

Committee Report

CONSENT CALENDAR

April 21, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Criminal Justice and Public Safety
to which was referred SB 60-FN,**

**AN ACT prohibiting the transport of an open container
of marijuana in a motor vehicle or OHRV. Having
considered the same, report the same with the following
resolution: RESOLVED, that it is INEXPEDIENT TO
LEGISLATE.**

Rep. Casey Conley

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Criminal Justice and Public Safety
Bill Number:	SB 60-FN
Title:	prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV.
Date:	April 21, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would establish new rules for transporting cannabis that are akin to the state's open container law for alcohol. The bill would require motorists to store unsealed cannabis containers in the trunk or another place least accessible to the driver. Among the many problems with this bill, however, is that the least accessible place is not defined. This bill also would create hardships and the threat of fine and loss of license for the state's 11,000 therapeutic cannabis patients, and treat their medicine differently from more harmful narcotic prescriptions. Lastly, the penalties in this bill exceed that of New Hampshire's carefully negotiated cannabis decriminalization program. The majority shares the concern of the prime sponsor about the risks from motorists driving while impaired. But this bill as written would have little to no effect on that problem and create new problems for people who can legally possess cannabis, and are among the least likely to operate a vehicle after ingesting it.

Vote 18-0.

Rep. Casey Conley
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

SB 60-FN, prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV.
INEXPEDIENT TO LEGISLATE.

Rep. Casey Conley for Criminal Justice and Public Safety. This bill would establish new rules for transporting cannabis that are akin to the state's open container law for alcohol. The bill would require motorists to store unsealed cannabis containers in the trunk or another place least accessible to the driver. Among the many problems with this bill, however, is that the least accessible place is not defined. This bill also would create hardships and the threat of fine and loss of license for the state's 11,000 therapeutic cannabis patients, and treat their medicine differently from more harmful narcotic prescriptions. Lastly, the penalties in this bill exceed that of New Hampshire's carefully negotiated cannabis decriminalization program. The majority shares the concern of the prime sponsor about the risks from motorists driving while impaired. But this bill as written would have little to no effect on that problem and create new problems for people who can legally possess cannabis, and are among the least likely to operate a vehicle after ingesting it. **Vote 18-0.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets



2021 SESSION

Criminal Justice and Public Safety

Bill #: SB 60 Motion: ITL AM #: _____ Exec Session Date: 4/21/21
18/0

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Abbas, Daryl A. Chairman	18		
Welch, David A. Vice Chairman	1		
Burt, John A.			
Hopper, Gary S.	2		
Green, Dennis E.	3		
Wallace, Scott	4		
Testerman, Dave	5		
True, Chris	6		
Pratt, Kevin M.			
Marston, Dick	7		
Rhodes, Jennifer M. Clerk	8		
Harriott-Gathright, Linda C.	9		
Pantelakos, Laura C.	10		
O'Hearne, Andrew S.	11		
Bordenet, John	12		
Meuse, David	13		
Newman, Ray E.	14		
Bouldin, Amanda C. <i>Horrigan</i>	15		
Conley, Casey M.	16		
Klein-Knight, Nicole	17		
Bradley, Amy			

HOUSE COMMITTEE ON CJ / PS.

EXECUTIVE SESSION ON HB SB 60

BILL TITLE: Prohibiting Transport of an open container of marijuana in a motor vehicle.

DATE: 4/21/21

LOB ROOM:

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. Conley Seconded by Rep. True Vote: 18/0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

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

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

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

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- 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. [Signature], Clerk

Public Hearing

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 60-FN

BILL TITLE: prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV.

DATE: April 21, 2021

LOB ROOM: hybrid **Time Public Hearing Called to Order:** 10:30 a.m.

Time Adjourned: 12:10 p.m.

Committee Members: Reps. Abbas, Welch, Rhodes, Burt, Hopper, Green, Wallace, Testerman, True, Pratt, Marston, Harriott-Gathright, Pantelakos, O'Hearne, Bordenet, Meuse, R. Newman, Amanda Bouldin, Conley, Klein-Knight and Bradley

Bill Sponsors:

Sen. Gannon

Rep. M. Pearson

Sen. Prentiss

TESTIMONY

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

Rep. Gannon - Introduced bill. Chiefs of police are stating the dangers of using marijuana while driving.

