

LEGISLATIVE COMMITTEE MINUTES

**SB88**

Bill as  
Introduced

SB 88-FN - AS INTRODUCED

2019 SESSION

19-0830  
01/04

SENATE BILL

**88-FN**

AN ACT

relative to registry identification cards under the use of cannabis for therapeutic purposes law.

SPONSORS:

Sen. Kahn, Dist 10; Sen. Sherman, Dist 24; Sen. Rosenwald, Dist 13; Sen. Dietsch, Dist 9; Sen. Levesque, Dist 12; Sen. Cavanaugh, Dist 16

COMMITTEE:

Health and Human Services

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ANALYSIS

This bill makes certain changes in the use of cannabis for therapeutic purposes law, including:

I. Eliminating the time frame for a provider-patient relationship.

II. Repealing the requirement for a photograph of an applicant's face for purposes of the registry identification card.

-----  
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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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                   relative to registry identification cards under the use of cannabis for therapeutic purposes law.

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

1           1 Therapeutic Use of Cannabis; Definitions. Amend RSA 126-X:1, VIII to read as follows:

2           VIII. "Provider-patient relationship" means [~~at least a 3-month~~] a medical relationship  
3 between a licensed provider and a patient that includes an in-person exam, a history, a diagnosis,  
4 and a treatment plan appropriate for the licensee's medical specialty.

5           2 Therapeutic Use of Cannabis; Definitions. Amend RSA 126-X:1, XVII to read as follows:

6           XVII. "Written certification" means documentation of a qualifying medical condition by a  
7 provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of  
8 issuing registry identification cards, after having completed a full assessment of the patient's  
9 medical history and current medical condition made in the course of a provider-patient relationship  
10 [~~of at least 3 months in duration. The 3-month requirement for the provider-patient relationship~~  
11 ~~required in this paragraph shall not apply if the provider issuing the written certification certifies~~  
12 ~~that the onset of the patient's qualifying medical condition occurred within the past [3 months] and~~  
13 ~~the certifying provider is primarily responsible for the patient's care related to his or her qualifying~~  
14 ~~medical condition, or if the patient is enrolled in hospice care or is medically eligible for hospice care~~  
15 ~~with a prognosis of 6 months or less but has chosen to seek palliative or curative treatment, or both.~~  
16 ~~The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the~~  
17 ~~certifying provider's name, medical specialty, and signature shall be specified on the written~~  
18 ~~certification].~~

19           3 Therapeutic Use of Cannabis; Departmental Administration; Registry Identification Cards.  
20 Amend the introductory paragraph of RSA 126-X:4, IV. to read as follows:

21           IV. The department shall create and issue a registry identification card to a person  
22 applying as a qualifying patient or designated caregiver within 5 days of approving an application  
23 or renewal. Each registry identification card shall expire one year after the date of issuance, unless  
24 the provider states in the written certification that the certification should expire at an earlier  
25 specified date, **or at a later specified date, not to exceed 3 years**, then the registry identification  
26 card shall expire on that date. Registry identification cards shall contain all of the following:

27           4 Therapeutic Use of Cannabis; Departmental Administration; Registry Identification Cards.  
28 Amend the introductory paragraph of RSA 126-X:4, VII(a) to read as follows:

29           (a) The department shall track the number of qualifying patients who have designated  
30 each alternative treatment center and issue a [~~monthly~~] **weekly** written statement to the

SB 88-FN - AS INTRODUCED

- Page 2 -

1 alternative treatment center identifying the number of qualifying patients who have designated  
2 that alternative treatment center along with the registry identification numbers of each qualifying  
3 patient and each qualifying patient's designated caregiver.

4 5 Therapeutic Use of Cannabis; Departmental Administration; Registry Identification Cards.  
5 Amend the introductory paragraph of RSA 126-X:4, VIII to read as follows:

6 VIII. In addition to the [~~monthly~~] *weekly* reports, the department shall also provide written  
7 notice to an alternative treatment center which identifies the names and registration identification  
8 numbers of a qualifying patient and his or her designated caregiver whenever any of the following  
9 events occur:

10 6 Therapeutic Use of Cannabis; Departmental Administration; Registry Identification Cards.  
11 Amend RSA 126-X:4, IX(d) to read as follows:

12 (d) If a qualifying patient notifies the department of a change in his or her designated  
13 caregiver and the prospective designated caregiver meets the requirements of this chapter, the  
14 department shall issue the designated caregiver a registry identification card within [~~50~~] 20 days of  
15 receiving the designated caregiver's application.

16 7 Repeal. The following are repealed:

17 I. RSA 126-X:4, I(c), relative to a photograph of the applicant's face.

18 II. RSA 126-X:4, II, relative to a photograph of the applicant's face.

19 III. RSA 126-X:4, IV(f), relative to a photograph of an applicant's face.

20 8 Effective Date. This act shall take effect 60 days after its passage.

