

Bill as
Introduced

HB 605-FN - AS AMENDED BY THE HOUSE

8Apr2021... 0646h

2021 SESSION

21-0014
04/06

HOUSE BILL **605-FN**

AN ACT relative to the therapeutic cannabis program.

SPONSORS: Rep. Conley, Straf. 13; Rep. Chase, Straf. 18; Rep. Acton, Rock. 10; Rep. Moran, Hills. 34; Rep. McWilliams, Merr. 27; Rep. Cushing, Rock. 21

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill

I. Adds opioid use disorder as a qualifying medical condition for the purpose of the therapeutic use of cannabis.

II. Amends the definitions of "alternative treatment center" and "therapeutic use" and "visiting qualifying patient" in the therapeutic cannabis statute.

III. Permits out-of-state residents qualified in other jurisdictions to purchase therapeutic cannabis at New Hampshire therapeutic dispensaries.

IV. Requires the department of health and human services to adopt rules regarding an alternative treatment center's verification of a visiting qualifying patient's identification.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the therapeutic cannabis program.

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

1 1 New Subparagraph; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-
2 X:1, IX(b) by inserting after subparagraph (3) the following new subparagraph:

3 (4) Opioid use disorder, with the following restrictions:

4 (A) When certified only by a board certified addiction medicine or addiction
5 psychiatry provider who is actively treating the patient for opioid use disorder; and

6 (B) With associated symptoms of cravings and/or withdrawal.

7 2 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, I to read as
8 follows:

9 I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-X:7
10 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies,
11 and dispenses cannabis, and related supplies and educational materials, to qualifying patients ~~and~~,
12 ***designated caregivers, other*** alternative treatment centers, ***and visiting qualifying patients***.

13 3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XIII(b) to read
14 as follows:

15 (b) Cultivation or purchase by a visiting qualifying patient ***from a qualifying patient***
16 ***or designated caregiver***; or

17 4 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVI to read as
18 follows:

19 XVI. "Visiting qualifying patient" means a ~~[patient with a qualifying medical condition who~~
20 ~~is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30~~
21 ~~days and is not eligible to purchase therapeutic cannabis in New Hampshire or receive cannabis~~
22 ~~from a qualifying New Hampshire patient]~~ ***person who is not a resident of New Hampshire, or***
23 ***who has been a resident of New Hampshire for fewer than 90 days, who has been issued a***
24 ***valid registry identification card, or its equivalent, under the laws of another state,***
25 ***district, territory, commonwealth, or insular possession of the United States, or under the***
26 ***laws of Canada, that allows, in the jurisdiction of issuance, that person to possess***
27 ***cannabis for therapeutic purposes.***

28 5 Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections. Amend
29 RSA 126-X:2, V to read as follows:

30 V. A valid registry identification card, or its equivalent, that is issued under the laws of
31 another state, district, territory, commonwealth, or insular possession of the United States, or

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1 *under the laws of Canada* that allows, in the jurisdiction of issuance, a visiting qualifying patient
2 to possess cannabis for therapeutic purposes, shall have the same force and effect *and be subject to*
3 *the same restrictions* as a valid registry identification card issued by the department in this state,
4 provided that[:

5 ~~(a) The visiting qualifying patient shall also produce a statement from his or her~~
6 ~~provider stating that the visiting qualifying patient has a qualifying medical condition as defined in~~
7 ~~RSA 126-X:1; and~~

8 (b) a visiting qualifying patient shall not cultivate [~~or purchase~~] cannabis in New
9 Hampshire or obtain *or purchase* cannabis from [~~alternative treatment centers or from~~] a
10 [~~qualifying~~] New Hampshire *qualifying* patient *or designated caregiver*.

11 6 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA
12 126-X:6 by inserting after paragraph V the following new paragraph:

13 VI. The department shall adopt rules, pursuant to RSA 541-A, regarding an alternative
14 treatment center's verification of a visiting qualifying patient's registry identification card, or its
15 equivalent.

