

# Committee Report

**REGULAR CALENDAR**

**January 28, 2020**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Criminal Justice and Public Safety  
to which was referred HB 1648-FN,**

**AN ACT relative to the home cultivation of cannabis  
plants and the possession of certain cannabis-infused  
products. Having considered the same, report the same  
with the following amendment, and the  
recommendation that the bill OUGHT TO PASS WITH  
AMENDMENT.**

**Rep. Scott Wallace**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Criminal Justice and Public Safety</b>
Bill Number:	<b>HB 1648-FN</b>
Title:	<b>relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.</b>
Date:	<b>January 28, 2020</b>
Consent Calendar:	<b>REGULAR</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2020-0252h</b>

### STATEMENT OF INTENT

This bill eliminates the civil penalty for adults 21 and older possessing 3/4 ounce or less of cannabis, and it eliminates the criminal penalty for adults possessing up to six plants, of which three may be mature. The bill would put New Hampshire's laws more nearly into line with the laws in neighboring jurisdictions, which have all legalized cannabis possession and cultivation. The bill maintains current penalties against selling cannabis and driving while impaired, and public consumption would be punishable by a fine. The majority believes that the state should not continue to expend limited law enforcement resources to enforce a prohibition that two thirds of Granite Staters believe should be repealed.

Vote 13-7.

Rep. Scott Wallace  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### Criminal Justice and Public Safety

**HB 1648-FN**, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Scott Wallace for Criminal Justice and Public Safety. This bill eliminates the civil penalty for adults 21 and older possessing 3/4 ounce or less of cannabis, and it eliminates the criminal penalty for adults possessing up to six plants, of which three may be mature. The bill would put New Hampshire's laws more nearly into line with the laws in neighboring jurisdictions, which have all legalized cannabis possession and cultivation. The bill maintains current penalties against selling cannabis and driving while impaired, and public consumption would be punishable by a fine. The majority believes that the state should not continue to expend limited law enforcement resources to enforce a prohibition that two thirds of Granite Staters believe should be repealed. **Vote 13-7.**

Original: House Clerk  
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## COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1648-FN
Title:	relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.
Date:	January 28, 2020
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2020-0252h

### STATEMENT OF INTENT

"This bill eliminates the civil penalty for adults 21 and older possessing 3/4 ounce or less of cannabis, and it eliminates the criminal penalty for adults possessing up to six plants, of which three may be mature. The bill would put New Hampshire's laws more nearly into line with the laws in neighboring jurisdictions, which have all legalized cannabis possession and cultivation. The bill maintains current penalties against selling cannabis and driving while impaired, and public consumption would be punishable by a fine. The majority believes that the state should not continue to expend limited law enforcement resources to enforce a prohibition that two thirds of Granite Staters believe should be repealed."

 Vote 13-7.

Rep. Scott Wallace  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: CSPS

BILL NUMBER: HB 1648-FN

TITLE: Relative to Home Cultivation of Cannabis and possession of Cannabis products

DATE: 1-28-2020 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. <u>0252-H</u>
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STATEMENT OF INTENT:

SEE ATTACHED EMAILED BLURB

COMMITTEE VOTE: 13-7

RESPECTFULLY SUBMITTED,

Rep. [Signature]  
For the Committee

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Cushing, Rock. 21  
January 27, 2020  
2020-0252h  
04/11

Amendment to HB 1648-FN

1 Amend RSA 318-B:2-c, I-c as inserted by section 3 of the bill by replacing it with the following:

2

3 *I-c. No person shall consume cannabis in a public place. A person 21 years of age*  
4 *or older who violates this paragraph shall be guilty of a violation and may be fined not*  
5 *more than \$100.*

# Voting Sheets



HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1648-FN

BILL TITLE: relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

DATE: 1/28/20

LOB ROOM: 204

MOTION: (Please check one box)

Options: OTP, ITL, Retain (1st year), Adoption of Amendment # 0252h, Interim Study (2nd year). Moved by Rep. Wallace, Seconded by Rep. Rodd, Vote: 15/4

MOTION: (Please check one box)

Options: OTP, OTP/A, ITL, Retain (1st year), Adoption of Amendment #, Interim Study (2nd year). Moved by Rep. Wallace, Seconded by Rep. Rodd, Vote: 13/7

MOTION: (Please check one box)

Options: OTP, OTP/A, ITL, Retain (1st year), Adoption of Amendment #, Interim Study (2nd year). Moved by Rep. \_\_\_\_\_, Seconded by Rep. \_\_\_\_\_, Vote: \_\_\_\_\_

MOTION: (Please check one box)

Options: OTP, OTP/A, ITL, Retain (1st year), Adoption of Amendment #, Interim Study (2nd year). Moved by Rep. \_\_\_\_\_, Seconded by Rep. \_\_\_\_\_, Vote: \_\_\_\_\_

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: Motion

Respectfully submitted: Rep Linda Harriott-Gathright, Clerk



2020 SESSION

**Criminal Justice and Public Safety**

Bill #: HB1648 Motion: Adopt Amend AM #: 10:30A Exec Session Date: 1/28/20

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Cushing, Robert Renny Chairman	✓		
Rodd, Beth Vice Chairman	✓		
Pantelakos, Laura C.	✓		
O'Hearne, Andrew S.	✓		
Harriott-Gathright, Linda C. Clerk	✓		
Opderbecke, Linn	✓		
Bordenet, John	✓		
Meuse, David	✓		
Murphy, Nancy A.	✓		
Newman, Ray E.	✓		
Radhakrishnan, Julie	✓		
Swinburne, Sandy L.	✓		
Welch, David A.		✓	
Fields, Dennis H.		✓	
Green, Dennis E.		✓	
Testerman, Dave		✓	
Wallace, Scott	✓		
Abbas, Daryl A.		✓	
Roy, Terry	✓		
Ober, Lynne	✓		
<b>TOTAL VOTE:</b>	<b>15</b>	<b>4</b>	



2020 SESSION

Criminal Justice and Public Safety

Bill #: HB 1648-FN Motion: OTPA AM #: 10:45 Exec Session Date: 1/28/20

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Cushing, Robert Renny Chairman	✓		
Rodd, Beth Vice Chairman	✓		
Pantelakos, Laura C.		✓	
O'Hearne, Andrew S.	✓		
Harriott-Gathright, Linda C. Clerk		✓	
Opderbecke, Linn	✓		
Bordenet, John	✓		
Meuse, David	✓		
Murphy, Nancy A.	✓		
Newman, Ray E.	✓		
Radhakrishnan, Julie	✓		
Swinburne, Sandy L.	✓		
Welch, David A.		✓	
Fields, Dennis H.		✓	
Green, Dennis E.		✓	
Testerman, Dave		✓	
Wallace, Scott	✓		
Abbas, Daryl A.		✓	
Roy, Terry	✓		
Ober, Lynne	✓		
<b>TOTAL VOTE:</b>	<b>13</b>	<b>7</b>	

# Hearing Minutes

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1648-FN

**BILL TITLE:** relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

**DATE:** January 23, 2020

**LOB ROOM:** 204 **Time Public Hearing Called to Order:** 1:30

**Time Adjourned:** 3:15 p.m.

**Committee Members:** Reps. Cushing, Rodd, Harriott-Gathright, Opderbecke, Bordenet, Meuse, Murphy, R. Newman, Radhakrishnan, Swinburne, Welch, Testerman and Abbas

**Bill Sponsors:**

Rep. McGuire

Rep. Conley

Sen. Hennessey

Rep. Cushing

Rep. Knirk

Sen. Reagan

Rep. Nunez

Rep. McWilliams

**TESTIMONY**

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

**Rep. Carol McGuire, Sponsor - Read bill analysis**

**Rep. Cushing, Sponsor**

- Remove limitation
- likes the bill as is
- Believes NH should join the states around them

**Rep. Abrami - opposed**

- Need funds for addiction, treatment
- The vaping issue - bill allows for distracting

**Richard Van Wickler - Law enforcement action partnership - supports**

- Testify for adult use of cannabis use for 12 years
- Care deeply for my state

**Kate Frey, VP New Futures - opposed**

- Will send written testimony
- Clarify P3, L17-19, no usage in public
- Clarify P3, why not add selling, distributions

**Hon Joe Hannon - Policy Director NHRRC - supports**

- Very limited bill
- Similar to home brewing

**\*Ron Kammerzell, Kammerzell Consulting Service LLC - support**  
Written testimony only

**Rep. Abbas - supports removing P3 L7-9**

**Atty Paul Twoney, Chichester - supports**

- High THC is a result of an illegal market

**Religious Cannabis Church - supports**

**Ross Connelly, AFP-NH - supports**

- 50 years of prohibition of NH

**Heather Brown, Barnstead - supports**

- Legal access to therapeutic cannabis
- We should not need a card to use cannabis

