

LEGISLATIVE COMMITTEE MINUTES

SB33

Bill as Introduced

SB 33 - AS INTRODUCED

2019 SESSION

19-0915
01/04

SENATE BILL **33**

AN ACT relative to the therapeutic use of cannabis.

SPONSORS: Sen. Reagan, Dist 17

COMMITTEE: Health and Human Services

ANALYSIS

This bill authorizes the department of health and human services to collect certain data regarding the therapeutic use of cannabis. This bill also requires the commissioner of the department of health and human services to adopt rules regarding disclosure of information resulting from inspections and investigations under RSA 126-X.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to the therapeutic use of cannabis.

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

1 1 Use of Cannabis for Therapeutic Purposes: Annual Data Report. Amend the section heading
2 of RSA 126-X:10 to read as follows:

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

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

6 VI. The department may collect, compile, prepare, and analyze data related to the
7 therapeutic use of cannabis, including data contained in the confidential registry database.
8 Analyses and compilations of data prepared for or allowed by this section, which do not disclose the
9 identity of an individual and which cannot be used to surmise an identity, may be made available,
10 with the approval of the commissioner or designee, to persons demonstrating a need for such data to
11 make future policy, educational, and clinical decisions. The department shall make reasonable
12 efforts to limit the release of protected health information to the minimum necessary to accomplish
13 the intended purpose of the use, disclosure, or request.

14 3 New Subparagraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend
15 RSA 126-X:6, III by inserting after subparagraph (b) the following new subparagraph:

16 (c) The department shall adopt rules relative to public disclosure regarding statements
17 of findings issued by the department, plans of correction approved or issued by the department, and
18 enforcement actions issued by the department, resulting from any inspection or investigation
19 allowed under this chapter.

20 4 Effective Date. This act shall take effect 60 days after its passage.

SB 33 - AS AMENDED BY THE SENATE

03/21/2019 1040s

2019 SESSION

19-0915

01/04

SENATE BILL **33**

AN ACT relative to the therapeutic use of cannabis.

SPONSORS: Sen. Reagan, Dist 17

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

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

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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

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

1 1 Use of Cannabis for Therapeutic Purposes: Annual Data Report. Amend the section heading
2 of RSA 126-X:10 to read as follows:

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

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

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

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

SB 33 - FINAL VERSION

03/21/2019 1040s

2019 SESSION

19-0915

01/04

SENATE BILL **33**

AN ACT relative to the therapeutic use of cannabis.

SPONSORS: Sen. Reagan, Dist 17

COMMITTEE: Health and Human Services

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STATE OF NEW HAMPSHIRE

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

1 1 Use of Cannabis for Therapeutic Purposes: Annual Data Report. Amend the section heading
2 of RSA 126-X:10 to read as follows:

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

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5 126-X:10 by inserting after paragraph V the following new paragraph:

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

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

CHAPTER 85
SB 33 - FINAL VERSION

03/21/2019 1040s

2019 SESSION

19-0915
01/04

SENATE BILL

33

AN ACT

relative to the therapeutic use of cannabis.

SPONSORS:

Sen. Reagan, Dist 17

COMMITTEE:

Health and Human Services

AMENDED ANALYSIS

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

Explanation:

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

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

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

CHAPTER 85
SB 33 - FINAL VERSION

03/21/2019 1040s

19-0915
01/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to the therapeutic use of cannabis.

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

1 85:1 Use of Cannabis for Therapeutic Purposes: Annual Data Report. Amend the section
2 heading of RSA 126-X:10 to read as follows:

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

4 85:2 New Paragraph; Use of Cannabis for Therapeutic Purposes; Annual Data Report. Amend
5 RSA 126-X:10 by inserting after paragraph V the following new paragraph:

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

85:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 18, 2019
Effective Date: August 17, 2019

Amendments

Sen. Reagan, Dist 17
February 22, 2019
2019-0677s
01/04

Amendment to SB 33

1 Amend the bill by replacing all after section 1 with the following:

2

3 2 New Paragraph; Use of Cannabis for Therapeutic Purposes; Annual Data Report. Amend
4 RSA 126-X:10 by inserting after paragraph V the following new paragraph:

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

10 3 Effective Date. This act shall take effect 60 days after its passage.