16 7 Effective Date. This act shall take effect 60 days after its passage.

LBA
21-0014
1/13/21

**HB 605-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the therapeutic cannabis program.

FISCAL IMPACT:

The Office of Legislative Budget Assistant is unable to complete a fiscal note for this bill, as introduced, as it is awaiting information from the Department of Health and Human Services. When completed, the fiscal note will be forwarded to the House Clerk's Office.

AGENCIES CONTACTED:

Department of Health and Human Services

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COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill

I. Adds opioid use disorder as a qualifying medical condition for the purpose of the therapeutic use of cannabis.

II. Amends the definitions of "alternative treatment center" and "therapeutic use" and "visiting qualifying patient" in the therapeutic cannabis statute.

III. Permits out-of-state residents qualified in other jurisdictions to purchase therapeutic cannabis at New Hampshire therapeutic dispensaries.

IV. Requires the department of health and human services to adopt rules regarding an alternative treatment center's verification of a visiting qualifying patient's identification.

V. Permits an alternative treatment center to dispense therapeutic cannabis to a visiting qualifying patient and protects the alternative treatment center from prosecution for such distribution.

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1 1 New Subparagraph; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-
2 X:1, IX(b) by inserting after subparagraph (3) the following new subparagraph:

3 (4) Opioid use disorder, with the following restrictions:

4 (A) When certified only by a board certified addiction medicine or addiction
5 psychiatry provider who is actively treating the patient for opioid use disorder; and

6 (B) With associated symptoms of cravings and/or withdrawal.

7 2 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, I to read as
8 follows:

9 I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-X:7
10 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies,
11 and dispenses cannabis, and related supplies and educational materials, to qualifying patients [and],
12 ***designated caregivers, other*** alternative treatment centers, ***and visiting qualifying patients.***

13 3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XIII(b) to read
14 as follows:

15 (b) Cultivation or purchase by a visiting qualifying patient ***from a qualifying patient***
16 ***or designated caregiver; or***

17 4 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVI to read as
18 follows:

19 XVI. "Visiting qualifying patient" means a ~~[patient with a qualifying medical condition who~~
20 ~~is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30~~
21 ~~days and is not eligible to purchase therapeutic cannabis in New Hampshire or receive cannabis~~
22 ~~from a qualifying New Hampshire patient]~~ ***person who is not a resident of New Hampshire, or***
23 ***who has been a resident of New Hampshire for fewer than 90 days, who has been issued a***
24 ***valid registry identification card, or its equivalent, under the laws of another state,***
25 ***district, territory, commonwealth, or insular possession of the United States, or under the***
26 ***laws of Canada, that allows, in the jurisdiction of issuance, that person to possess***
27 ***cannabis for therapeutic purposes.***

28 5 Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections. Amend
29 RSA 126-X:2, V to read as follows:

30 V. A valid registry identification card, or its equivalent, that is issued under the laws of

1 another state, district, territory, commonwealth, or insular possession of the United States, *or*
2 *under the laws of Canada* that allows, in the jurisdiction of issuance, a visiting qualifying patient
3 to possess cannabis for therapeutic purposes, shall have the same force and effect *and be subject to*
4 *the same restrictions* as a valid registry identification card issued by the department in this state,
5 provided that:

6 (a) ~~[The visiting qualifying patient shall also produce a statement from his or her~~
7 ~~provider stating that the visiting qualifying patient has a qualifying medical condition as defined in~~
8 ~~RSA 126-X:1]~~ *A visiting qualifying patient shall not purchase cannabis at an alternative*
9 *treatment center more than 3 times in a 12-month period, unless the visiting qualifying*
10 *patient produces a statement from his or her health care provider stating that the visiting*
11 *qualifying patient has a qualifying medical condition as defined in RSA 126-X:1; and*

12 (b) A visiting qualifying patient shall not cultivate ~~[or purchase]~~ cannabis in New
13 Hampshire or obtain *or purchase* cannabis from ~~[alternative treatment centers or from]~~ a
14 ~~[qualifying]~~ New Hampshire *qualifying patient or designated caregiver*.