**Dan Stockwell, Jr. - supports**

- Self medicated for over 30 years
- diagnosed with Aspergers
- Says was suicidal

**Tracey Kallman, Harrisville - supports**

- Nurse practitioner since 1988
- Growing your own cannabis is safer

**Lisa Powers, Reg. Nurse - supports**

- Cannabis user and also has patients

**\*Jeanne Hruska - supports**

**Joseph Abrooks, Manchester - supports**

- NH medical cannabis patient

**Atty Mark Sisti, Gilmanton**

- 41 year attorney
- Denying rights and benefits to our youth

**\*Cheyenne Harding - personal testimony**

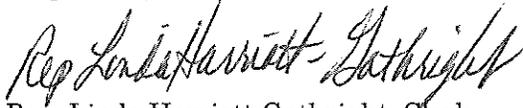
**Ian Freeman - supports**

**Forest Rapier - supports - had to leave before testifying**

**\*Matt Simon - Marijuana Policy Project - supports**

- children subjected to that are under 21 - law does not change

Respectfully submitted,



Rep. Linda Harriott-Gathright, Clerk



①

1/22/20

HP 1648-FN

①  
Sponsor

Carol McQuere Merri 29  
• read bill analysis

②  
Sponsor

Rep Kenny Cushing Rock 21

- ? remove limitation
- like the bill as is
- Believe NH should join the states around us

oppose

③ Rep Pat Abrami Rock 19, Stratham

- Needs funds for addiction, treatment
- The vaping issue - bill allows for distracting

support

④ Richard Van Wickler Law Enforcement Action Partnership

- testify for adult use of cannabis for 12 years.
- Care deeply for my state

oppose

⑤ Kate Frey VP New Futures

- will read written testimony
- clarify P3, L17-19, no usage in public
- clarify P3 why not add selling, distributors,

6. Hon Joe Hannon Policy D NHTREC  
support • very limited bill  
• similar to home brewing

\* 7. Ron Kammerzell @ Ron Kammerzell Consulting  
support • written testimony only source etc  
• perbas supports removing P3 L7-9

8. <sup>attys</sup> Paul Twomey Chichester  
support High THC is a result of illegal market

9. Nobody - Religious Cannabis Church  
support

10. Ross Connelly AFP-NH  
support • 50yrs of the prohibition of NH

11. Heather Brown Barnstead  
support • legal access to therapeutic cannabis  
• we should not need a card to use cannabis

12. Dan Hochwell Jr. Dublin  
support • self medicating for over 30 yrs  
• diagnosis with Asperger  
• says <sup>was</sup> suicide

13. Tracey Kallman Harrisville  
support • Nurse Practitioner since 1988  
• Growing your own cannabis is safer.

(2)

14 support Lisa Powers Manchester  
• Reg Nurse  
• Cannabis user and have patience

\* (15) Jeanne Huska  
support • testimony

\* (16) Joseph Albrooks March  
support • Not medical cannabis patient

~~\*~~ (17) <sup>ATTY</sup> Mark Sisti, 41 years <sup>ATTY</sup> Gilman  
support • Denying rights and benefits to our youth

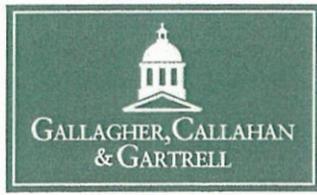
\* support (18) Cheyenne Harding  
personal testimony

~~\*~~ (19) Ian Freeman  
support

support (20) Forest Capier - had to leave

\* (21) Matt Simon Marijuana Policy Project  
support • children subjected to <sup>children</sup> under 21 - law does  
not change  
30 Pro 2 Con

# Testimony



Paul A. Worsowicz  
Director of Government Affairs

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Concord, NH 03301

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Toll Free: (800) 528-1181  
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worsowicz@gcglaw.com

January 23, 2020

Representative Robert Renny Cushing, Chairman  
House Criminal Justice and Public Safety Committee  
Legislative Office Building  
33 N. State Street, Room 204  
Concord, New Hampshire 03301

**Re: HB 1648**

Chairman Cushing and Members of the Committee,

On behalf of the NH Coalition for Responsible Cannabis Legislation, I am providing the testimony of Ron Kammerzell in support of HB 1648. If you or members of the Committee have questions of Mr. Kammerzell, please contact me at [worsowicz@gcglaw.com](mailto:worsowicz@gcglaw.com) or (603) 545-3703.

Very Truly Yours,

Paul A. Worsowicz  
Gallagher, Callahan & Gartrell  
Registered Lobbyist for NH Coalition for Responsible Cannabis Legislation

**Written testimony regarding HB 1648 provided by Ron Kammerzell, President, Kammerzell Consulting Services, LLC to the New Hampshire House of Representatives**

Thank you for the opportunity to offer testimony in support of HB 1648. As one of Colorado's chief cannabis regulators from 2012 through 2017, I can attest that the legal regulation of cannabis can work, and that Colorado's reality is very different from the picture that is often painted by opponents of marijuana legalization. While I am a strong proponent of marijuana legalization through the creation of a robust regulatory framework, I acknowledge that every State must do what it thinks is in the best interests of its citizens based on its unique circumstances. In the context of HB 1648, I would like to offer these observations based upon my unique perspective and experience.

First, legalizing possession and *limited* cultivation of cannabis by adults 21 and older has not been problematic in Colorado.

Prior to 2017, registered patients or caregivers were permitted to grow up to 99 plants in a single household. As a result of this very generous plant count limitation, as well as significant gray areas in existing Colorado law, bad actors began to take advantage of the confusion to lawfully cultivate marijuana in a residential setting, but illegally divert this marijuana to other markets outside of the state. This not only presented significant issues for communities, but it also resulted in a significant increase in criminal enterprise activity within the state. Most importantly, law enforcement did not have clear and bright lines to effectively address this unlawful conduct when it came to personal cultivation of plants in a residential setting. As a result, in 2017, the Colorado General Assembly passed HB17-1220 to address the issues created by existing home cultivation laws. Most importantly, this legislation restricted personal cultivation to no more than 12 plants in a single household or residential property.

While it is my opinion and belief that New Hampshire would benefit from creating a regulated market for adult use cannabis, if that isn't yet possible based on many considerations, penalizing adults who grow and possess small amounts of cannabis for personal use is not good public policy. Colorado has proven through experience that clear and sensible cultivation limits for personal cultivation and use can work.

*Ron Kammerzell was a top cannabis regulator in the state of Colorado from 2012 through 2017 and was instrumental in implementing improvements to the existing regulatory program for medical cannabis and launching the first-in-the-world regulatory program for adult-use cannabis. He now owns and operates Kammerzell Consulting Services, a regulatory consulting firm focused on best practices in regulatory public policy.*



**Statement by Jeanne Hruska, Political Director ACLU-NH  
House Criminal Justice and Public Safety Committee  
House Bill 1648  
January 23, 2020**

I submit this testimony on behalf of the American Civil Liberties Union of New Hampshire (ACLU)—a non-partisan, non-profit organization working to protect civil liberties throughout New Hampshire for over fifty years. I appreciate the opportunity to testify today in support of HB1648. As an organization committed to liberty, justice, and equality under the U.S. and NH constitutions, the ACLU-NH opposes laws penalizing the cultivation, sale, possession, use, and delivery of cannabis. These restrictions impose arbitrary penalties for private conduct for which no criminal or civil penalty is appropriate.

**The racial disparities in national incarceration rates have been driven largely by the racial targeting of drug laws.** Laws against cannabis have been selectively enforced, and such enforcement has relied on entrapment, illegal searches, and other methods that violate civil liberties. The War on Drugs has long claimed morality and protection of children as its goals, while turning a blind eye to the racial injustice it has long promoted.<sup>1</sup> We cannot separate NH's prohibition of cannabis from the legacy of the ongoing War on Drugs.

**New Hampshire is not immune to the racial disparities that litter the criminal justice system nationally.** In 2016, the Black adult incarceration rate in New Hampshire was more than five times higher than the white adult incarceration rate. In 2010, the Black population in New Hampshire was 1.2 percent, while the Black arrest rate for cannabis possession was 3.3 percent – a 2.2 percent difference.<sup>2</sup> We have no reason to believe the enforcement of cannabis laws post decriminalization is immune from these racial disparities. This is despite research demonstrating no disparity in the actual usage of cannabis between Black people and white people.<sup>3</sup>

**The price paid by those arrested, convicted, and/or fined for cannabis possession over the years has been significant, and the collateral consequences linger for years, if not a lifetime.** Convictions for possessing cannabis have negatively impacted public housing and student financial aid eligibility, employment opportunities, child custody determinations, and immigration status. The ACLU believes the only solution to the war on cannabis is the legalization, regulation, and taxation of cannabis.