UNAPPROVED

2019-0677s

AMENDED ANALYSIS

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

UNAPPROVED

Health and Human Services
March 13, 2019
2019-1040s
01/04

Amendment to SB 33

1 Amend the bill by replacing all after section 1 with the following:

2

3 2 New Paragraph; Use of Cannabis for Therapeutic Purposes; Annual Data Report. Amend
4 RSA 126-X:10 by inserting after paragraph V the following new paragraph:

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

10 3 Effective Date. This act shall take effect 60 days after its passage.

2019-1040s

AMENDED ANALYSIS

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

Committee Minutes

SENATE CALENDAR NOTICE

Health and Human Services

Sen Tom Sherman, Chair
 Sen Martha Fuller Clark, Vice Chair
 Sen Shannon Chandley, Member
 Sen Jeb Bradley, Member
 Sen James Gray, Member

Date: March 7, 2019

HEARINGS

Tuesday	03/12/2019
(Day)	(Date)
Health and Human Services	LOB 101
(Name of Committee)	(Time)
1:00 p.m.	1:00 p.m.
EXECUTIVE SESSION ON PENDING LEGISLATION	
1:30 p.m.	
SB 33	relative to the therapeutic use of cannabis.
2:00 p.m.	
SB 175	relative to qualifying medical conditions for therapeutic cannabis.
2:30 p.m.	
SB 85	reestablishing the commission to study environmentally-triggered chronic illness.
2:45 p.m.	
SB 120	relative to the controlled drug prescription health and safety program.
3:00 p.m.	
SB 117	relative to certain procedures conducted in teaching hospitals.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 33

Sen. Reagan

SB 175

Sen. Reagan

SB 85

Sen. Sherman

SB 120

Sen. Giuda

SB 117

Sen. Bradley

Sen. Fuller Clark

Sen. Ward

Rep. Roy

Sen. Fuller Clark

Sen. Carson

Sen. Birdsell

Sen. Giuda

Sen. Watters

Rep. Murphy

Sen. Fuller Clark

Sen. Carson

Sen. Gray

Rep. Salloway

Rep. Marsh

Sen. D'Allesandro

Sen. Morse

Doug Marino 271-8631

Tom Sherman
Chairman

Senate Health and Human Services Committee
Doug Marino 271-8631

SB 33, relative to the therapeutic use of cannabis.

Hearing Date: March 12, 2019

Time Opened: 1:32 p.m.

Time Closed: 1:49 p.m.

Members of the Committee Present: Senators Sherman, Fuller Clark, Chandley, Bradley and Gray

Members of the Committee Absent : None

Bill Analysis: This bill authorizes the department of health and human services to collect certain data regarding the therapeutic use of cannabis. This bill also requires the commissioner of the department of health and human services to adopt rules regarding disclosure of information resulting from inspections and investigations under RSA 126-X.

Sponsors:
Sen. Reagan

Who supports the bill: Michael Holt, Therapeutic Cannabis Program

Who opposes the bill: None

Who is neutral on the bill: None

Summary of testimony presented:

Senator John Reagan, District 17

- SB 33 would allow the release of data concerning the therapeutic cannabis program for the purposes of research.
- Senator Reagan is introducing an amendment to replace the bill.
- Currently, the law only allows such data to be released for the annual therapeutic cannabis program report.
- Under SB 33, the data must be released in compliance with HIPAA.
- Senator Fuller Clark asked Senator Reagan if other states are conducting research on the therapeutic use of cannabis. Senator Reagan indicated that Maine established a program to collect information from medical marijuana patients to ascertain what type of cannabis is effective for a given medical condition.

Michael Holt, Therapeutic Cannabis Program

- This bill is a request of the department.
- The only circumstance in which the department is permitted to release data is for creating the program's annual report.

