 2019 8:57 PM
To: FullerClark, Martha; Feltes, Dan; Watters, David; Giuda, Bob; Bradley, Jeb; Roberge, Griffin
Subject: HB459

Honorable Members of the Senate Committee on Energy and Natural Resources,
I have sponsored Bills to this effect over the past few terms. I respectfully request that you make a provision for the growing of industrial hemp for personal use (not for resale as hemp nor as a derivative product). As you know, hemp seeds are an excellent food, the oils are medicinal and the remainder of the plant is an excellent animal fodder. This concept is completely analogous to allowing the brewing of wines or beer in limited quantities. Furthermore, while I fully support the cultivation of limited quantities of marijuana for personal use, this is infinitely more rational. As long as the hemp never leaves the property, there should not be any issue.
Dan

Hon. Daniel C. Itse
(603) 702-0381

It is not the job of the Government to make good people; it is the job of the People to make good government.

Voting Sheets

Senate Energy & Natural Resources Committee

EXECUTIVE SESSION RECORD

2019-2020 Session

Bill # HB 459-FN

Hearing date: 04/23/2019

Executive Session date: 5/14/2019

Motion of: OTP 1935s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Fuller Clark, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Feltes, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP 1936s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Fuller Clark, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Feltes, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Fuller Clark, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Feltes, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Reported out by: Bradley

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Tuesday, May 14, 2019

THE COMMITTEE ON Energy and Natural Resources

to which was referred **HB 459-FN**

AN ACT

defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1976s

Senator Jeb Bradley
For the Committee

Griffin Roberge 271-7875

ENERGY AND NATURAL RESOURCES

HB 459-FN, defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

Ought to Pass with Amendment, Vote 5-0.

Senator Jeb Bradley for the committee.

Docket of HB459

Docket Abbreviations

Bill Title: (Second New Title) defining hemp, relative to its growth and use in New Hampshire, establishing a committee to study the federal guidelines on growing hemp, and relative to costs of care for animals seized in animal cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases.

Official Docket of HB459.:

Date	Body	Description
1/10/2019	H	Introduced 01/03/2019 and referred to Environment and Agriculture HJ 3 P. 15
2/20/2019	H	Public Hearing: 02/26/2019 10:00 am LOB 203
2/26/2019	H	Executive Session: 03/05/2019 10:30 am LOB 303
3/11/2019	H	Committee Report: Ought to Pass with Amendment #2019-0790h (NT) for 03/19/2019 (Vote 20-0; CC) HC 16 P. 8
3/19/2019	H	Amendment #2019-0790h (NT): AA VV 03/19/2019 HJ 10 P. 19
3/19/2019	H	Ought to Pass with Amendment 2019-0790h (NT): MA VV 03/19/2019 HJ 10 P. 19
4/1/2019	S	Introduced 03/28/2019 and Referred to Energy and Natural Resources; SJ 12
4/17/2019	S	Hearing: 04/23/2019, Room 103, SH, 10:30 am; SC 19
5/15/2019	S	Committee Report: Ought to Pass with Amendment #2019-1976s , 05/23/2019; SC 23
5/24/2019	S	Special Order to to the present time, Without Objection, MA; 05/23/2019; SJ 17
5/23/2019	S	Committee Amendment #2019-1976s , AA, VV; 05/23/2019; SJ 17
5/23/2019	S	Sen. Bradley Floor Amendment #2019-2258s , AA, VV; 05/23/2019; SJ 17
5/23/2019	S	Ought to Pass with Amendments 2019-1976s and 2019-2258s, MA, VV; OT3rdg; 05/23/2019; SJ 17
6/10/2019	H	House Non-Concurs with Senate Amendment 2019-2258s and 2019-1976s and Requests CofC (Rep. Gourgue): MA VV 06/06/2019 HJ 18 P. 41
6/10/2019	H	Speaker Appoints: Reps. Gourgue, Bixby, Pearl, Cushing 06/06/2019 HJ 18 P. 41
6/11/2019	S	Sen. Fuller Clark Accedes to House Request for Committee of Conference, MA, VV; (In recess 06/06/2019); SJ 20
6/11/2019	S	President Appoints: Senators Fuller Clark, Feltes, Bradley; (In Recess 06/06/2019); SJ 20
6/13/2019	H	Conference Committee Meeting: 06/19/2019 10:00 am LOB 303
6/14/2019	S	Conferee Change; Senator Watters Replaces Senator Feltes; SJ 21
6/20/2019	S	Conference Committee Report Filed, #2019-2614c ; 06/27/2019
6/27/2019	S	Conference Committee Report #2019-2614c , Adopted, VV; 06/27/2019; SJ 21
6/27/2019	H	Conference Committee Report 2614c: Adopted, VV 06/27/2019 HJ 20 P. 32
7/9/2019	S	Enrolled Bill Amendment #2019-2661e Adopted, VV, (In recess of 06/27/2019); SJ 21