**Cannabis prohibition laws have diverted our state's limited resources away from the enforcement of laws against serious crimes.** Aggressive enforcement of cannabis laws has not made our communities safer. Today, enforcement of cannabis laws is increasingly out of touch with public opinion and modern criminal justice reform. The tax dollars that law enforcement

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<sup>1</sup> <https://www.aclu.org/other/drug-war-new-jim-crow>

<sup>2</sup> The War on Marijuana in Black and White, ACLU, page 54. <https://www.aclu.org/report/report-war-marijuana-black-and-white?redirect=criminal-law-reform/war-marijuana-black-and-white>

<sup>3</sup> Ibid, page 21.

wastes enforcing cannabis laws could be better spent on addressing and solving serious crimes and working collaboratively with communities to build trust and increase public safety.

**Decriminalization did not eliminate the undue hardship imposed by cannabis laws in NH.**

Decriminalization did not legalize small amounts of cannabis; it just reduced it to a fine. Currently, people are fined \$124 for a first or second offense related to cannabis possession or a fine of up to \$300 for any subsequent offense within any 3-year period. To put this into context, the use of a car in a dangerous situation – road racing, driving on a public sidewalk, failure to yield to an emergency – gets you only a \$62 fine. A puzzling result when personal use of cannabis is far less of a danger to others.

**Cannabis laws still ensnare thousands of people in the criminal justice system in New Hampshire.** According to the NH Judicial Branch, 3,860 charges were filed in 2018 pertaining specifically to cannabis or hash. This includes violations and criminal offenses. As a public, what do we have to show as a result of these thousands of charges? A hefty price tag for taxpayers. These charges represent time and resources spent by law enforcement and by our court system. Time and resources that could be better spent on serious crimes and public health.

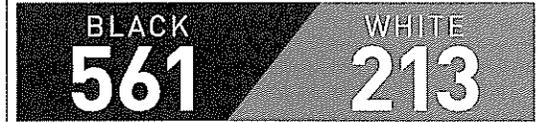
*In sum*, decriminalization was not a panacea for the harms caused by cannabis prohibition. The fines that accompany civil violations can place a substantial burden on individuals and families, particularly in low-income communities, which are disproportionately targeted by police. This bill presents a chance for our state to further honor individual liberties, prevent discrimination, and remedy the disparate burdens that cannabis prohibition has placed on vulnerable communities. **We respectfully urge the members of this committee to vote *ought to pass* on HB481 and continue this legislature's bipartisan commitment to criminal justice reform.**

# New Hampshire

Blacks are **2.6** times more likely than whites to be arrested for marijuana possession

## Racial Disparities In Marijuana Possession Arrest Rates\*

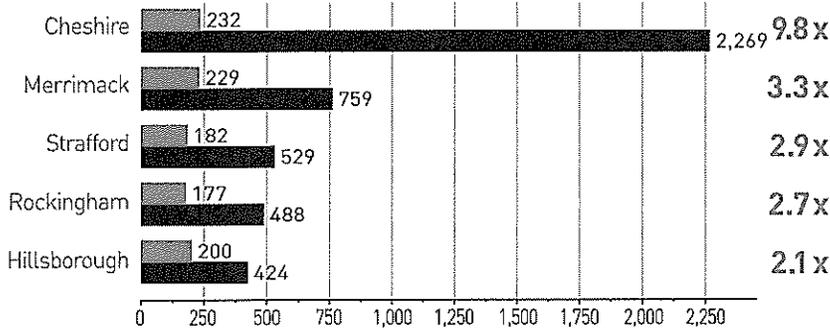
### Arrest Rates



### Counties with the largest disparities

Population size >20,000, Black population >0.5%

Times more likely Blacks arrested

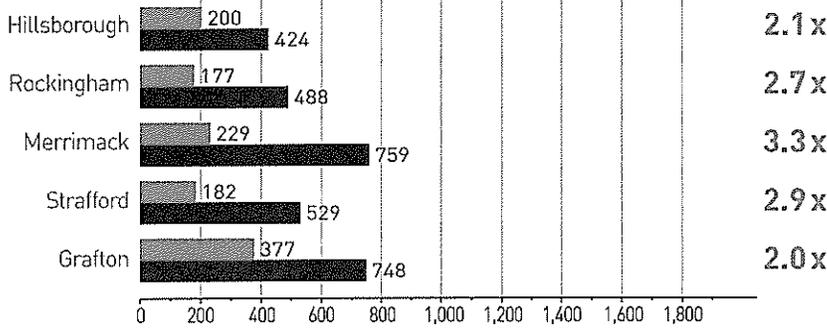


All counties with racial disparities above the national average (3.73)

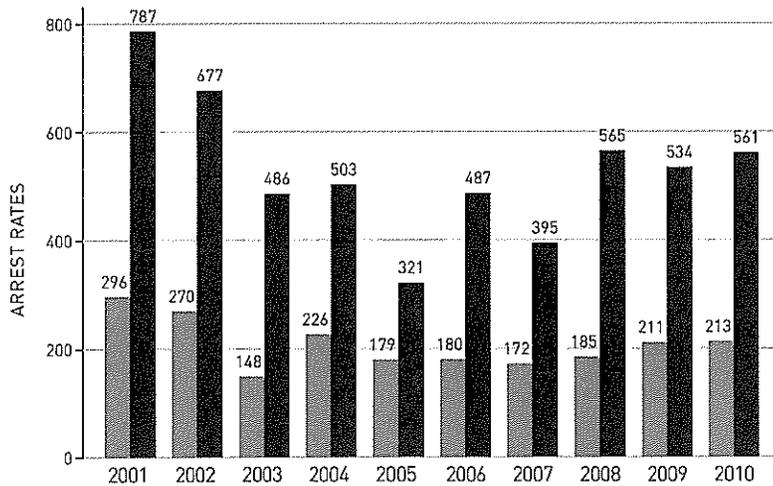


### Counties with the largest population

Includes all counties, listed in order of size



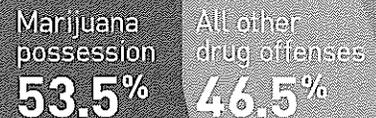
### Statewide marijuana possession arrest rates 2001-2010



### Cost

Money spent enforcing marijuana possession laws in 2010: **\$6,526,364**

### Drug Arrests by Offense in 2010



Source: FBI / Uniform Crime Reporting Program Data and U.S. Census Data  
\*All arrest rates are per 100,000 and based on 2010 data

Name: Joseph Alan Brooks

Date: 01/23/2020

Contact: (603)-923-3900

1137 Meaderboro Rd.

Farmington N.H. 03835



**H.B.1648**

Hi my name is Joseph Alan Brooks, and I was born in Manchester New Hampshire at Elliot Hospital on March 3<sup>rd</sup>, 1983 to Wanda Jean Harding and Richard Sherman Brooks. I'm a N.H. Medical cannabis patient and I think HB1648 ought to pass.

The New Hampshire motto is and always has been, "**Live free or Die.**" I can remember growing up and my mother telling me courageous stories of presidents and other great people in our government and why the people fled England. Our forefathers came to America to look for land, Gold, and slaves.

Our forefathers who drafted our Constitution and Bill Of Rights were also known to have grown, used, or sold cannabis and conceived some textile uses for hemp. Cannabis prohibition began in an era of ignorance, was lied about and demonized. Abuse of power, discrimination, assault, and even murder, have been tools of the officers enforcing control over a plant. Not to protect children, but to close out a potential game changer in the textile and cotton industry. At the order of President Richard Nixon, the war on drugs (cannabis) was created. It is believed by many that Nixon scapegoated Marijuana (cannabis) with other harsh known drugs at the time as a tactic for his own personal endeavors. Potentially Nixon could have privately made a deal by shifty business strategies to create a monopoly by excluding one of the only other main contenders that could compete for business with the cotton and tobacco industry, hemp. Motive in this situation would have been rather straightforward. Without spending millions to retrofit the new and current cotton business back in the days of Nixon the cotton industry feared the introduction of legal hemp would kill its business, big tobacco was no different for other reasons.

Big tobacco was legalized, yet another harmful and life-threatening product that has been known to cause addiction and kill like alcohol. All excuses about black market or private sale should be considered laughable when talking about cannabis. My reasoning is this, citizens in N.H. and many states across America have the right to create alcohol within their own residence. Tobacco is allowed to be smoked, chewed and other ways of consumption or

ingestion and it has been known to both kill and find its way into the hands of children for decades without legalization along with alcohol, both knowingly causing numerous problems such as birth defects, cancer, and other medical issues like liver failure.