Rep. Testerman - Would it be better to ban any marijuana in a passenger seat?

A. Not illegal to have it.

Rep. Horrigan - Does this include infused foods?

A. yes

Rep. Klein-Knight - What is definition of sealed?

A. Never bought it

Rep. Conley - Are you concerned the bill may be in contrast with NH statute for marijuana?

A. Police will be better to answer this.

Rep. Meuse - Why not the same standard as alcohol?

A. It basically is. not in reach of driver.

Chief Shagoury - support. Driving while using marijuana is the same as a DUI.

Chair Abbas - What would you consider being far enough away from the driver?

A. Un reachable.

Rep. Meuse - Do you think edibles should be judged differently?

A. No, they still impair people.

Jerry Knirk - opposed. Therapeutic Cannabis Medical Oversight Board. Therapeutic cannabis is not meant to "get high"

Helina Josephson - opposed. Should not punish people for having their medicine on them.

Jim Karwocki - Hemp Farmer - This will hurt those that use hemp to treat medical conditions.

Michael Holt - neutral. DHHS. Supports amendment # 1161. Medical Cannabis needs to be treated differently.

Buzz Scherr - opposed. Bill needs a lot of work.

Heather Brown - Opposed. NH Cannabis oversight board. Bills intent is to target cannabis patients.

Lee Cooper - opposed.

Michael McLaughlin - opposed. amendment needed. Conflicts with a law for medical cannabis.

Honorable Josephson - opposed. Bill needs a lot of work

Matt Simon - opposed. Will harm all of reform that has been done.

Respectfully submitted,

REp. Jennifer Rhodes, Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill SB60 on 2021- Support: 39 Oppose: 101 Neutral: 2 Total to Testify: 10

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germans</u>
Mcginley, Ryan	Dracut, MA Cannafirm@gmail.com	A Member of the Public	Myself	Oppose	Yes (4m)	No
Knirk, Jerry	Freedom, NH Jerry.Knirk@leg.state.nh.us	An Elected Official	Therapeutic Cannabis Medical Oversight Board	Oppose	Yes (3m)	No
Josephson, Helina	Canaan, NH helinahappy@gmail.com	A Member of the Public	Myself	Oppose	Yes (3m)	No
Scherr, Albert	Portsmouth, NH Albert.scherr@law.unh.edu	A Member of the Public	Myself	Oppose	Yes (3m)	No
HOLT, MICHAEL	CONCORD, NH michael.holt@dhhs.nh.gov	State Agency Staff	DHHS/TCP	Neutral	Yes (3m)	No
Simon, Matthew	Manchester, NH msimon@mpp.org	A Lobbyist	Marijuana Policy Project	Oppose	Yes (3m)	No
Josephson, Tim	Canaan, NH josephsonth@gmail.com	A Member of the Public	Myself	Oppose	Yes (3m)	No
karwocki, jim	Sanbornton, NH karwocki@metrocast.net	A Member of the Public	Myself	Oppose	Yes (3m)	No
Shagoury, Andrew	CENTER TUFTONBORO, NH a.shagoury@tuftonboro.org	A Member of the Public	Myself	Support	Yes (3m)	No
Cooper, Lee	Campton, NH lcooper@sanctuarymed.com	A Member of the Public	Sanctuary ATC	Oppose	Yes (2m)	No
MAILLE, CHRISTINE	NEW HAMPSHIRE, NH cmaille@merrimacknh.gov	A Member of the Public	Myself	Support	No	No
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Oppose	No	No
Brookmeyer, Janet	Grantham, NH brookmeyermusic@gmail.com	A Member of the Public	Myself	Oppose	No	No
Gannon, Senator Bill	Sandown, NH william.gannon@leg.state.nh.us	An Elected Official	SD 23	Support	No	No
Fisher, Gary	Pembroke, NH gfisher@hcsnh.us	A Member of the Public	Myself	Support	No	No
Bilodeau, Michael	Greenland, NH mdb1291@gmail.com	A Member of the Public	Myself	Support	No	No
Goldstein, David	AUBURN, NH dgoldstein@franklinnh.org	A Member of the Public	Myself	Support	No	No
Laurent, Tara	Nottingham, NH tlaurent@greenlandpd.us	A Member of the Public	Greenland Police Department	Support	No	No
Richard, Krauss	Rochester, NH rkrauss301@gmail.com	A Member of the Public	Myself	Support	No	No
Russo, Steven	Keene, NH, NH cq315@yahoo.com	A Member of the Public	Myself	Support	No	No
Davis, Gregory	Salem, NH glospreys@comcast.net	A Member of the Public	Myself	Oppose	No	No
Ellermann, Maureen	CONCORD, NH ellermannf@aol.com	A Member of the Public	Myself	Oppose	No	No