SB 88-FN- FISCAL NOTE  
AS INTRODUCED

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FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
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Appropriation	\$0	\$0	\$0	\$0
Revenue	Indeterminable	Indeterminable	Indeterminable	Indeterminable
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Funding Source:	<input type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Registry Identification Card and Certificate Fund

METHODOLOGY:

This bill amends RSA 126:X by:

- removing the length of time a provider and patient must have a relationship before written certification of a medical condition may be issued,
- providing an option for providers to increase the length of time a registry card must expire from one year to up to three years,
- changing the reporting frequency from monthly to weekly, and
- repealing requirements related to photographs of the applicant's face for registration cards.

There may be an indeterminable fiscal impact to state revenue and expenditures to the extent providers extend the expiration date of registration cards. To the extent that there is a net administrative cost resulting from the changes in the bill, those costs would be included in the registration fees paid by the Alternative Treatment Centers. The Therapeutic Cannabis Program is self-funded through annual registration fees, currently set at \$50 per application. The Department assumes applications would decrease under this bill, resulting in annual registration fees increasing in order to produce sufficient revenue to self-fund the program.

AGENCIES CONTACTED:

Department of Health and Human Services

LBAO  
19-0830  
1/16/19

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**AGENCIES CONTACTED:**

Department of Health and Human Services

SB 88-FN - AS AMENDED BY THE SENATE

03/07/2019 0606s

2019 SESSION

19-0830

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SENATE BILL **88-FN**

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COMMITTEE: Health and Human Services

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22 each alternative treatment center and issue a ~~[monthly]~~ *weekly* written statement to the alternative  
23 treatment center identifying the number of qualifying patients who have designated that alternative  
24 treatment center along with the registry identification numbers of each qualifying patient and each  
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SB 88-FN - AS AMENDED BY THE SENATE

- Page 2 -

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9 6 Repeal. The following are repealed:

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**SB 88-FN- FISCAL NOTE**  
 AS AMENDED BY THE SENATE (AMENDMENT #2019-0606s)

AN ACT relative to registry identification cards under the use of cannabis for therapeutic purposes law.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
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**METHODOLOGY:**

This bill amends RSA 126:X by:

- removing the length of time a provider and patient must have a relationship before written certification of a medical condition may be issued,
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- repealing requirements related to photographs of the applicant's face for registration cards.

To the extent that there is a net administrative cost resulting from the changes in the bill, those costs would be included in the registration fees paid by the Alternative Treatment Centers. The Therapeutic Cannabis Program is self-funded through annual registration fees, currently set at \$50 per application.

**AGENCIES CONTACTED:**

Department of Health and Human Services

SB 88-FN - AS AMENDED BY THE SENATE

03/07/2019 0606s

2019 SESSION

19-0830  
01/04

SENATE BILL

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COMMITTEE:

Health and Human Services

*QTP/A 4-0*

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SB 88-FN - AS AMENDED BY THE SENATE

- Page 2 -

1 events occur:

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3 Amend RSA 126-X:4, IX(d) to read as follows:

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5 caregiver and the prospective designated caregiver meets the requirements of this chapter, the  
6 department shall issue the designated caregiver a registry identification card within [50] 20 days of  
7 receiving the designated caregiver's application.

8 6 Repeal. The following are repealed:

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LBAO  
19-0830  
1/16/19

**SB 88-FN- FISCAL NOTE  
AS INTRODUCED**

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Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Registry Identification Card and Certificate Fund			

**METHODOLOGY:**

This bill amends RSA 126:X by:

- removing the length of time a provider and patient must have a relationship before written certification of a medical condition may be issued,
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**AGENCIES CONTACTED:**

Department of Health and Human Services

LBAO  
 19-0830  
 Amended 3/14/19

**SB 88-FN FISCAL NOTE  
 AS AMENDED BY THE SENATE (AMENDMENT #2019-0606s)**

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Department of Health and Human Services



**SB 88-FN FISCAL NOTE  
 AS AMENDED BY THE HOUSE (AMENDMENT #2019-1667h)**

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SB 88-FN - AS AMENDED BY THE SENATE

03/07/2019 0606s  
03/21/2019 1210s

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23May2019... 1667h

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19-0830  
01/04

SENATE BILL **88-FN**

AN ACT relative to registry identification cards under the use of cannabis for therapeutic purposes law.

SPONSORS: Sen. Kahn, Dist 10; Sen. Sherman, Dist 24; Sen. Rosenwald, Dist 13; Sen. Dietsch, Dist 9; Sen. Levesque, Dist 12; Sen. Cavanaugh, Dist 16

COMMITTEE: Health and Human Services

---

AMENDED ANALYSIS

This bill makes certain changes in the use of cannabis for therapeutic purposes law, including eliminating the time frame for a provider-patient relationship.

.....

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.