My whole life I was raised with a belief in our founding fathers and the way the words were said with conviction, not just on their minds but in their hearts. They stood for the people, not a system. That conviction has been lost in the masses of those not able to live with failure and disappointment to a point of lying, cheating, stealing, and bullying just to win or get what they want. With these being standard and acceptable practice in today's political gambit our forefathers foresaw the leadership of England potentially rearing its vile offspring for our children to battle. Their foresight and wisdom can be seen within a passage that they made within our Declaration of Independence made on July 4, in the year of 1776. ***"But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and provide new Guards for their future security."***

My mother continues to inspire me throughout my life with her battles, one of many examples my mother has left in my heart is fighting the racism our society has clearly heaped onto the back of our African American citizens. When I was about 9 years old we moved into a section of town in Breckenridge Texas, which was referred to in a racist manner; so much to a point that even the U.S. Postal Service of the town engaged in that racism. A town where Mrs. Wilson, a middle school teacher for the town couldn't get her mail delivered on her street. My mother got mail being delivered within two weeks.

Over the years our presidents have made examples, the rest of our politicians try to shape their candidacy to emulate each muse they are pandering to. I can bet so many politicians said to the first medical patient of New Hampshire so many times, "We are working on it.", "If I get in, I'll push for it."

California realized and legalized cannabis in 1996, an act of compassion N.H. took until 2013 to do for stage 3 lung cancer patient Linda Horan leaving her a few short months of reduced suffering with her family.

When cannabis is a topic associated with politics it's like asking who wants to take out the trash in a frat house. Everyone is responsible for it; no one wants to touch it. I'm sure it's hard to be the signature that puts drugs in the streets you represent, but it's that same way of thinking that led to the opioid crisis in America. If you treat someone like a child they are most likely going to act like a child. When medications are un-available or overly controlled, individuals or citizens have no actual reason to practice self-restraint, self- control, or self-awareness.

Sure. It's hard and scary to make the cannabis signature behind so long of a line of vetoes in the past. We are supposed to be the next generation, not just simulating the accepted most spoken

of successes, but actually getting smarter, more humane, and actually standing out for something unique and better. Now I'm no soldier, but it certainly has to be hard as hell to get on a bus, plane, or boat for politicians whose signature decides your fate / mortality every day and night, and even the fate of your families. (What happens when your vets and your citizens see you as hard to get behind?)

Yet since I was six to seven years old I've suffered debilitating migraines, nausea, cold sweats, vomiting, chills, and even bloody noses; symptoms resigning me to need a cold dark quiet room for an average of 3 to 72 hours. These symptoms and more I have suffered and endured all the way into my late thirties. To this day my symptoms only remain when un-medicated by cannabis, specifically THC and CBGa. Doctors today still have no answers for me, no reason for my suffering even with having collected thousands of taxpayer's and governmental assistance dollars, while at 15 years old I recreationally tried cannabis for the first time with some friends because a migraine was going to resign me to a room again. I was relieved of the debilitating migraines for 4 months where I could return to the normalcy of teenage life, dreaming of cars, careers, chasing bands, beer, and buds (Cannabis). No Practicing doctor ever did that for me, but they certainly charged professional prices to all who opened their wallets like they solved something. I was born with 'petite mal seizures' as a small child, they never found a solution.

I as a NH cannabis patient, would like to also bring to the public's attention to the fact that at 15 I may have been using cannabis recreationally but still had realized its medicinal perks, i.e. longer times in-between migraines which allowed me to return to work. Today as a patient, I take cannabis seriously. Some might say to a new level in order to better understand my ailments and how my treatment affects me. I document and track results like the doctors do with computers and charts, knowing which and how the strains affect my symptoms. As I suffer PTSD from childhood trauma, high anxiety, and chronic back pain from three separate high speed car accidents. I believe the western medicine theory is correct; your mind set affects everything.

N.H. always seems to raise the same excuses when home cultivation is brought up. "We" (We the People) have been asking the live free or die state to allow medical home cultivation since the first medical license in N.H. was issued to Linda Horan in 2013, who passed nearly a year after N.H. decided to do the first humane and compassionate act in a long time.

**N.H. seems to always raise the same excuses when it comes to vetoing cannabis bills.**

**What about the Black Market:**

Well, the illicit black market you speak of will still exist until HB1648 or some similar legislation is enacted.

Let me tell you: if you have followed any law for any length of time, more bills are made and broken on the backs of eight little words. What about how it will affect our children. The truth is

in the pudding, do your homework whenever a bill is controversial, the final decision comes down to an argument by a law enforcement, game, or medical officials who all eventually say, "What about how it will affect our children?"

In theory the perfect words to the text, but if also lived by proper application no such argument is necessary and the sooner the politicians see it for the ruse it is as a gambit to keep status quo, the better. This is because in all reality no black market will exist, policies have long been in place for handling minor possession, and parents who allow access are still punishable by law. Individuals are still punishable just as they always have or haven't been still according to the law.

Let's discuss the requests by law enforcement officials in regards to their concerns about a **"Black Market"** and their stance on cannabis needing to remain illegal for the protection of our children. If parents are actually responsible for their children by being a part of the child's entire life responsibly rather than putting the onus on the police and people of the public like the ones who are going to work at these testing facilities to test cannabis; shirking the load all the way until it causes immeasurable amount suffering for the medical patients all across N.H. like Linda Horan who lost her battle with cancer with limited time of relief dictated by our state. Meanwhile the healthy working parents of N.H. can say, "Here is a cell phone and internet," forgetting their own responsibilities.

***What about the massive drug ring and crime syndicates that will be formed if we legalize marijuana Home Cultivation.***

At most dispensaries they alternate strains like flavoring. I have found strains I wish to continue to use based on the CBGn, CBDA, and other terpene profiles not available in dispensaries in my state anymore. If you add a little fun like smoking or BBQ edibles with family and or friends in a non-public place as this law suggests more wholesome time when dealing with the intolerable and incurable issues that many N.H. residents are fraught with today. We're not asking for police to be fired, give us (the people) cannabis. We're asking as citizens with the right to choose one regulated substance over another which has killed millions yet its taxed backed and accepted. Alcohol wasn't really my thing and it's really still not something I'd do for me. Yet, alcohol with similar concerns and more dangers is publicly accepted and teenagers still get ahold of it. Black market is where the politicians allow it. The very idea of the term black market makes one think of an illegal market. Ask yourselves this, *"If all cannabis use is recreationally legal within our homes and away from the public, if all grown plants have to be within residences, wouldn't the frequency of illegal activity be less than what it is now?"*

In reality not to pass this bill only furthers a hike in crime by officials who break civil rights for a living and use, possess, transport, and entrap people without impunity. It seems to me the only

criminal enterprise we are building is the sicking of an over militarized police force on the young and ill of our state. Take the power back to protect your families from officers who use other officials to violate your right. I.E. illegal search and seizure and then saddle your child with adult charges when they themselves can't follow laws any better. Then stand in front of our judiciary committees and ask for more power to abuse when they can't follow the law with the power and equipment they already have.

After such an outcry around our nation regarding the abuse of minorities, to such an extent, that repeal, and expungement became necessary. Our country desperately needs something better to remember than Trump and Russian investing, Hillary with Benghazi, or Clinton with Monica Lewinski. Do you want to be remembered for the vote that left 9,000 of N.H.'s most vulnerable suffering for thirty days to send a message? Just what was that message that couldn't be said by vetoing it on day one. Bring Common sense and compassion back to the live free or die state.

**How will you be remembered, and not just by your constituents'.**

**WE THE PEOPLE.**

(2)

# The Case for HB 1648 — New Hampshire's Bill to Legalize Cannabis for Adults 21 and Older

## 1. Strong majorities support legalization and home cultivation

- a. 68% of Granite Staters support legalization (27% opposed). —March 5, 2019 poll, UNH Survey Center<sup>1</sup>
- b. By a more than two to one margin, New Hampshire residents supported a 2018 bill to legalize possession and home cultivation of cannabis for adults' use. —February 27, 2018 poll, UNH Survey Center<sup>2</sup>
- c. 66% of Americans support legalization. —October 2019 Gallup poll<sup>3</sup>
- d. Cannabis legalization is more popular than any of the state's best-known elected officials.<sup>4</sup>
- e. House Bill 1648 would legalize cannabis possession and limited home cultivation for adults 21 and older, putting New Hampshire's laws more nearly into line with the laws in neighboring states.<sup>5</sup>

## 2. Cannabis is legal for adults in all neighboring jurisdictions

- a. Eleven states, including all three neighboring states, have legalized cannabis for adults' use.<sup>6</sup> Cannabis is also legal throughout Canada.
- b. There are now more than 30 retail cannabis stores in Massachusetts, including six within 15 miles of the New Hampshire border. In 2019, stores in the Bay State reported over \$420 in sales of adult use cannabis.<sup>7</sup>
- c. The governors of several northeastern states are supporting and leading efforts to end cannabis prohibition in 2020, including Ned Lamont (CT),<sup>8</sup> Gina Raimondo (RI),<sup>9</sup> Phil Murphy (NJ),<sup>10</sup> and Andrew Cuomo (NY).<sup>11</sup>

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<sup>1</sup> [https://scholars.unh.edu/survey\\_center\\_polls/554/](https://scholars.unh.edu/survey_center_polls/554/)