Goodman, Dan	Portland, ME goodman.daniel@nne.aaa.com	A Lobbyist	AAA Northern New England	Support	No	No
Powers, Lisa	Goffstown, NH Harwood62@gmail.com	A Member of the Public	Myself	Oppose	No	No
Chaffee, Devon	Concord, NH devon@aclu-nh.org	A Lobbyist	ACLU of NH	Oppose	No	No
Patten, Gregory	Rumney, NH gpatten@rumneynh.org	A Member of the Public	Myself	Oppose	No	No
Hoebeke, Joseph	Hollis, NH jhoebeke@hollisnh.org	State Agency Staff	Hollis Police Department	Support	No	No
Maloney, James	Hollis, NH jmaloney@hollisnh.org	State Agency Staff	Hollis Police Department	Support	No	No
LaFlamme, Brendan	Hollis, NH blaflamme@hollisnh.org	State Agency Staff	Hollis Police Department	Support	No	No
Brown, Heather	CENTER BARNSTEAD, NH JIGGERPUP@GMAIL.COM	A Member of the Public	Myself and every Thereputic patient that can't be present today	Oppose	No	No
mclaughlin, michael	bedford, NH capitolinsightsgroup@gmail.com	A Lobbyist	Sanctuary Alternative Treatment Center	Neutral	No	No
Vail, Suzanne	NASHUA, NH Suzanne.vail@leg.state.nh.us	An Elected Official	Hillsborough County 30	Oppose	No	No
Billingham, Carla	NH, NH billingham2@comcast.net	A Member of the Public	Myself	Oppose	No	No
Axelman, Elliot	Hooksett, NH alu.axelman@gmail.com	A Member of the Public	Myself	Oppose	No	No
Douidi, Daniel	Bedford, NH ddouidi@bedfordnh.org	A Member of the Public	Myself	Support	No	No
Platt, Elizabeth-Anne	CONCORD, NH lizanneplatt09@gmail.com	A Member of the Public	Myself	Oppose	No	No
Plumer, Scott	Bedford, NH splumer@bedfordnh.org	A Member of the Public	Myself	Support	No	No
Reynolds, Charles	Dover, NH reynolds.charles@comcast.net	A Member of the Public	Myself	Support	No	No
Bean Burpee, Anthony	Laconia, NH tburp@hotmail.com	A Member of the Public	Myself	Support	No	No
QUISUMBING-KING, CORA	Dover, NH coraq@comcast.net	A Member of the Public	Myself	Oppose	No	No
thompson, julia	durham, NH maple371@gmail.com	A Member of the Public	Myself	Oppose	No	No
Spence, Richard	Dover, NH rtssds2@gmail.com	A Member of the Public	Myself	Support	No	No
Dunker, Susan	Dover, NH Sedunker15@gmail.com	A Member of the Public	Myself	Oppose	No	No
Rodd, Bryan	Concord, NH Rodd.bryan@gmail.com	A Member of the Public	Myself	Oppose	No	No
Edwards-Appell, Caitlin	Manchester, NH cillappell@gmail.com	A Member of the Public	Myself	Oppose	No	No
Rourke, Brian	Nashua, NH lownote13@comcast.net	A Member of the Public	Myself	Oppose	No	No
Wolf, Carly	Washington, DC carly@norml.org	A Lobbyist	NORML	Oppose	No	No
M., Beau	Keene, NH Beauremk@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Varden-Straffin, Sheila	Strafford, NH sheila.varden@gmail.com	A Member of the Public	Myself	Oppose	No	No