SB 88-FN - AS AMENDED BY THE HOUSE

03/07/2019 0606s  
03/21/2019 1210s  
23May2019... 1667h

19-0830  
01/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to registry identification cards under the use of cannabis for therapeutic purposes law.

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

1 1 Therapeutic Use of Cannabis; Definitions. Amend RSA 126-X:1, VIII to read as follows:

2 VIII. "Provider-patient relationship" means ~~[at least a 3 month]~~ a medical relationship  
3 between a licensed provider and a patient that includes an in-person exam, a history, a diagnosis,  
4 and a treatment plan appropriate for the licensee's medical specialty.

5 2 Therapeutic Use of Cannabis; Definitions. Amend RSA 126-X:1, XVII to read as follows:

6 XVII. "Written certification" means documentation of a qualifying medical condition by a  
7 provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of  
8 issuing registry identification cards, after having completed a full assessment of the patient's  
9 medical history and current medical condition made in the course of a provider-patient relationship  
10 ~~[of at least 3 months in duration. The 3 month requirement for the provider-patient relationship~~  
11 ~~required in this paragraph shall not apply if the provider issuing the written certification certifies~~  
12 ~~that the onset of the patient's qualifying medical condition occurred within the past [3 months] and~~  
13 ~~the certifying provider is primarily responsible for the patient's care related to his or her qualifying~~  
14 ~~medical condition, or if the patient is enrolled in hospice care or is medically eligible for hospice care~~  
15 ~~with a prognosis of 6 months or less but has chosen to seek palliative or curative treatment, or both].~~  
16 The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the  
17 certifying provider's name, medical specialty, and signature shall be specified on the written  
18 certification.

19 3 Therapeutic Use of Cannabis; Departmental Administration; Registry Identification Cards.  
20 Amend the introductory paragraph of RSA 126-X:4, VII(a) to read as follows:

21 (a) The department shall track the number of qualifying patients who have designated  
22 each alternative treatment center and issue a ~~[monthly]~~ **weekly** written statement to the alternative  
23 treatment center identifying the number of qualifying patients who have designated that alternative  
24 treatment center along with the registry identification numbers of each qualifying patient and each  
25 qualifying patient's designated caregiver.

26 4 Therapeutic Use of Cannabis; Departmental Administration; Registry Identification Cards.  
27 Amend the introductory paragraph of RSA 126-X:4, VIII to read as follows:

28 VIII. In addition to the ~~[monthly]~~ **weekly** reports, the department shall also provide written  
29 notice to an alternative treatment center which identifies the names and registration identification

SB 88-FN - AS AMENDED BY THE HOUSE

- Page 2 -

1 numbers of a qualifying patient and his or her designated caregiver whenever any of the following  
2 events occur:

3 5 Therapeutic Use of Cannabis; Departmental Administration; Registry Identification Cards.

4 Amend RSA 126-X:4, IX(d) to read as follows:

5 (d) If a qualifying patient notifies the department of a change in his or her designated  
6 caregiver and the prospective designated caregiver meets the requirements of this chapter, the  
7 department shall issue the designated caregiver a registry identification card within [50] 20 days of  
8 receiving the designated caregiver's application.

9 6 Repeal. The following are repealed:

10 I. RSA 126-X:4, I(c), relative to a photograph of the applicant's face.

11 II. RSA 126-X:4, II(b), relative to a photograph of the applicant's face.

12 III. RSA 126-X:4, IV(f), relative to a photograph of an applicant's face.

13 7 Effective Date. This act shall take effect 60 days after its passage.



**SB 88-FN- FISCAL NOTE**  
 AS AMENDED BY THE HOUSE (AMENDMENT #2019-1667h)

AN ACT relative to registry identification cards under the use of cannabis for therapeutic purposes law.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Expenditures	Indeterminable	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Registry Identification Card and Certificate Fund			

**METHODOLOGY:**

This bill amends RSA 126:X by:

- removing the length of time a provider and patient must have a relationship before written certification of a medical condition may be issued,
- changing the reporting frequency from monthly to weekly, and
- repealing requirements related to photographs of the applicant's face for registration cards.

To the extent that there is a net administrative cost resulting from the changes in the bill, those costs would be included in the registration fees paid by the Alternative Treatment Centers. The Therapeutic Cannabis Program is self-funded through annual registration fees, currently set at \$50 per application.

**AGENCIES CONTACTED:**

Department of Health and Human Services

SB 88-FN - FINAL VERSION

03/07/2019 0606s  
03/21/2019 1210s  
23May2019... 1667h

2019 SESSION

19-0830  
01/04

SENATE BILL **88-FN**

AN ACT relative to registry identification cards under the use of cannabis for therapeutic purposes law.