7/12/2019	H	Enrolled Bill Amendment #2019-2661e: AA VV 06/27/2019 HJ 20 P. 56
7/29/2019	S	Enrolled (In recess 06/27/2019); SJ 21
7/29/2019	H	Enrolled 06/27/2019 HJ 20 P. 59
7/30/2019	H	Signed by Governor Sununu 07/30/2019; Chapter 306; I. Sec. 1-12 Eff: 01/01/2020 II. Rem. Eff: 07/30/2019

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 459-FN

Senate Committee: Energy

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 1935 - amendment # 1936

- amendment # 1976 _____ - amendment # _____

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 2256 _____ - amendment # _____

_____ - amendment # _____ _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference): 2614

Enrolled Bill Amendment(s) 2661

_____ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

as amended by the senate _____ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office JM

June 19, 2019
2019-2614-CofC
08/10

1 Committee of Conference Report on HB 459-FN, defining industrial hemp, relative to its growth in
2 New Hampshire, its use in food, and establishing a committee to study the federal guidelines on
3 growing industrial hemp.

4
5 Recommendation:

6 That the House recede from its position of nonconcurrence with the Senate amendment, and
7 concur with the Senate amendment, and

8 That the Senate and House adopt the following new amendment to the bill as amended by the
9 Senate, and pass the bill as so amended:

10
11 Amend the bill by replacing section 4 with the following:

12
13 4 Therapeutic Cannabis; Hemp Excepted. Amend 126-X:1, III to read as follows:

14 III. "Cannabis" means all parts of any plant of the Cannabis genus of plants, whether
15 growing or not; the seeds thereof; the resin extracted from any part of such plant; and every
16 compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term
17 shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made
18 from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such
19 mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such
20 plants which are incapable of germination. *In this chapter, cannabis shall not include hemp*
21 *grown, processed, marketed, or sold under RSA 439-A.*

22
23 Amend RSA 644:8, IV(a) as inserted by section 10 of the bill by replacing it with the following:

24
25 (a)(1) Any person charged with animal cruelty under paragraphs III or III-a may have
26 his or her animals confiscated by the arresting officer.

27 (2) A person charged under this section may petition the court to seek an
28 examination of the animals by a veterinarian licensed under RSA 332-B of his or her choice at the
29 expense of the person charged.

30 (3) Courts shall give cases in which animals have been confiscated by an arresting
31 officer priority on the court calendar. In cases in which animals have been confiscated by an
32 arresting officer or his or her agency, a status hearing shall be held by the court within 14 days of
33 the confiscation of the animals.

34 (4) Any person with proof of sole ownership or co-ownership of an animal
35 confiscated by an arresting officer in an animal cruelty case and who is not a defendant or party of

Committee of Conference Report on HB 459-FN
- Page 2 -

36 interest in the criminal case may petition the court for temporary custody of the animal. The court
37 shall give such person priority for temporary custody of the animal if the court determines it is in
38 the best interest of the animal's health, safety, and wellbeing.