Sprankle, Jeff	Merrimack, NH jsprankle@merrimacknh.gov	A Member of the Public	Myself	Support	No	No
Robertson, Howard	KEENE, NH howardr113@gmail.com	A Member of the Public	Myself	Oppose	No	No
Stillman, Richard	Sandwich, NH rbstillman001@gmail.com	A Member of the Public	Myself	Support	No	No
Pelton, Charles	Auburn, NH rpelton@townofauburnnh.com	A Member of the Public	Myself	Support	No	No
Bagan, Michael	Groton, NH mbagan@grotonnh.org	A Member of the Public	Myself	Support	No	No
DeCicco, Fred	Exeter, NH FredNH92051@gmail.com	A Member of the Public	Myself	Oppose	No	No
Miller, Rebecca	Madison, NH Rebeccamillernh@gmail.com	A Member of the Public	Myself	Oppose	No	No
LAPOINTE, VICTORIA	NH, NH VLAPOINTE@MERRIMACKNH.GOV	A Member of the Public	Myself	Support	No	No
Lukaszewicz, Debra	Nashua, NH devoid_2@hotmail.com	A Member of the Public	Myself	Oppose	No	No
Pappas, James	Chichester, NH jpappas235@gmail.com	A Member of the Public	Myself	Oppose	No	No
Blair, David	Dublin, NH orionblair@gmail.com	A Member of the Public	Myself	Oppose	No	No
Sullivan, Patrick	Manchester, NH Patsully@comcast.net	A Member of the Public	Myself	Support	No	No
Osgood, Bradley	Londonderry, NH bradleyosgood@msn.com	A Member of the Public	Myself	Support	No	No
Bryfonski, John	Bedford, NH jbryfonski@bedfordnh.org	A Member of the Public	NH ASSOCIATION CHIEFS OF POLICE	Support	No	No
Parsons, John	Grantham, NH jparsons@granthamnh.net	A Member of the Public	Myself	Support	No	No
Drury, John	FARMINGTON, NH jdrury@farmingtonpd.com	A Member of the Public	Myself	Support	No	No
Levesque, Brian	Manchester, NH blevesque@merrimacknh.gov	A Member of the Public	Myself	Support	No	No
Dolan, Joel	Salem, NH jpdolan113@gmail.com	A Member of the Public	Myself	Support	No	No
Estey, Holly	Merrimack, NH senegalmom2003@yahoo.com	A Member of the Public	Myself	Support	No	No
Conley, Daniel	Nashua, NH dconley@gillisandbikofsky.com	A Member of the Public	Myself	Support	No	No
lindbom, daniel	Merrimack, NH daniel.lindbom@comcast.net	A Member of the Public	Myself	Support	No	No
Schapira, Carol	Hopkinton, NH Carolschapira@me.com	A Member of the Public	Myself	Oppose	No	No
Sargent, Benjamin	Hudson, NH sarg369@comcast.net	A Member of the Public	Myself	Support	No	No
Connelly, Christopher	Mont Vernon, NH christopher-connelly@comcast.net	A Member of the Public	Myself	Support	No	No
McFadden, Jeanne	Merrimack, NH jeannemcfa@gmail.com	A Member of the Public	Myself	Support	No	No
Chase, Mark	Meredith, NH mchasechpd@metrocast.net	A Member of the Public	Myself	Support	No	No
Verschueren, Jim	Dover, NH jd.verschueren@gmail.com	A Member of the Public	Myself	Oppose	No	No