SPONSORS: Sen. Kahn, Dist 10; Sen. Sherman, Dist 24; Sen. Rosenwald, Dist 13; Sen. Dietsch, Dist 9; Sen. Levesque, Dist 12; Sen. Cavanaugh, Dist 16

COMMITTEE: Health and Human Services

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SB 88-FN - FINAL VERSION

03/07/2019 0606s  
03/21/2019 1210s  
23May2019... 1667h

19-0830  
01/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

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9 medical history and current medical condition made in the course of a provider-patient relationship  
10 ~~[of at least 3 months in duration. The 3-month requirement for the provider-patient relationship~~  
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12 ~~that the onset of the patient's qualifying medical condition occurred within the past [3 months] and~~  
13 ~~the certifying provider is primarily responsible for the patient's care related to his or her qualifying~~  
14 ~~medical condition, or if the patient is enrolled in hospice care or is medically eligible for hospice care~~  
15 ~~with a prognosis of 6 months or less but has chosen to seek palliative or curative treatment, or both].~~  
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22 each alternative treatment center and issue a ~~[monthly]~~ **weekly** written statement to the alternative  
23 treatment center identifying the number of qualifying patients who have designated that alternative  
24 treatment center along with the registry identification numbers of each qualifying patient and each  
25 qualifying patient's designated caregiver.

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29 notice to an alternative treatment center which identifies the names and registration identification

1 numbers of a qualifying patient and his or her designated caregiver whenever any of the following  
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4 Amend RSA 126-X:4, IX(d) to read as follows:

5 (d) If a qualifying patient notifies the department of a change in his or her designated  
6 caregiver and the prospective designated caregiver meets the requirements of this chapter, the  
7 department shall issue the designated caregiver a registry identification card within ~~[50]~~ 20 days of  
8 receiving the designated caregiver's application.

9 6 Repeal. The following are repealed:

10 I. RSA 126-X:4, I(c), relative to a photograph of the applicant's face.

11 II. RSA 126-X:4, II(b), relative to a photograph of the applicant's face.

12 III. RSA 126-X:4, IV(f), relative to a photograph of an applicant's face.

13 7 Effective Date. This act shall take effect 60 days after its passage.

14

15 VETOED July 12, 2019

**SB 88-FN- FISCAL NOTE**  
 AS AMENDED BY THE HOUSE (AMENDMENT #2019-1667h)

AN ACT relative to registry identification cards under the use of cannabis for therapeutic purposes law.

FISCAL IMPACT:     State             County             Local             None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
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<b>Revenue</b>	Indeterminable	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	Indeterminable	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Registry Identification Card and Certificate Fund.			

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This bill amends RSA 126:X by:

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**AGENCIES CONTACTED:**

Department of Health and Human Services

CHAPTER 344  
SB 88-FN - FINAL VERSION

03/07/2019 0606s  
03/21/2019 1210s  
23May2019... 1667h

2019 SESSION

19-0830  
01/04

SENATE BILL **88-FN**

AN ACT relative to registry identification cards under the use of cannabis for therapeutic purposes law.

SPONSORS: Sen. Kahn, Dist 10; Sen. Sherman, Dist 24; Sen. Rosenwald, Dist 13; Sen. Dietsch, Dist 9; Sen. Levesque, Dist 12; Sen. Cavanaugh, Dist 16

COMMITTEE: Health and Human Services

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CHAPTER 344  
SB 88-FN - FINAL VERSION

03/07/2019 0606s  
03/21/2019 1210s  
23May2019... 1667h

19-0830  
01/04

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:*

1 344:1 Therapeutic Use of Cannabis; Definitions. Amend RSA 126-X:1, VIII to read as follows:

2 VIII. "Provider-patient relationship" means ~~[at least a 3 month]~~ a medical relationship  
3 between a licensed provider and a patient that includes an in-person exam, a history, a diagnosis,  
4 and a treatment plan appropriate for the licensee's medical specialty.

5 344:2 Therapeutic Use of Cannabis; Definitions. Amend RSA 126-X:1, XVII to read as follows:

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7 provider pursuant to rules adopted by the department pursuant to RSA 541-A for the purpose of  
8 issuing registry identification cards, after having completed a full assessment of the patient's  
9 medical history and current medical condition made in the course of a provider-patient relationship  
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14 ~~medical condition, or if the patient is enrolled in hospice care or is medically eligible for hospice care~~  
15 ~~with a prognosis of 6 months or less but has chosen to seek palliative or curative treatment, or both].~~  
16 The date of issuance and the patient's qualifying medical condition, symptoms or side effects, the  
17 certifying provider's name, medical specialty, and signature shall be specified on the written  
18 certification.

19 344:3 Therapeutic Use of Cannabis; Departmental Administration; Registry Identification  
20 Cards. Amend the introductory paragraph of RSA 126-X:4, VII(a) to read as follows:

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24 treatment center along with the registry identification numbers of each qualifying patient and each  
25 qualifying patient's designated caregiver.