- SB 33 would allow for data to be used for research purposes. However, the data will not include identifying information on patients. The data must be released in compliance with HIPAA.
- Now that the therapeutic cannabis program has been in place for several years, it is important for the state to study patient outcomes.
- Senator Sherman indicated that he has certified about 7 of his patients for the therapeutic cannabis program. All those patients are now off opioids.
- Senator Sherman asked Mr. Holt how the department plans to collect and utilize this data. Mr. Holt indicated that the department has collected some data from patients on a volunteer basis, but the department cannot release that information.
- Senator Fuller Clark asked Mr. Holt if the department is currently collecting data from physicians. Mr. Holt indicated that they are not.
- Senator Sherman asked Mr. Holt if prohibiting the use of identifying patient information will inhibit the ability of the department to collect data. Mr. Holt stated that this bill is a step in the right direction, however there are some types of research that the department will not be able to conduct.

DLM

Date Hearing Report completed: March 14, 2019

Speakers

Voting Sheets

Senate Health and Human Services Committee
EXECUTIVE SESSION RECORD
2018-2019 Session

Bill # 33

Hearing date: March 12, 2019

Executive Session date: _____

Motion of: Amendment 0677s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Sherman, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Fuller Clark, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<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. Gray	<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. Sherman, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Fuller Clark, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Sherman, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Fuller Clark, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sherman
Consent

Notes:

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, March 12, 2019

THE COMMITTEE ON Health and Human Services

to which was referred **SB 33**

AN ACT relative to the therapeutic use of cannabis.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 2019-1040s

Senator Tom Sherman
For the Committee

This legislation will allow the department of health and human services to collect certain data concerning the therapeutic cannabis program. This data will be used to assess patient outcomes as well as what kind of cannabis is effective for certain conditions. Currently, the department can only use data to create the annual therapeutic cannabis program report. SB 33 as amended specifies that this data must be released in compliance with HIPAA standards. Additionally, no identifying information on patients may be used.

Doug Marino 271-8631

FOR THE CONSENT CALENDAR

HEALTH AND HUMAN SERVICES

SB 33, relative to the therapeutic use of cannabis.

Ought to Pass with Amendment, Vote 5-0.

Senator Tom Sherman for the committee.

This legislation will allow the department of health and human services to collect certain data concerning the therapeutic cannabis program. This data will be used to assess patient outcomes as well as what kind of cannabis is effective for certain conditions. Currently, the department can only use data to create the annual therapeutic cannabis program report. SB 33 as amended specifies that this data must be released in compliance with HIPAA standards. Additionally, no identifying information on patients may be used.

General Court of New Hampshire - Bill Status System

Docket of SB33

Docket Abbreviations

Bill Title: relative to the therapeutic use of cannabis.*Official Docket of SB33.:*

Date	Body	Description
1/14/2019	S	Introduced 01/03/2019 and Referred to Health and Human Services; SJ 4
3/8/2019	S	Hearing: 03/12/2019, Room 101, LOB, 01:30 pm; SC 13
3/13/2019	S	Committee Report: Ought to Pass with Amendment #2019-1040s , 03/21/2019; Vote 5-0; CC; SC 14
3/21/2019	S	Committee Amendment #2019-1040s , AA, VV; 03/21/2019; SJ 9
3/21/2019	S	Ought to Pass with Amendment 2019-1040s, MA, VV; OT3rdg; 03/21/2019; SJ 9
3/28/2019	H	Introduced 03/20/2019 and referred to Health, Human Services and Elderly Affairs HJ 11 P. 72
4/17/2019	H	Public Hearing: 04/23/2019 10:30 am LOB 205
4/17/2019	H	Division I Subcommittee Work Session: 04/25/2019 10:00 am LOB 104
4/24/2019	H	Executive Session: 05/02/2019 10:00 am LOB 205
5/7/2019	H	Committee Report: Ought to Pass for 05/23/2019 (Vote 21-1; CC) HC 25 P. 4
5/23/2019	H	Ought to Pass: MA VV 05/23/2019 HJ 16 P. 13
6/12/2019	H	Enrolled 06/06/2019 HJ 18 P. 47
6/12/2019	S	Enrolled (In recess 06/06/2019); SJ 20
6/20/2019	S	Signed by the Governor on 06/18/2019; Chapter 0085; Effective 08/17/2019

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB33

Senate Committee: HHS

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 # 1040s - amendment # 067B

- amendment # _____ - 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 # _____ - 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):

Enrolled Bill Amendment(s)

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 AK