Feole, Danielle	Salem, NH feole.danielle@gmail.com	A Member of the Public	Myself	Oppose	No	No
Picard, Teresa	Dover, NH terrympicard@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Hinebauch, Mel	Concord, NH melhinebauch@gmail.com	A Member of the Public	Myself	Oppose	No	No
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Straiton, Marie	NH, NH m.straiton@comcast.net	A Member of the Public	Myself	Oppose	No	No
Wild, Gail	Newport, NH gailwild@gmail.com	A Member of the Public	Myself	Oppose	No	No
Wiggins, Frank	Newport, NH frankwigginsconstruction@comcast.net	A Member of the Public	Myself	Oppose	No	No
Stocker, Kathleen	Dover, NH k-stocker@comcast.net	A Member of the Public	Myself	Oppose	No	No
Weber, Jill	NH, NH jill@frajilfarms.com	A Member of the Public	Myself	Oppose	No	No
Collea, Beth	Dover, NH bethcollea@aol.com	A Member of the Public	Myself	Oppose	No	No
Hardwick, Bryant	Dover, NH portxejf@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Koch, Helmut	Concord, NH helmut.koch.2001@gmail.com	A Member of the Public	Myself	Oppose	No	No
Vincent, Laura	Loudon, NH lvlauravincen5@gmail.com	A Member of the Public	Myself	Oppose	No	No
Koch, Laurie	Concord, NH kochlj@aol.com	A Member of the Public	Myself	Oppose	No	No
Gordon, Laurie	Wear, NH Lmgord23@gmail.com	A Member of the Public	Myself	Oppose	No	No
Spencer, Louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Oppose	No	No
Kaplan, Carol	Nashua, NH cakaplan@hotmail.com	A Member of the Public	Myself	Oppose	No	No
Shelton, Dwight	Peterborough, NH rosedew.shelton773@gmail.com	A Member of the Public	Myself	Oppose	No	No
Insolia, Janet	Dover, NH jinsolia@comcast.net	A Member of the Public	Myself	Oppose	No	No
Lynn, Coaklo	Milford, NH Lynn.r.coakley@gmail.com	A Member of the Public	Myself	Oppose	No	No
Laker-Phelps, Gail	NH, NH lpsart@tds.net	A Member of the Public	Myself	Oppose	No	No
Falk, Cheri	Wilton, NH Falk.cj@gmail.com	A Member of the Public	Myself	Oppose	No	No
Gordon, Margaret	Wear, NH Megordon98@gmail.com	A Member of the Public	Myself	Oppose	No	No
Sinclair-Pappas, Barbara	Chichester, NH bespappas@gmail.com	A Member of the Public	Myself	Oppose	No	No
Rettew, Annie	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Oppose	No	No
Hackett, Doug	CORNISH, NH doug.hackett@cornishnh.net	A Member of the Public	Myself	Support	No	No