26 344:4 Therapeutic Use of Cannabis; Departmental Administration; Registry Identification  
27 Cards. Amend the introductory paragraph of RSA 126-X:4, VIII to read as follows:

CHAPTER 344  
SB 88-FN - FINAL VERSION  
- Page 2 -

1 VIII. In addition to the ~~monthly~~ *weekly* reports, the department shall also provide written  
2 notice to an alternative treatment center which identifies the names and registration identification  
3 numbers of a qualifying patient and his or her designated caregiver whenever any of the following  
4 events occur:

5 344:5 Therapeutic Use of Cannabis; Departmental Administration; Registry Identification  
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7 (d) If a qualifying patient notifies the department of a change in his or her designated  
8 caregiver and the prospective designated caregiver meets the requirements of this chapter, the  
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13 II. RSA 126-X:4, II(b), relative to a photograph of the applicant's face.

14 III. RSA 126-X:4, IV(f), relative to a photograph of an applicant's face.

15 344:7 Effective Date. This act shall take effect 60 days after its passage.

Approved: Enacted in accordance with Part II, Article 44 of N.H. Constitution, without signature of  
governor, September 19, 2019.

Effective Date: November 18, 2019



# Amendments

Health and Human Services  
February 20, 2019  
2019-0606s  
05/06

Amendment to SB 88-FN

- 1 Amend the bill by deleting section 3 and renumbering the original sections 4-8 to read as 3-7,
- 2 respectively.
- 3
- 4 Amend the bill by deleting section 6 and renumbering the original section 7 to read as 6.

**Amendment to SB 88-FN**  
**- Page 2 -**

2019-0606s

**AMENDED ANALYSIS**

This bill makes certain changes in the use of cannabis for therapeutic purposes law, including eliminating the time frame for a provider-patient relationship.

Sen. Gray, Dist 6  
March 20, 2019  
2019-1210s  
01/04

Floor Amendment to SB 88-FN

1 Amend paragraph II as inserted by section 6 of the bill by replacing it with the following:

2

3 II. RSA 126-X:4, II(b), relative to a photograph of the applicant's face.

# 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: January 30, 2019

### HEARINGS

	Tuesday	02/05/2019
	(Day)	(Date)
Health and Human Services		LOB 101
(Name of Committee)		(Time)
1:00 p.m.	<b>SB 88-FN</b>	relative to registry identification cards under the use of cannabis for therapeutic purposes law.
1:15 p.m.	<b>SB 259-FN</b>	expanding eligibility for the Medicaid for employed adults with disabilities (MEAD) program.
1:30 p.m.	<b>SB 236-FN-A</b>	making an appropriation to the department of health and human services for the purposes of upgrades to substance use disorder treatment facilities.
1:45 p.m.	<b>SB 289-FN</b>	relative to health and human services.
2:00 p.m.	<b>SB 260-FN</b>	relative to a program for prescription drug costs for certain seniors and making an appropriation therefor.
2:15 p.m.	<b>SB 4</b>	relative to the group and individual health insurance market.

### EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**SB 88-FN**

Sen. Kahn	Sen. Sherman	Sen. Rosenwald	Sen. Dietsch
Sen. Levesque	Sen. Cavanaugh		

**SB 259-FN**

Sen. Watters	Sen. Hennessey	Sen. Fuller Clark	Sen. Bradley
Sen. Chandley	Sen. Feltes	Sen. Kahn	Sen. Morgan
Sen. Morse	Sen. Rosenwald	Sen. Sherman	Sen. Soucy
Rep. Cannon	Rep. McMahon		

**SB 236-FN-A**

Sen. Morgan	Sen. Sherman	Sen. Hennessey	Sen. Rosenwald
Sen. Feltes	Sen. Fuller Clark	Sen. Levesque	Sen. Watters

**SB 289-FN**

Sen. Fuller Clark	Rep. Knirk
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**SB 260-FN**

Sen. Feltes	Sen. Fuller Clark	Rep. Merchant
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**SB 4**

Sen. Feltes  
Sen. Dietsch  
Sen. Levesque  
Sen. Soucy

Sen. Cavanaugh  
Sen. Fuller Clark  
Sen. Morgan  
Sen. Watters

Sen. Chandley  
Sen. Hennessey  
Sen. Rosenwald  
Rep. Butler

Sen. D'Allesandro  
Sen. Kahn  
Sen. Sherman  
Rep. McMahon

Doug Marino 271-8631

Tom Sherman  
Chairman

**Senate Health and Human Services Committee**  
*Doug Marino 271-8631*

**SB 88-FN**, relative to registry identification cards under the use of cannabis for therapeutic purposes law.

**Hearing Date:** February 5, 2019

**Time Opened:** 1:06 p.m.

**Time Closed:** 2:00 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 makes certain changes in the use of cannabis for therapeutic purposes law, including:

- I. Eliminating the time frame for a provider-patient relationship.
- II. Repealing the requirement for a photograph of an applicant's face for purposes of the registry identification card.