<sup>2</sup> [https://scholars.unh.edu/survey\\_center\\_polls/13](https://scholars.unh.edu/survey_center_polls/13)

<sup>3</sup> <https://news.gallup.com/poll/267698/support-legal-marijuana-steady-past-year.aspx>

<sup>4</sup> <https://www.mpp.org/states/new-hampshire/cannabis-legalization-more-popular-than-new-hampshire-elected-officials/>

<sup>5</sup> <https://www.mpp.org/states/new-hampshire/key-provisions-of-hb-1648-new-hampshires-2020-bill-to-legalize-cannabis-for-adults-21-and-older/>

<sup>6</sup> <https://www.mpp.org/issues/legalization/regulationlaws/>

<sup>7</sup> <https://www.wbur.org/bostonmix/2019/12/27/massachusetts-legalized-marijuana-sales-420-million-dollars>

<sup>8</sup> <https://www.courant.com/politics/hc-pol-lamont-summit-marijuana-vaping-20191017-cg5tu6doezccpdjc2gz56swqje-story.html>

### 3. Opponents' fears have not been realized

- a. According to the most comprehensive surveys, teen use has remained flat — or has decreased — in states that have legalized and regulated cannabis sales.<sup>12</sup>
- b. Opponents' concerns about legalization "are overshadowed by wild speculation regarding potential adverse social and economic impacts." —Dr. Robert Kiefner, writing for the *Concord Monitor*<sup>13</sup>
- c. "We must allow consenting American adults to decide when and how to use cannabis, just as they have done with alcohol and tobacco – two far more dangerous substances." —Dr. Gilbert Fanciullo, writing for the *Concord Monitor*<sup>14</sup>

### 4. Sources cited by opponents lack credibility

- a. The Rocky Mountain High Intensity Drug Trafficking Area is funded by the Office of National Drug Control Policy (a.k.a. the "Drug Czar's Office"), which is required by law to oppose the legalization of any schedule I substance.<sup>15</sup>
- b. The Centennial Institute at Colorado Christian University has been strongly criticized for the "laughable" methodology of its report alleging that legalization has imposed enormous costs on the state of Colorado.<sup>16</sup> Paul Danish, writing at *Boulder Weekly*, described the study as "a dog's dinner of statistical scraps that run the gamut from misleading to dishonest, irrelevant and embarrassing."<sup>17</sup>

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<sup>9</sup> <https://turnto10.com/politics/legalized-marijuana-education-spending-highlight-governors-budget-plan>

<sup>10</sup> <https://www.inquirer.com/news/new-jersey/nj-gov-phil-murphy-lay-out-2020-agenda-speech-before-lawmakers-20200112.html>

<sup>11</sup> <https://thehill.com/homenews/state-watch/479251-cuomo-calls-for-legalizing-taxing-marijuana-in-budget-plan>

<sup>12</sup> <https://www.mpp.org/issues/legalization/teen-marijuana-use-does-not-increase/>

<sup>13</sup> <https://www.concordmonitor.com/Marijuana-legalization-22009426>

<sup>14</sup> <https://www.concordmonitor.com/Marijuana-distortions-23623746>

<sup>15</sup> <https://www.westword.com/marijuana/norms-paul-armento-rmhidta-marijuana-reports-are-just-propoganda-9617759>

<sup>16</sup> <https://reason.com/2018/11/30/laughably-bad-report-on-the-costs-of-leg>

<sup>17</sup> <https://www.boulderweekly.com/features/cannabis-corner/colorado-christian-universitys-junk-social-science/>

- c. The book *Tell Your Children*, written by novelist Alex Berenson, has been strongly criticized by academic researchers for conflating correlation with causation.<sup>18</sup> Medical professionals such as Dr. Aaron Carroll, a pediatrician, have helped by explaining the risks associated with cannabis use objectively and in context with the harms associated with alcohol and tobacco: “Both are more dangerous than marijuana, and it’s not even close.”<sup>19</sup>

Submitted to the N.H. House Committee on Criminal Justice and Public Safety by:

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<sup>18</sup> <https://reason.com/2019/04/18/return-of-the-reefer-crazed-ki/>

<sup>19</sup> <https://www.nytimes.com/2019/01/14/upshot/the-reasonable-way-to-view-marijuanas-risks.html>



Cheyenne Harding

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1137 Meaderboro rd. Farmington NH, 03835

**HB 1648 {Criminal Justice and Public Safety}**

House Bill 1648 relative to the home cultivation of cannabis ought to pass because we are all Americans. I say this simply because as an American I was taught growing up in public schools right here in N.H. that Thomas Jefferson once wrote in the first draft of the **Declaration of Independence** that as an American we all have “unalienable rights”, of which are; the preservation of life, liberty, and the pursuit of happiness.

As a New Hampshire resident I feel that House Bill 1648 allows me to preserve a way of life that I have begun to call my own. Before I began using cannabis I had no faith or hope in this world ever changing, I was being consumed by debilitating conditions such as anhedonia (Chronic Depression lasting over a period of time) where I hadn't been able to experience happiness in the same way as others anymore. I began using cannabis as a way to deal with my serious suicidal ideations along with my depression and PTSD. Being autistic I never had any urges to make or keep friends. Socialization was completely out of the question and paired with my depression and PTSD family eventually became similar to strangers. I stand or sit here before you today as a humble N.H. citizen who understands the difference between a life filled with loneliness, anti-socialization, pain, and a life who has been granted an opportunity to start anew.

I am currently a NH Cannabis medical patient and can proudly say that I have not had suicidal thoughts for an elongated period of time and my depression has seemingly lessened. Cannabis allowed me to become friendlier and less guarded allowing me to make more friends and socialize somewhat more normally and enjoy life and pursue newly found dreams. This slowly allowed me to repair a highly damaged relationship with my sister whom I had not had the ability to get around my PTSD and chronic nightmares of my sisters many numerous suicide attempts that had developed from when I was 10 ½ years old, only a year into the sum total of three years of my life. All three of those years' memories are ones that I remember my hands averagely being covered in or cleaning up my sisters' blood.

The reason I go into such detail about my PTSD is because it is to my educated belief to this day that my sister's many suicidal attempts were in association with my Mothers

alcoholism and her own inability to cope with feeling alone in a world where she herself wasn't old enough (or ready) for my mom not to be a mother. Alcoholism took that choice from my mother until she nearly lost her life to the battle. She was given two weeks to live before she signed herself into Rehab. The same day my mother stopped drinking is the day my sister stopped cutting. They shared that anniversary for many years.

I mention all of this because my next point refers to the phrase "*Liberty*" and how I believe House Bill 1648 creates a state of being free within society from oppressive restrictions imposed by authority on one's way of life, behavior, or political views. Alcohol destroyed my family. It destroyed parts of me emotionally and to this day the very smell of it sends me into physical shakes. I feel it is my liberty to have a choice to both use cannabis medicinally, but also recreationally as HB 1648 refers to granting every adult N.H. resident the liberty to have a choice in how they reduce stress / relax within their life at their home residence. I believe it is oppressive of my authorities {Current N.H Law and those who make / change them / refuse to change them} to disallow Recreational cannabis use for adult age of 21 years or older yet alcohol remains legal to make and use in N.H. I should not be forced to go without cannabis which has many proven medicinal properties and very few medicinal setbacks in comparison to alcohol especially when you compare use over time.

Another way allowing HB 1648 not to pass or vetoing it would be considered a breach of my and other's Liberty as a Medicinal Cannabis Patient of N.H. it is apparent to me that certain strains are good for treating certain ailments. Dispensaries will not carry certain strains over certain periods of time even if they are working for their patients because it's bad business. It has already been proven that cannabis strains work differently for different people, even ones who share similar conditions or diagnoses. One of the reasons selling the exact same strains over and over again are disadvantageous to the business is because overtime the patients develop a tolerance for all the complex components of each individual strain so the strain doesn't affect certain symptoms of medicinal problems with the same reliability after so much time passing without switching strains resulting in a loss of profit for the business when they have an overabundance of a strain that the population has grown tired of.

This matters to many N.H. medical cannabis patients like myself because for people like me some problems like my anhedonia have only ever been helped by one strain and so we want refuge from suffering that one or maybe more problems we're left to suffer with no recourse.

I believe that here today as Americans in the year of 2020, we all believe in people being able to pursue happiness without the intention of endangerment of others. I speak here today not because it is easy for me, but because I know that cannabis has enriched my life by inspiring new hopes and courage to move forward from depression. I'm here today trying to make a difference in my community, not just for myself, but for any adult resident of N.H. who also suffers from being un able to procure their necessary medications due to cost or lack of in accessibility. I was recently injured in a car accident where a young group of teenager's rear ended me and caused me two bulging discs in my back and sciatica amongst a laundry list of other problems.