Sargent, Elizabeth	Concord, NH esargent@sheehan.com	A Lobbyist	NH Association of Chiefs of Police	Support	No	No
Larson, Ruth	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Oppose	No	No
Smart, Rick	Dover, NH Richardsmart@comcast.net	A Member of the Public	Myself	Oppose	No	No
Hansen, Lorraine	Rollinsford, NH lhansennh@gmail.com	A Member of the Public	Myself	Oppose	No	No
Feder, Marsha	HOLLIS, NH marshafeder@gmail.com	A Member of the Public	Myself	Oppose	No	No
Long, Julian	Rochester, NH julianleelong@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Spence, Susan	Dover, NH susandspence@gmail.com	A Member of the Public	Myself	Oppose	No	No
Maskwa, Donna	Dover, NH donna.maskwa@gmail.com	A Member of the Public	Myself	Oppose	No	No
McNamee, Brigid	Concord, NH brigidmcnamee@yahoo.com	A Member of the Public	Myself	Oppose	No	No
Jachim, Nancy	Newport, NH nancyjachim@gmail.com	A Member of the Public	Myself	Oppose	No	No
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Oppose	No	No
Bixby, Peter	Dover, NH peter.bixby@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No
Atherton, John	Dover, NH JMAtherton.3@gmail.com	A Member of the Public	Myself	Oppose	No	No
Hinkel, Robert	Dover, NH r.hinkel@gmail.com	A Member of the Public	Myself	Oppose	No	No
Harris, Pamela	Hanover, NH pampsharris@aol.com	A Member of the Public	Myself	Oppose	No	No
Spielman, Kathy	Durham, NH jspielman@comcast.net	A Member of the Public	Myself	Oppose	No	No
Fieseher, James	NH, NH mypersonalmd@comcast.net	A Member of the Public	Myself	Oppose	No	No
Reed, Barbara D.	North Swanzezy, NH BDRreed74@gmail.com	A Member of the Public	Myself	Oppose	No	No
Petrucelli, Maxine	Webster, NH maxinepet@gmail.com	A Member of the Public	Myself	Oppose	No	No
Petrucelli, Charles	Webster, NH chasmxpet@gmail.com	A Member of the Public	Myself	Oppose	No	No
Phillips, Margery	Hanover, NH margeryphillips@gmail.com	A Member of the Public	Myself	Oppose	No	No
Chase, Joshua	Manchester, NH joshua.chase@live.com	A Member of the Public	Myself	Oppose	No	No
Stagnone, Leah	Litchfield, NH leahstagnone@gmail.com	A Member of the Public	Myself	Oppose	No	No
Christilles, James	Londonderry, NH Dbrx6@hotmail.com	A Member of the Public	Myself	Oppose	No	No
Morin, Amy	Northumberland, NH nanniesme@gmail.com	A Member of the Public	Myself	Oppose	No	No
Reynolds, Jesse	Tilton, NH Reynoldsjessea@gmail.com	A Member of the Public	Myself	Oppose	No	No
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No

Edelson, Rachel	Nashua, NH redelson@hotmail.com	A Member of the Public	Myself	Oppose	No	No
Marshall, Eric	Seabrook, NH Genericwahlberg@hotmail.com	A Member of the Public	Myself	Oppose	No	No
Hatcher, Phil	Dover, NH phil.hatcher@gmail.com	A Member of the Public	Myself	Oppose	No	No
Chait, George	Sunapee, NH george.chait@gmail.com	A Member of the Public	Myself	Oppose	No	No
Lynch, Chrisinda	Concord, NH cmmelynch@comcast.net	A Member of the Public	Myself	Oppose	No	No
Hong, Huy	Concord, NH H33zyhg123@gmail.com	A Member of the Public	Myself	Oppose	No	No
Ladd, Carrie	Concord, NH Carrieladd0805@gmail.com	A Member of the Public	Myself	Oppose	No	No
Raley, Pamela	Dover, NH psralay@gmail.com	A Member of the Public	Myself	Oppose	No	No
Berry, Gail	Nashua, NH k1bbuz@hotmail.com	A Member of the Public	Myself	Oppose	No	No
Kaufman, Amy	Newfields, NH seventags@hotmail.com	A Member of the Public	Myself	Oppose	No	No
McIlroy, Douglas	Etna, NH m.douglas.mcilroy@dartmouth.edu	A Member of the Public	Myself	Oppose	No	No
Moran, Karen	Webster, NH karenmoran@tds.net	A Member of the Public	Myself	Oppose	No	No

Testimony

Archived: Monday, May 10, 2021 2:42:27 PM
From: [Capitol Insights Group](#)
Sent: Wednesday, April 21, 2021 10:28:43 AM
To: [~House Criminal Justice and Public Safety](#)
Subject: NH House Remote Testify: 10:30 am - SB60 in House Criminal Justice and Public Safety
Importance: Normal

Dear Chair Abbas and members of the Committee:

On behalf of Sanctuary ATC I have the following comments on SB60. The bill, as amended by the Senate, creates a conflict with the protections provided to New Hampshire citizens who are qualifying patients under the state's therapeutic cannabis program. SB60 imposes penalties on New Hampshire citizens transporting "marijuana", at the same time the therapeutic cannabis statute, RSA 128-X:5 affirmative defense, provides a sort of immunity for qualifying patients when they transport their therapeutic cannabis. SB60 also places restrictions on where "marijuana" may be located, this is also an unnecessary burden on a qualifying patient. I respectfully suggest the bill be amended to be consistent with the protections provided in RSA 128-X