**Sponsors:**

Sen. Kahn  
Sen. Dietsch

Sen. Sherman  
Sen. Levesque

Sen. Rosenwald  
Sen. Cavanaugh

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**Who supports the bill:** Senator Tom Sherman (District 24), Senator Cindy Rosenwald (District 13), Rep. Wendy Thomas (Hillsborough District 21), Mike McLaughlin (Sanctuary ATC), Sian Leininger (Temescal Wellness), Senator Jay Kahn (District 10), Rep. Susan Ford (Grafton District 3), Senator Martha Fuller Clark (District 21), Senator John Reagan (District 17), Senator Bob Giuda (District 2)

**Who opposes the bill:**

**Who is neutral on the bill:** Michael Holt (Department of Health and Human Services)

**Summary of testimony presented:**

*Senator Jay Kahn, District 10 and Michael Holt, Therapeutic Cannabis Program Director, DHHS*

- Some of Senator Kahn's constituents have run into barriers getting access to therapeutic cannabis.
- This legislation will adjust the therapeutic cannabis statute in four ways.



- The bill would eliminate requirement for a 90-day doctor-patient relationship.
- The bill would eliminate the photo identification requirement for therapeutic cannabis patient ID cards. Currently, patients must use a CD or a flash drive to submit their photo to the department.
- The bill would allow patients to obtain a 3-year prescription for therapeutic cannabis.
- The bill would also require the Department of Health and Human Services to issue weekly reports on how many patients are enrolled in New Hampshire's therapeutic cannabis program.
- Currently, there is no equivalent 90-day requirement for the prescription of opioids.
- Senator Gray asked Senator Kahn for a citation concerning the need to use a CD to submit photo identification. Mr. Holt stepped forward to answer Senator Gray's question. The CD requirement is not spelled out in statute but is codified in department rules. For the department to put the photo on an ID card, they need a digital copy of it, the department accepts CDs, as well as flash drives.
- Senator Gray followed up by asking why department rules require the use of a CD to submit photos, when the medical marijuana statute in New Hampshire does not mention this requirement. Mr. Holt responded by indicated that the department's administrative rules require the applicant to submit a digital file of the photo.
- Mr. Holt further indicated that patients are required to show a second form of photo identification when they go to purchase medical cannabis at a dispensary.
- Senator Sherman stated that perhaps the statute can be amended to reflect current department practice.
- Senator Gray asked Senator Kahn about the page 2, lines 17-19 of the legislation. Specifically, whether the language was reflective of the Senator Kahn's legislative intent. Senator Kahn indicated that he believes that it is.
- Senator Sherman asked Senator Kahn about allowing a 3-year certification. Senator Sherman indicated that some qualifying conditions may be treatable in well under 3 years. Specifically, Senator Sherman wanted to know if any of Senator Kahn's constituents have run into problems with the current renewal process. Senator Kahn indicated that he has only had one constituent who needed to apply for renewal of their prescription.
- Mr. Holt noted that many of the qualifying conditions are chronic medical conditions, and certifying medical providers reserve the right to terminate a prescription at any time. This legislation would provide more flexibility to providers who are treating patients with chronic medical conditions who currently must renew their certification annually.
- Senator Fuller Clark asked Mr. Holt if there is any delay between the current annual renewal period, and the expiration of the patient's certification. Mr. Holt indicated that patients may renew their certification thirty days before their card expires.
- Senator Chandley asked if it is the intent of the sponsor to eliminate the photo requirement entirely. Senator Kahn indicated that the intent of the bill is to allow the photo requirement to be dealt with in the department's administrative rules. Mr. Holt indicated that the department is not taking a position on the bill, but he understands the intent of the bill to be the removal of the requirement for a photo ID in New Hampshire statute.
- Senator Fuller Clark asked Mr. Holt if he remembered why a photo ID was required in the first place. Mr. Holt indicated that he did not know.
- Senator Gray asked if the legislation would allow somebody to purchase medical cannabis if they have the same name as a qualifying patient. Senator Kahn indicated that he has faith in the ability of dispensaries to regulate this. Mr. Holt also indicated that dispensaries are required to verify date of birth, among other data points.

*Mike McLaughlin, Represents Sanctuary ATC*

- Sanctuary ATC supports this legislation.
- Some of the original provisions in NH's medical marijuana were designed to be restrictive because the state had no experience on this issue. Now, the state has a better understanding of therapeutic cannabis.
- The provision requiring a 90-day waiting period can be cruel for patients with conditions that cause debilitating pain.

*Sian Leininger, Temescal Wellness*

- The two Temescal Wellness locations serve over 2,700 patients.
- Temescal Wellness is in favor of this legislation.

- Patients have expressed frustration over the process of getting their photo ID on to a CD.
- Patients have also expressed frustration over the 3-month waiting period.
- Some providers in New Hampshire still refuse to consider therapeutic cannabis as an option. Therefore, patients are often required to find alternative providers who will consider cannabis as an option. Once they find a new provider, they must wait 90 days until they can receive their certification for therapeutic cannabis.
- Patients who are dealing with chronic conditions will benefit from the provision allowing certifications to last up to three years. Many of these conditions are life long afflictions, and it is a burden on these patients to be required to renew their certification every year.