39 (5) No custodian of an animal confiscated under this section shall spay or neuter or
40 otherwise permanently alter the confiscated animal in his or her custody pending final disposition
41 of the court case unless a treating veterinarian deems such procedure necessary to save the life of
42 the animal.

43 (6) Upon a person's conviction of cruelty to animals, the court shall dispose of the
44 confiscated animal in any manner it decides except in a case in which the confiscated animal is
45 owned or co-owned by persons other than the defendant. If the defendant does not have an
46 ownership interest in the confiscated animal, the court shall give priority to restoring full
47 ownership rights to any person with proof of ownership if the court determines that such is in the
48 best interest of the animal's health, safety, and wellbeing. If the confiscated animal is co-owned by
49 the defendant, the court shall give priority to transferring the defendant's interest in the property
50 to the remaining owner or co-owners equitably if the court determines that such is in the best
51 interest of the animal's health, safety, and wellbeing.

52 (7) The costs to provide the confiscated animals with humane care and adequate
53 and necessary veterinary services, if any, incurred in boarding and treating the animal, pending
54 disposition of the case, and in disposing of the animal upon a conviction of said person for cruelty to
55 animals, shall be borne by the person so convicted in accordance with rules adopted by the
56 department of agriculture, markets, and food.

57

58 Amend RSA 644:8, IV(c) as inserted by section 10 of the bill by replacing it with the following:

59

60 (c) If a person convicted of any offense of cruelty to animals appeals the conviction in
61 an initial de novo or subsequent appeal and any confiscated animal remains in the custody of the
62 arresting officer, the arresting officer's agency, or the arresting officer's agency's designee pending
63 disposition of the appeal, in order for the defendant or appellant to maintain a future interest in the
64 animal, the trial or appellate court, after consideration of the income of the defendant or appellant,
65 may require the defendant or appellant to post a bond or other security in an amount not exceeding
66 \$2,000 for each animal in custody for costs expected to be incurred for the board and care of the
67 animal during the trial, trial de novo, or appeal. Such bond or security shall be posted to the court
68 within 30 days. If such bond or security is not paid within 30 days after the court orders the bond
69 or security to be posted, the animals shall be forfeited to the arresting officer, the arresting officer's
70 agency, or the arresting officer's agency's designee. The court may, for good cause, extend the
71 deadline by no more than 15 days. If the conviction is affirmed on appeal, the costs incurred for the
72 board and care of the animal, from the date the animal or animals were originally confiscated, shall

Committee of Conference Report on HB 459-FN
- Page 3 -

73 be paid to the custodial agency from the posted security and the balance, if any, shall be returned to
74 the person who posted it. A court shall order the return of any bond or security upon a court
75 approved agreement of the parties, a finding of not guilty, or the reversal of a conviction, unless it is
76 a reversal with remand for further proceeding.

The signatures below attest to the authenticity of this Report on HB 459-FN, defining industrial hemp, relative to its growth in New Hampshire, its use in food, and establishing a committee to study the federal guidelines on growing industrial hemp.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Fuller Clark, Dist. 21

Rep. Gourgue, Straf. 25

Sen. Watters, Dist. 4

Rep. Bixby, Straf. 17

Sen. Bradley, Dist. 3

Rep. Pearl, Merr. 26

Rep. Cushing, Rock. 21

July 1, 2019
2019-2661-EBA
11/04

Enrolled Bill Amendment to HB 459-FN

The Committee on Enrolled Bills to which was referred HB 459-FN

AN ACT defining hemp, relative to its growth and use in New Hampshire, establishing a committee to study the federal guidelines on growing hemp, and relative to costs of care for animals seized in animal cruelty cases and prohibiting the future ownership of animals in certain animal cruelty cases.

Having considered the same, report the same with the following amendment, and the recommendation that the bill as amended ought to pass.

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 459-FN

This enrolled bill amendment makes a technical correction.

Enrolled Bill Amendment to HB 459-FN

Amend RSA 437:9, V as inserted by section 12 of the bill by replacing line 2 with the following:

confiscated under RSA 644:8, IV.