--

Michael McLaughlin, Esq.
Capitol Insights Group
16 Low Avenue
Concord, New Hampshire 03301
(603) 226-9600

Archived: Monday, May 10, 2021 2:42:28 PM

From: [Jerry Knirk](#)

Sent: Tuesday, April 20, 2021 12:49:13 PM

To: ~[House Criminal Justice and Public Safety](#)

Subject: NH House Remote Testify: 10:30 am - SB60 in House Criminal Justice and Public Safety

Importance: Normal

Attachments:

[SB60 testimony-pdf.pdf](#) 

Hello committee members,

Attached is my testimony on SB60. I serve as the chair of the Therapeutic Cannabis Medical Oversight Board.

Rep. Jerry Knirk, Carroll 3

Archived: Monday, April 19, 2021 9:10:12 AM
From: Rachel Edelson
Sent: Saturday, April 17, 2021 2:52:15 PM
To: ~House Criminal Justice and Public Safety
Subject: Vote ITL on SB60
Importance: Normal

Dear House Committee on Criminal Justice and Public Safety,

As an involved resident of Nashua, I am writing to urge you to vote ITL against SB60.

We are moving away from criminalizing cannabis and towards legalization. New Hampshire has already decriminalized small amounts of cannabis, as far back as 2017. This bill goes back towards the failed policies of the war on drugs.

- Cannabis is not like alcohol when it comes to a so-called "open container." The bill would impose a \$150 fine and suspend someone's license for carrying a so-called "open container" of cannabis in the passenger area of their car. In a rural state like ours, suspending someone's license could cost someone their job. To stay employed and care for one's family, too often people will drive on a suspended license, risking further penalties.
- Law enforcement can arrest someone for impaired driving, but in the absence of impaired driving, people should not be penalized for having cannabis in a certain part of their car.

Sincerely,

Rachel Edelson
Bay Ridge
Nashua 03062

Archived: Monday, May 10, 2021 2:42:28 PM
From: [Devon Chaffee](#)
Sent: Wednesday, April 21, 2021 8:45:58 AM
To: ~House Criminal Justice and Public Safety
Subject: In Opposition to SB 60 "open container" bill
Importance: Normal

Dear Representatives,

I am writing to respectfully urge you to oppose SB60, which would create a law against transporting an "open container" of cannabis in the passenger area of a motor vehicle. This bill wrongly compares an open-container of cannabis with that of alcohol and moves in the opposite direction of the country in creating yet more ways to penalize people for cannabis. The country is moving firmly in the direction of cannabis legalization, with more states every year ending the failed war on cannabis. While NH lags behind even the rest of New England on cannabis legalization, we have decriminalized cannabis and established a robust medical cannabis program in the state. All of these reforms are in recognition that penalizing people for cannabis possession does far more harm to individuals, families, and communities than good.

Cannabis is not like alcohol when it comes to "open containers." Moreover, law enforcement can already arrest someone for impaired driving or for possessing more than ¼ of an ounce of cannabis. Why do we need yet another penalty about where someone transports cannabis? The bill would impose a \$150 fine and suspend someone's license for carrying a so-called "open container" of cannabis. This means that a Granite Stater could be driving safely, transporting a tiny amount of cannabis, and yet be fined simply for where in the car they placed their cannabis. In a rural state like NH, suspending someone's license could cost someone their job. To stay employed and care for one's family, too often Granite Staters will drive on a suspended license, risking further penalties.

Law enforcement assured senators that they would use their discretion in enforcing this law if enacted. We are not comfortable taking their word on this. The track record on cannabis prohibition is that these laws are disproportionately enforced against people of color, including in New Hampshire. This is a bad bill, and it's bad for New Hampshire.

The ACLU-NH urges you to vote *inexpedient to legislate* on SB60. If you have any questions or concerns, please do not hesitate to reach out.