*Rep. Susan Ford, Grafton District 3*

- Rep. Ford received a call from a constituent whose loved one was diagnosed with an inoperable brain tumor. They were having a very difficult time obtaining a therapeutic cannabis card due to the 90-day requirement.
- Patients have run into problems when dealing with various state agencies as they try to gain certification for therapeutic cannabis.
- Rep. Ford's constituent was able to get his certification for medical marijuana and has since seen enormous progress concerning his symptoms.
- Senator Gray asked Rep. Ford why the current exemptions to the 90-day rule are insufficient. Rep. Ford indicated that her constituents have run into problems with the 90-day rule, even with the current exemptions outlined in the statute.

*Rep. Wendy Thomas*

- Rep. Thomas works at Prime Alternative Treatment Center (ATC) and is a therapeutic cannabis patient.
- Requiring patients to submit their photo ID on a CD is very outdated.
- Personnel at dispensaries are very familiar with their patients, and the odds of somebody being able to fraudulently purchase cannabis is very low.
- Patients who have documented qualifying medical conditions should not have to wait 90 days, especially when they can get a prescription to opioids immediately.
- Additionally, Rep. Thomas noted that many insurance companies will not cover doctor's visits if the patient is seeking to obtain certification for therapeutic cannabis.
- Most of the qualifying conditions in New Hampshire are life-long, chronic conditions. Patients with these conditions will benefit from allowing a prescription to last for three years.
- Senator Gray asked Rep. Thomas why the current exemptions to the 90-day rule are insufficient. Rep. Thomas indicated that many providers are wary of deviating from the 90-day rule, even with current exemptions outlined in statute.
- Senator Gray followed up by asking if there is anything in the law that prevents somebody from submitting a photo through means other than a CD. Rep. Thomas indicated that there is not, but administrative rules require the use of a CD or a flash drive.
- Senator Gray followed up by asking if there is anything in the statute that outlines an additional waiting period in addition to the 90-day rule. Mr. Holt stepped forward to answer the question. He indicated that the department has a maximum period of 20 days to process the application. However, processing the application may take longer than 20 days if the application is incomplete.
- Senator Gray asked if the 20-day period is in statute, or department rules? Mr. Holt indicated that it is outlined in statute.
- Senator Gray asked if it is possible for an application to be processed in a day. Mr. Holt indicated that the department does not have the necessary staffing to do so.
- Senator Bradley asked Mr. Holt if the department has a position on the three-month requirement. Mr. Holt indicated that the department is taking no position on the bill's provisions.

DLM  
Date Hearing Report completed: February 7, 2019

# Speakers





# Voting Sheets

# Senate Health and Human Services Committee

## EXECUTIVE SESSION RECORD

2018-2019 Session

Bill # ~~SB 5-FNA~~

Hearing date: January 22, 2019

88-FN

Executive Session date: 2/19/19

Motion of: 0463 + Delete 7 Vote: 4-0

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPIA Vote: 4-0

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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Chandley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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: \_\_\_\_\_ 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: Bradley



Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1/1/10

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, February 19, 2019

THE COMMITTEE ON Health and Human Services

to which was referred **SB 88-FN**

AN ACT

relative to registry identification cards under the  
use of cannabis for therapeutic purposes law.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 2019-0606s

Senator Jeb Bradley  
For the Committee

Doug Marino 271-8631

**HEALTH AND HUMAN SERVICES**

**SB 88-FN, relative to registry identification cards under the use of cannabis for therapeutic purposes law.**

**Ought to Pass with Amendment, Vote 4-0.**

**Senator Jeb Bradley for the committee.**

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Tuesday, March 12, 2019

THE COMMITTEE ON Finance

to which was referred **SB 88-FN**

AN ACT

relative to registry identification cards under the  
use of cannabis for therapeutic purposes law.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 4-0