Alcohol will never provide me with true relief from my now everyday symptoms as cannabis never fails to. My stomach can't handle NSAID's anymore without severe stomach pain and so cannabis is now a daily go to for me to function and remain a functional adult. Before cannabis I was struggling managing 1-2 loads of laundry a week while receiving epidural back injections every month for a period of 6 months within the year after the rear ending. It was after my insurance ran out because my yearly coverage was maxed out that my life became impossible at 23 years of age. My physical pain was mentally and physically debilitating, especially at my age. Now almost 24 years of age a short time into cannabis use I have successfully lost 60Lbs., became healthier through diet and strict physical therapy that I was able to resume after having started using cannabis after having maxed out normal medical avenues due to policy limits with insurance companies.

Cannabis allows me to lead a considerably active lifestyle now for someone with my conditions, it has provided me with a plethora of opportunities to better myself and push beyond my normal limits to understand that in order for things to get better I had to initiate change in my life.

Please for our fore-fathers, citizens, people, friends, family and our loved ones pass HB 1648 and make Cultivation of Cannabis legal within the homes privately of Adult N.H. residents. Allow every N.H. citizen the right to their pursuit of happiness with an option of their choice. I want to personally thank the sponsors of the Bill Rep. Carrol McGuire, Rep. Robert Cushing, Rep. Rene Nunez, Rep. Casey Conley, Rep. Jerry Knirk, Rep. Rebecca McWilliams, Sen. Martha Hennessey, and Sen. John Reagan for showing their compassion and for putting all the effort that they did to get this bill where it is today. Thank You.



## ***Cannabis Legalization: More Popular than New Hampshire Elected Officials***

Results from 2019 polling show that cannabis legalization is more popular in New Hampshire than any of the state's best-known elected officials. According to Granite State Polls published by the University of New Hampshire Survey Center in 2019, 68% of Granite Staters support legalization (50% strongly), while Gov. Chris Sununu has a 59% approval rating.

The crosstabs indicate that more than three-quarters of Democrats and strong majorities of independents and Republicans support legalization. Also, legalization enjoys support from an overwhelming 81% of Granite Staters between the ages of 18 and 49 and a plurality (49%) of those 65 and older:

- **78%** of Democrats in favor (56% strongly), 17% opposed (10% strongly)
- **74%** of independents in favor (60% strongly), 20% opposed (12% strongly)
- **56%** of Republicans in favor (41% strongly), 40% opposed (30% strongly)
- **81%** of 18-34 year olds in favor (72% strongly), 15% opposed (6% strongly)
- **81%** of 35-49 year olds in favor (61% strongly), 16% opposed (11% strongly)
- **59%** of 50-64 year olds in favor (38% strongly), 35% opposed (26% strongly)
- **49%** of 65 and over in favor (28% strongly), 45% opposed (33% strongly)

### **More Granite Staters support legalization than hold favorable opinions of the state's best-known elected officials:**

- Marijuana legalization: 68%<sup>1</sup>
- Governor Chris Sununu: 59%<sup>2</sup>
- New Hampshire Legislature: 55%<sup>3</sup>
- Senator Jeanne Shaheen: 51%<sup>4</sup>
- Senator Maggie Hassan: 47%<sup>5</sup>
- President Donald Trump: 44%<sup>6</sup>

<sup>1</sup> [https://scholars.unh.edu/survey\\_center\\_polls/554/](https://scholars.unh.edu/survey_center_polls/554/)

<sup>2</sup> [https://scholars.unh.edu/survey\\_center\\_polls/569/](https://scholars.unh.edu/survey_center_polls/569/)

<sup>3</sup> [https://scholars.unh.edu/survey\\_center\\_polls/559/](https://scholars.unh.edu/survey_center_polls/559/)

<sup>4</sup> [https://scholars.unh.edu/survey\\_center\\_polls/565/](https://scholars.unh.edu/survey_center_polls/565/)

<sup>5</sup> *ibid.*

<sup>6</sup> [https://scholars.unh.edu/survey\\_center\\_polls/568/](https://scholars.unh.edu/survey_center_polls/568/)



## *Key Provisions of HB 1648, New Hampshire's 2020 Bill to Legalize Cannabis for Adults 21 and Older*

**Sponsor:** Rep. Carol McGuire (R-Epsom)

**Cosponsors:** Sen. Martha Hennessey (D-Hanover), Sen. John Reagan (R-Deerfield), Rep. Renny Cushing (D-Hampton), Rep. Hershel Nunez (R-Pelham), Rep. Casey Conley (D-Dover), Rep. Jerry Knirk (D-Freedom), Rep. Rebecca McWilliams (D-Concord)

### **Key Provisions**

- Adults 21 and older could possess up to  $\frac{3}{4}$  of an ounce of cannabis, five grams of hashish, and up to 300 mg of cannabis-infused products (currently a violation punishable by a civil fine).
- Adults 21 and older could cultivate up to six plants (including up to three mature ones) at home in a secure location that is not visible from other properties. They could also possess and process the cannabis produced from their plants at the same location.
- Adults could give cannabis to other adults, provided it was no more than  $\frac{3}{4}$  of an ounce of cannabis, five grams of hashish, up to 300 mg of cannabis-infused products, and/or three immature plants.
- Smoking or vaporizing cannabis in public would be punishable by a \$100 fine. (This is only for adults, as possession is already illegal for minors.)
- Violating the restrictions on cultivation (such as if cultivation is visible to the public) would be a violation punishable by a fine of up to \$750.
- Dangerous, volatile extraction would be a Class A misdemeanor.
- Adults could possess, make, and sell (to other adults) cannabis accessories.
- Penalties for minors would remain unchanged.

### **Differences from the Current Decriminalization Framework**

- Adults 21 and older would no longer be penalized for possessing or producing cannabis. Under current law, possession of up to  $\frac{3}{4}$  of an ounce is punishable by a \$100 civil fine for a first offense, with the fine increasing for third or subsequent offenses. Cultivation typically carries up to a year in jail under existing law.
- Adults could produce their own cannabis-infused products. Under New Hampshire's decriminalization law, the civil fine only applies to cannabis-infused products purchased in a state where they are legal.

**NOTE:** HB 1648 is essentially the same bill as HB 656 (2017-2018), as amended and approved by the House on January 9, 2018, but with a few minor updates. For example, "marijuana" is changed to "cannabis" throughout.





# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1648 Date 1/23/2020  
 Committee Criminal Justice + Public Safety

\*\* Please Print All Information \*\*

Name	Address	Phone	Representing	(check one)	
				Pro	Con
KEVIN CRAIG, Rep.	Lancaster		Co's-4	✓	
Rep Wendy Chase Strout	Dis 18			✓	
Paul Worsowicz	Concord	228-1181	N.H Coalition	✓	
			For Responsible Cannabis Legislation		
Richard VAN Wicklen	Stoddard NH		Law Enforcement/Action Partnership	✓	
Bill Alteman	Weare		self	✓	
Daniel Stockwell	Dublin, NH	603531884	self	✓	
LISA Powers	Goffstown NH	6033157966	Self	✓	
Brinck Slattery	Manchester NH	6037032846	self	✓	
Alissandra Murray	03102	603-759-3522	self	✓	
Marie B Perrotti	Greenfield, NH		self	✓	
Chuyenne C. Harding	Farmington NH	603 923 3900	self	✓	
Joseph + Brock S	Farmington NH	603 923 3900	Self	✓	
Seneber Hennessey			SD#s	✓	
Linds JAKOWS	Concord, NH	603-568-7002	self	✓	
Anne Glazebrook	Ashland, NH	603/8041232	self	✓	
Elizabeth Sargent,	NH Assoc of Chiefs of Police				X
Rep STIVE	WOODCOCK,	CCD 2		X	
Rep Patty Lovejoy	Rock #30			✓	

Bill as  
Introduced

# **Fiscal Note**

HB 1648-FN - AS INTRODUCED

2020 SESSION

20-2229  
04/10

HOUSE BILL            *1648-FN*

AN ACT                relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

SPONSORS:            Rep. McGuire, Merr. 29; Rep. Cushing, Rock. 21; Rep. Nunez, Hills. 37; Rep. Conley, Straf. 13; Rep. Knirk, Carr. 3; Rep. McWilliams, Merr. 27; Sen. Hennessey, Dist 5; Sen. Reagan, Dist 17

COMMITTEE:          Criminal Justice and Public Safety

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ANALYSIS

This bill permits adults to possess up to  $\frac{1}{4}$  of an ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to cultivate up to 6 cannabis plants at home in a secure location that is not visible from other properties, and to possess and process the cannabis produced from their plants at the same location; permits adults to give cannabis to other adults, provided it is not more than  $\frac{1}{4}$  of an ounce of cannabis, 5 grams of hashish, or up to 300 mg of cannabis-infused products, or 3 immature plants; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a \$100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to \$750; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell cannabis accessories to other adults.

.....