Kind regards,

Devon Chaffee

Executive Director
American Civil Liberties Union of New Hampshire
18 Low Avenue, Concord, NH 03301
603.227.6680 | devon@aclu-nh.org

aclu-nh.org  



Bill as
Introduced

SB 60-FN - AS INTRODUCED

2021 SESSION

21-1024
04/08

SENATE BILL **60-FN**

AN ACT prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV.

SPONSORS: Sen. Gannon, Dist 23; Rep. M. Pearson, Rock. 34; Sen. Prentiss, Dist 5

COMMITTEE: Judiciary

ANALYSIS

This bill prohibits the transport of an open container of marijuana in a motor vehicle or OHRV.

.....

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 One

AN ACT prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV.

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

1 1 New Section; Alcohol or Other Drug Impairment; Transporting Marijuana. Amend RSA 265-A
2 by inserting after section 45 the following new section:

3 265-A:46 Transporting Marijuana.

4 I. Except as provided in paragraph IV, no driver shall transport, carry, possess, or have any
5 marijuana within the passenger area of any motor vehicle or OHRV upon any way in this state
6 except in the original container and with the seal unbroken. Unsealed containers of marijuana shall
7 be stored and transported in the trunk of the motor vehicle or OHRV. If the motor vehicle or OHRV
8 does not have a trunk, such containers shall be stored and transported in that compartment or area
9 of the vehicle or OHRV which is the least accessible to the driver.

10 II. Except as provided in paragraph IV, no passenger shall carry, possess, or have any
11 marijuana within any passenger area of any motor vehicle or OHRV upon any way or in an area
12 principally used for public parking in this state except in the original container and with the seal
13 unbroken. Unsealed containers of marijuana may be stored and transported in that compartment or
14 area of the vehicle or OHRV which is the least accessible to the driver.

15 III. A person who violates this section shall be guilty of a violation and shall be subject to a
16 fine of \$150. In addition, a person who violates paragraph I of this section may have his or her
17 drivers' license, if a resident, or driving privilege, if a nonresident, suspended 60 days for a first
18 offense and up to one year for a second or subsequent offense.

19 IV. This section shall not apply to persons transporting, carrying, possessing, or having any
20 marijuana in a chartered bus, in a taxi, or in a limousine for hire; provided, however, that the driver
21 of any of said vehicles is prohibited from having any marijuana in or about the driver's area.

22 V. In this section:

23 (a) "Marijuana" shall have the same meaning as "cannabis" in RSA 126-X:1, III, and
24 shall include unusable and usable cannabis as defined in RSA 126-X:1, XIV and XV, respectively.

25 (b) "Passenger area of any motor vehicle or OHRV" shall not include any section of a
26 motor vehicle or OHRV which has been designed or modified for the overnight accommodation of
27 persons or as living quarters.

28 (c) "Way" shall mean the entire width between the boundary lines of any public
29 highway, street, avenue, road, alley, park, or parkway, or any private way laid out under authority

SB 60-FN - AS INTRODUCED

- Page 2 -

1 of statute, or any such way provided and maintained by a public institution to which state funds are
2 appropriated for public use or any such way which has been used for public travel for 20 years.

3 2 Effective Date. This act shall take effect January 1, 2022.

**SB 60-FN- FISCAL NOTE
 AS INTRODUCED**

AN ACT prohibiting the transport of an open container of marijuana in a motor vehicle or OHRV.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input checked="" type="checkbox"/> Highway	<input type="checkbox"/> Other

METHODOLOGY:

This bill establishes a violation level offense relative to unlawful transport of marijuana in a motor vehicle or OHRV. It is not possible to estimate how many new cases may arise as a result of this change, if any, however the Judicial Branch estimates average cost of violation level cases to be \$53 in FY 2022. It should be noted that average case cost estimates for 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. Additionally, violations of this statute carry a fine of \$150. Therefore, this bill may increase revenue to the state highway fund.

AGENCIES CONTACTED:

Judicial Branch