Senator Jay Kahn  
For the Committee

Deb Martone 271-4980

## General Court of New Hampshire - Bill Status System

**Docket of SB88**

Docket Abbreviations

**Bill Title:** relative to registry identification cards under the use of cannabis for therapeutic purposes law.*Official Docket of SB88.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/17/2019	S	<b>Introduced</b> 01/03/2019 and Referred to Health and Human Services; <b>SJ 4</b>
1/30/2019	S	<b>Hearing:</b> 02/05/2019, Room 101, LOB, 01:00 pm; <b>SC 9</b>
2/21/2019	S	Committee Report: Ought to Pass with Amendment <b>#2019-0606s</b> , 03/07/2019; <b>SC 12</b>
3/7/2019	S	Sen. Feltes Moved to divide the Question on Committee Amendment <b>#2019-0606s</b> : Lines 1 and 2; and Line 4; 03/07/2019; <b>SJ 7</b>
3/7/2019	S	The Chair ruled the Question Divisible; 03/07/2019; <b>SJ 7</b>
3/7/2019	S	Committee Amendment <b>#2019-0606s</b> : Lines 1 and 2, AA, VV; 03/07/2019; <b>SJ 7</b>
3/7/2019	S	Committee Amendment <b>#2019-0606s</b> : Line 4 <b>RC 9Y-15N, AF</b> ; 03/07/2019; <b>SJ 7</b>
3/7/2019	S	Sen. Gray Moved to divide the Question on Ought to Pass as Amended <b>#2019-0606s</b> : Sections 6 and 7; and Sections 1-5 and 7, 03/07/2019; <b>SJ 7</b>
3/7/2019	S	The Chair ruled the Question Divisible; 03/07/2019; <b>SJ 7</b>
3/7/2019	S	<b>Ought to Pass with Amendment #2019-0606s</b> : Sections 6 and 7, <b>RC 16Y-8N, MA</b> ; 03/07/2019; <b>SJ 7</b>
3/7/2019	S	<b>Ought to Pass with Amendment #2019-0606s</b> : Sections 1-5 and 7, MA, VV, Refer to Finance Rule 4-5; 03/07/2019; <b>SJ 7</b>
3/13/2019	S	Committee Report: Ought to Pass, 03/21/2019; <b>SC 14</b>
3/21/2019	S	Sen. Gray Floor Amendment <b>#2019-1210s</b> , AA, VV; 03/21/2019; <b>SJ 9</b>
3/21/2019	S	<b>Ought to Pass with Amendment 2019-1210s</b> , <b>RC 17Y-7N, MA</b> ; OT3rdg; 03/21/2019; <b>SJ 9</b>
3/28/2019	H	Introduced 03/20/2019 and referred to Health, Human Services and Elderly Affairs <b>HJ 11 P. 72</b>
4/17/2019	H	Public Hearing: 04/23/2019 10:00 am LOB 205
4/17/2019	H	Division I Subcommittee Work Session: 04/25/2019 10:00 am LOB 104
4/30/2019	H	Executive Session: 05/07/2019 10:00 am LOB 205
5/9/2019	H	Majority Committee Report: Ought to Pass with Amendment <b>#2019-1667h</b> for 05/23/2019 ( <b>Vote 18-3; RC</b> ) <b>HC 25 P. 9</b>
5/9/2019	H	Minority Committee Report: Inexpedient to Legislate
5/23/2019	H	Amendment <b>#2019-1667h</b> : AA VV 05/23/2019 <b>HJ 16 P. 35</b>
5/23/2019	H	<b>Ought to Pass with Amendment 2019-1667h</b> : MA <b>RC 263-90</b> 05/23/2019 <b>HJ 16 P. 35</b>
6/13/2019	S	Sen. Sherman Moved to Concur with the House Amendment, MA, VV; 06/13/2019; <b>SJ 20</b>
6/28/2019	H	Enrolled 06/27/2019 <b>HJ 20 P. 53</b>
6/28/2019	S	Enrolled (In recess 06/27/2019); <b>SJ 21</b>

7/16/2019	S	Vetoed by Governor 07/12/2019
9/19/2019	S	Notwithstanding the Governor's Veto, Shall SB 88 Become Law: <b>RC 17Y-7N</b> , Veto Overridden by necessary two-thirds vote; 09/19/2019; <b>SJ 22</b>
9/19/2019	H	Veto Overridden 09/19/2019: <b>RC 238-117</b> by Required Two-Thirds Vote <b>HJ 22 P. 11</b>
10/1/2019	S	Law Without Signature 09/19/2019; Chapter 344; Effective 11/18/2019; Art 44, Pt II, NH Constitution

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NH House

NH Senate

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# Other Referrals



# Senate Inventory Checklist for Archives

Bill Number: SB 88

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 # 06065       - amendment # \_\_\_\_\_

- 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 3-7-19  3-21-19 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

# Senate Inventory Checklist for Archives

Bill Number: SB 88

Senate Committee: Finance

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
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### Committee Action Documents: {Legislative Aides}

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

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_
- 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 \_\_\_\_\_

July 12, 2019

Governor's Veto Message Regarding Senate Bill 88

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on July 12th, 2019, I have vetoed Senate Bill 88, relative to registry identification cards under the use of cannabis for therapeutic purposes law.

Maintaining a strong patient-provider relationship is an important part of ensuring that our medical marijuana program is used successfully and responsibly. A doctor or other health care provider uses their knowledge and relationship with a patient to explore the right treatment options for that individual. The exemptions in the current statute allow for patients in need to obtain appropriate treatment while preserving responsible prescribing.

For the reasons stated above, I have vetoed Senate Bill 88.

Respectfully submitted,

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Christopher T. Sununu  
Governor