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 Twenty*

AN ACT                   relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

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

1           1 Statement of Purpose. The general court finds that:

2           I. Since 2012, Canada, the District of Columbia and 9 states, including Maine, Vermont,  
3 and the commonwealth of Massachusetts, have legalized possession and limited cultivation of  
4 cannabis by adults 21 years of age and older.

5           II. Statewide polls have consistently found that most New Hampshire voters support  
6 making cannabis legal for adults 21 years of age and older.

7           III. Cannabis is less harmful than alcohol to the consumer and to society. It is less toxic,  
8 less harmful to the body, less addictive, and less likely to contribute to violent or reckless behavior.  
9 Adults should not be punished choosing to use cannabis instead of alcohol, if that is what they  
10 prefer.

11           IV. Home brewing of alcoholic beverages is legal in New Hampshire and every other state in  
12 the nation.

13           V. Allowing adults to cultivate their own limited supply of cannabis will provide them with  
14 an alternative to buying cannabis from illicit drug dealers.

15           2 Other Alcohol and Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as  
16 follows:

17           265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly  
18 having in his or her possession or in any part of the vehicle a controlled drug or controlled drug  
19 analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her  
20 license shall be revoked or his or her right to drive denied for a period of 60 days and at the  
21 discretion of the court for a period not to exceed 2 years. This section shall not apply to the  
22 possession of cannabis or hashish as provided in RSA 318-B:2-c~~[- or a personal-use amount of a~~  
23 ~~regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b)].~~

24           3 Controlled Drug Act; Personal Possession of Cannabis. Amend RSA 318-B:2-c to read as  
25 follows:

26           318-B:2-c Personal Possession of ~~[Marijuana]~~ **Cannabis**.

27           I. In this section:

28           (a) ~~["Marijuana"]~~ **"Cannabis"** includes the leaves, stems, flowers, and seeds of all  
29 species of the plant genus cannabis, but shall not include the resin extracted from any part of such  
30 plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin

1 including hashish, and further, shall not include the mature stalks of such plant, fiber produced  
 2 from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture,  
 3 salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized  
 4 seed of such plant which is incapable of germination. Marijuana shall not include hemp grown,  
 5 processed, marketed, or sold under RSA 439-A.

6 (b) ~~["Personal-use amount of a regulated marijuana-infused product"]~~ *"Cannabis-*  
 7 *infused product"* means one or more products that is comprised of ~~[marijuana, marijuana]~~  
 8 *cannabis, cannabis* extracts, or resins and other ingredients and is intended for use or  
 9 consumption, such as, but not limited to, edible products, ointments, and tinctures~~[, which was~~  
 10 ~~obtained from a state where marijuana sales to adults are legal and regulated under state law, and~~  
 11 ~~which is in its original, child-resistant, labeled packaging when it is being stored, and which contains~~  
 12 ~~a total of no more than 300 milligrams of tetrahydrocannabinol].~~

13 (c) *"Possession limit" means:*

14 (1) *Three-quarters of an ounce of cannabis, excluding hashish, cannabis-*  
 15 *infused products, and growing cannabis plants;*

16 (2) *Five grams of hashish;*

17 (3) *Cannabis-infused products containing no more than 300 milligrams of*  
 18 *tetrahydrocannabinol (THC);*

19 (4) *Six cannabis plants, with 3 or fewer being mature, flowering plants; and*

20 (5) *Any additional cannabis, hashish, or cannabis-infused products*  
 21 *produced from the person's cannabis plants, provided that any amount of cannabis in*  
 22 *excess of ¼ of an ounce of cannabis, 5 grams of hashish, and cannabis-infused products*  
 23 *containing no more than 300 milligrams of THC shall be possessed in the same location*  
 24 *where the plants were cultivated.*

25 *I-a. Except as provided in paragraphs I-b and I-c, if undertaken by a person 21*  
 26 *years of age or older, the following acts shall not be illegal under New Hampshire law,*  
 27 *shall not be a criminal or civil offense under New Hampshire law or the law of any*  
 28 *political subdivision of New Hampshire, and shall not be a basis for seizure or forfeiture of*  
 29 *assets under New Hampshire law:*

30 (a) *Possessing, consuming, growing, processing, or transporting an amount of*  
 31 *cannabis that does not exceed the possession limit; or*

32 (b) *Transferring ¼ of an ounce of cannabis, 5 grams of hashish, cannabis-*  
 33 *infused products containing no more than 300 milligrams of THC, or 3 immature, non-*  
 34 *flowering cannabis plants to a person who is 21 years of age or older without*  
 35 *remuneration. For purposes of this subparagraph, a transfer is for remuneration if*  
 36 *cannabis is given away contemporaneously with another transaction between the same*  
 37 *parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of*

1 goods or services, or if the gift of cannabis is contingent upon a separate transaction for  
2 goods or services; and

3 (c) Manufacturing, possessing, or purchasing cannabis accessories, or  
4 distributing or selling cannabis accessories to a person who is 21 years of age or older.

5 I-b. No person who is 21 years of age or older shall cultivate cannabis plants except  
6 as provided in this section:

7 (a) Cannabis plants shall not be cultivated in a location where the plants are  
8 subject to public view, including to view from another private property, without the use of  
9 binoculars, aircraft, or other optical aids.

10 (b) A person who cultivates cannabis shall take reasonable precautions to  
11 ensure the plants are secure from unauthorized access. Cultivating cannabis in an  
12 enclosed, locked space to which unauthorized persons do not have access, or other similar  
13 security precautions, shall be prima facie evidence of reasonable precautions.

14 (c) Cannabis cultivation shall only occur at the cultivator's primary residence.

15 (d) A person who violates this section shall be guilty of a violation and may be  
16 fined not more than \$750.

17 I-c. No person shall smoke cannabis in a public place. A person 21 years of age or  
18 older who violates this paragraph shall be guilty of a violation and may be fined not more  
19 than \$100.

20 II. Except as provided in RSA 126-X, any person under 21 years of age who knowingly  
21 possesses 3/4 of an ounce or less of [~~marijuana~~] cannabis, including adulterants or dilutants, shall  
22 be guilty of a violation, and subject to the penalties provided in paragraph [V] IV.

23 III. Except as provided in RSA 126-X, any person under 21 years of age who knowingly  
24 possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation,  
25 and subject to the penalties provided in paragraph [V] IV.

26 IV. [~~Except as provided in RSA 126-X, any person 21 years of age or older possessing a~~  
27 ~~personal use amount of a regulated marijuana-infused product shall be guilty of a violation, and~~  
28 ~~subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21~~  
29 ~~years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.~~

30 V.(a) Except as provided in this paragraph, any person 18 years of age or older who is  
31 convicted of violating paragraph II or III, [~~or any person 21 years of age or older who is convicted of~~  
32 ~~violating paragraph IV]~~ shall be subject to a fine of \$100 for a first or second offense under this  
33 paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any  
34 person convicted based upon a complaint which alleged that the person had 3 or more prior  
35 convictions for violations of paragraph [II, III or IV] II or III, or under reasonably equivalent  
36 offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year  
37 period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall

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1 forfeit the [~~marijuana, regulated marijuana-infused products,~~] *cannabis* or hashish to the state. A  
 2 court shall waive the fine for a single conviction within a 3-year period upon proof that person has  
 3 completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of  
 4 the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court,  
 5 which shall schedule the matter for review after 180 days. Should proof of completion of an  
 6 assessment be filed by or before that time, the court shall vacate the fine without a hearing unless  
 7 requested by a party.

8 (b) Any person under 18 years of age who is convicted of violating paragraph II or III  
 9 shall forfeit the [~~marijuana~~] *cannabis* or hashish and shall be subject to a delinquency petition  
 10 under RSA 169-B:6.

11 [~~VI.~~] V.(a) Except as provided in this section, no person shall be subject to arrest for a  
 12 violation of paragraph [~~II, III, or IV~~] *II or III* and shall be released provided the law enforcement  
 13 officer does not have lawful grounds for arrest for a different offense.

14 (b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from  
 15 investigating or charging a person for a violation of RSA 265-A.

16 (c) Nothing in this chapter shall be construed as forbidding any police officer from taking  
 17 into custody any minor who is found violating paragraph [~~II, III, or IV~~] *II or III*.

18 (d) Any person in possession of an identification card, license, or other form of  
 19 identification issued by the state or any state, country, city, or town, or any college or university,  
 20 who fails to produce the same upon request of a police officer or who refuses to truthfully provide his  
 21 or her name, address, and date of birth to a police officer who has informed the person that he or she  
 22 has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of  
 23 [~~marijuana, a personal-use amount of a regulated marijuana-infused product,~~] *cannabis* or 5 grams  
 24 or less of hashish, may be arrested for a violation of paragraph [~~II, III, or IV~~] *II or III*.

25 [~~VII.~~] VI. All fines imposed pursuant to this section shall be deposited into the alcohol abuse  
 26 prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed  
 27 substance abuse prevention programs.

28 [~~VIII.~~] VII.(a) No record that includes personally identifiable information resulting from a  
 29 violation of this section shall be made accessible to the public, federal agencies, or agencies from  
 30 other states or countries.

31 (b) Every state, county, or local law enforcement agency that collects and reports data  
 32 for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the  
 33 number of violations of paragraph [~~II, III, or IV~~] *II or III*. The data collected pursuant to this  
 34 paragraph shall be available to the public. A law enforcement agency may update the data annually  
 35 and may make this data available on the agency's public Internet website.

36 *VIII. Nothing in this section shall:*

1 (a) *Be construed to require an employer to permit or accommodate the use,*  
 2 *consumption, possession, transfer, display, transportation, sale, or growing of cannabis in*  
 3 *the workplace or to affect the ability of employers to have policies restricting the use of*  
 4 *cannabis by employees.*

5 (b) *Be construed to permit driving or operating under the influence of drugs or*  
 6 *liquor pursuant to RSA 265-A, nor prevent the state from enacting and imposing penalties*  
 7 *for driving under the influence of or while impaired by cannabis.*

8 (c) *Be construed to permit the transfer of cannabis, with or without*  
 9 *remuneration, to a person under 21 years of age, or to allow a person under 21 years of age*  
 10 *to purchase, possess, use, transport, grow, or consume cannabis.*

11 (d) *Prohibit a state or county correctional facility from prohibiting the*  
 12 *possession, consumption, use, display, transfer, distribution, sale, transportation, or*  
 13 *growing of cannabis on or in the correctional facility's property.*

14 (e) *Prohibit a person or other entity that legally owns, leases, or controls any*  
 15 *property from prohibiting or otherwise regulating the sale, use, or growing of cannabis on*  
 16 *or in the property.*

17 4 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c) and (d) to read as follows:

18 (c) In the case of more than 3/4 ounce of ~~[marijuana]~~ *cannabis, cannabis-infused*  
 19 *products containing more than 300 milligrams of THC,* or more than 5 grams of hashish,  
 20 including any adulterants or dilutants, the person shall be guilty of a misdemeanor. In the case of  
 21 ~~[marijuana-infused]~~ *cannabis-infused* products possessed by persons under the age of 21 ~~[or~~  
 22 ~~marijuana-infused products as defined in RSA 318-B:2-c, other than a personal-use amount of a~~  
 23 ~~regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a~~  
 24 ~~person 21 years of age or older],~~ the person shall be guilty of a misdemeanor.

25 (d) In the case of 3/4 ounce or less of ~~[marijuana]~~ *cannabis* or 5 grams or less of  
 26 hashish, including any adulterants or dilutants, *possessed by a person under 21 years of age,* the  
 27 person shall be guilty of a violation pursuant to RSA 318-B:2-c. ~~[In the case of a person 21 years of~~  
 28 ~~age or older who possesses a personal-use amount of a regulated marijuana-infused product as~~  
 29 ~~defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.]~~

30 5 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after  
 31 paragraph VIII the following new paragraph:

32 VIII-a.(a) No person, other than an alternative treatment center approved pursuant to RSA  
 33 126-X, shall perform solvent-based extractions on cannabis using solvents other than water,  
 34 glycerin, propylene glycol, vegetable oil, or food grade ethanol.

35 (b) No person shall extract compounds from cannabis using ethanol in the presence or  
 36 vicinity of an open flame.

37 (c) Any person who violates this paragraph shall be guilty of a class A misdemeanor.

1           6 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:4, I to read as follows:

2           I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B, *the*  
3 *possession, use, manufacture, sale, or transportation of which is not otherwise authorized*  
4 *by law.*

5           7 Effective Date. This act shall take effect January 1, 2021.

HB 1648-FN- FISCAL NOTE  
AS INTRODUCED

AN ACT relative to the home cultivation of marijuana plants and the possession of certain cannabis-infused products.

FISCAL IMPACT:  State  County  Local  None

STATE:	Estimated Increase / (Decrease)			
	FY 2020	FY 2021	FY 2022	FY 2023
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Funding Source:</i>	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Alcohol abuse prevention and treatment fund, Turnpike fund			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable

The Department of Health and Human Services was originally contacted on October 11, 2019 for a fiscal note worksheet, which they have not provided as of December 11, 2019.

METHODOLOGY:

This bill permits adults to possess up to 1/2 of an ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to cultivate up to 6 cannabis plants at home in a secure location that is not visible from other properties, and to possess and process the cannabis produced from their plants at the same location; permits adults to give cannabis to other adults, provided it is not more than 1/2 of an ounce of cannabis, 5 grams of hashish, or up to 300 mg of cannabis-infused products, or 3 immature plants; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a \$100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to \$750; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell cannabis accessories to other adults. This bill affects penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many fewer

charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures and fine revenue. However, the entities impacted have provided the potential costs associated with these penalties below.

Judicial Branch	FY 2021	FY 2022
Violation Level Offense	\$52	\$54
Class B Misdemeanor	\$54	\$56
Class A Misdemeanor	\$77	\$79
Appeals	Varies	Varies
It should be noted that average case cost estimates for FY 2021 and FY 2022 are based on data that is more than ten years old and does not reflect changes to the courts over that same period of time or the impact these changes may have on processing the various case types. An unspecified misdemeanor can be either class A or class B, with the presumption being a class B misdemeanor.		
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.
Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. The majority of indigent cases (approximately 85%) are handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%).		
Department of Corrections		
FY 2019 Average Cost of Incarcerating an Individual	\$44,400	\$44,400
FY 2019 Annual Marginal Cost of a General Population Inmate	\$5,071	\$5,071
FY 2019 Average Cost of Supervising an Individual on Parole/Probation	\$576	\$576
NH Association of Counties		
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$120	\$105 to \$120

The Judicial Council indicates the bill would decriminalize possession of certain marijuana products. Under current law, possession of the products in the quantities identified in this bill are treated as violation level offenses. Individuals are not entitled to court-appointed counsel for violation level offenses. The Council states this bill would not impact indigent expenditures.

The Department of Justice would not be involved in the prosecution of these offenses, which would be handled by municipal prosecutors and the county attorneys. Appeals from convictions from such offenses would be handled by the Criminal Justice Bureau and could be done within the current budget. The Attorney General's Drug Task Force investigates street-level crimes that sometimes involve the sale and possession of controlled drugs, including marijuana. If this bill were to pass, the task force's efforts would be redirected away from marijuana cases to other controlled drugs. The Department assumes the bill would have little impact on its prosecution or investigation tasks. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would absorb the cost within its existing budget.

The Department of Safety indicates there is no way for enforcement or home growers to know how much tetrahydrocannabinol (THC) is contained in a homemade marijuana product to ensure it is below the 300 mg limit. The Department assumes the State Police Forensic Laboratory would be called upon to measure levels of THC. This is not a service that is currently performed with the equipment on hand. In order for the lab to perform this service it would require a \$300,000 LC/QQQ instrument and potentially another lab analyst. As an alternative, law enforcement agencies would send the samples to a private laboratory at their own expense. The actual number of samples that will require THC quantitation is not known at this time. The Department states there may be savings to state and local law enforcement based on fewer marijuana samples submitted for analysis and fewer possession of marijuana cases prosecuted. Any such reduction is speculative and indeterminable. Based on information from other states, the Department assumes there would be an increase in impaired driving cases. This would require additional certified Drug Recognition Experts throughout the State for roadside and/or after arrest evaluations of marijuana-impaired operators. There could be additional unrelated charges accompanying the marijuana-related arrests such as an increase in DUI cases and associated analyses. A large increase in submissions related to impaired driving would affect the Toxicology unit in the State Police Laboratory. Depending on the increase in submissions, the laboratory may require additional instrumentation and/or a laboratory analyst to handle the added caseload. Should the State Police Forensic Laboratory need additional instrumentation or added personnel, there would be a need for additional laboratory space, as the current facility cannot accommodate either at this point. The Department assumes there would also be an indeterminable fiscal impact on county expenditures for law enforcement activity and THC quantitation costs.

The New Hampshire Municipal Association indicates legalization of marijuana and hashish is likely to affect municipal expenditures for law enforcement. There may be a reduction in expenditures related to drug enforcement because the sale, possession, and use of these products

by adults will no longer be illegal. The Association assumes legalization could result in an increase in usage and an increase in expenditures related to impaired driving enforcement, overdose response, and the prevention of sales to minors. The Association cannot estimate the effect on municipal expenditures, but expects there would be no effect on municipal revenues.

Revenue from fines pursuant to RSA 318-B:2-c is deposited into the alcohol abuse prevention and treatment fund. Any reduction in fines collected will result in an indeterminable decrease of revenue to the alcohol abuse prevention and treatment fund.

**AGENCIES CONTACTED:**

Judicial Branch, Departments of Corrections, Safety and Justice, Judicial Council, New Hampshire Association of Counties and New Hampshire Municipal Association