15 6 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA
16 126-X:6 by inserting after paragraph V the following new paragraph:

17 VI. The department shall adopt rules, pursuant to RSA 541-A, regarding an alternative
18 treatment center's verification of a visiting qualifying patient's registry identification card, or its
19 equivalent.

20 7 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as
21 follows:

22 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and
23 educational materials to qualifying patients who have designated the alternative treatment center to
24 provide for them, to designated caregivers on behalf of the qualifying patients who have designated
25 the alternative treatment center, *to visiting qualifying patients*, or to other alternative treatment
26 centers.

27 8 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-
28 X:8, XV(b) to read as follows:

29 (b) An alternative treatment center or alternative treatment center agent shall not
30 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

31 (1) A qualifying patient who has designated the relevant alternative treatment
32 center; or

33 (2) Such patient's designated caregiver; or

34 (3) Another alternative treatment center; *or*

35 (4) *A visiting qualifying patient*.

36 9 Effective Date. This act shall take effect 60 days after its passage.

HB 605-FN- FISCAL NOTE
 AS AMENDED BY THE SENATE (AMENDMENT #2021-1603s)

AN ACT relative to the therapeutic cannabis program.

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 type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Application fee revenue received by the therapeutic cannabis program.			

METHODOLOGY:

This bill makes the following changes to the law governing the use of cannabis for therapeutic purposes (RSA 126-X):

- adds opioid use disorder to the list of qualifying medical conditions;
- allows “visiting qualifying patients” to purchase therapeutic cannabis at the New Hampshire Alternative Treatment Centers (ATC); and
- requires the Department of Health and Human Services to adopt rules regarding an ATC's verification of a visiting qualifying patient's registry identification card, or its equivalent.

Since changes to the definition of "qualifying medical condition" may increase the number of patients eligible for the Therapeutic Cannabis Program, the Department anticipates an indeterminable increase in state revenues based on additional application fees. The Department assumes that revenue received by the Therapeutic Cannabis Program will completely cover any costs that may result from the bill.

AGENCIES CONTACTED:

Department of Health and Human Services

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COMMITTEE: Health, Human Services and Elderly Affairs - *OTPA 17-3*
SENATE HHS - OTPA 5-0

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5 psychiatry provider who is actively treating the patient for opioid use disorder; and

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8 follows:

9 I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-X:7
10 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies,
11 and dispenses cannabis, and related supplies and educational materials, to qualifying patients ~~and~~,
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16 **or designated caregiver**; or

17 4 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVI to read as
18 follows:

19 XVI. "Visiting qualifying patient" means a ~~[patient with a qualifying medical condition who~~
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21 ~~days and is not eligible to purchase therapeutic cannabis in New Hampshire or receive cannabis~~
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4 *the same restrictions* as a valid registry identification card issued by the department in this state,
5 provided that:

6 (a) ~~[The visiting qualifying patient shall also produce a statement from his or her~~
7 ~~provider stating that the visiting qualifying patient has a qualifying medical condition as defined in~~
8 ~~RSA 126-X:1]~~ *A visiting qualifying patient shall not purchase cannabis at an alternative*
9 *treatment center more than 3 times in a 12-month period, unless the visiting qualifying*
10 *patient produces a statement from his or her health care provider stating that the visiting*
11 *qualifying patient has a qualifying medical condition as defined in RSA 126-X:1; and*

12 (b) A visiting qualifying patient shall not cultivate ~~[or purchase]~~ cannabis in New
13 Hampshire or obtain *or purchase* cannabis from ~~[alternative treatment centers or from]~~ a
14 ~~[qualifying]~~ New Hampshire *qualifying patient or designated caregiver*.

15 6 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA
16 126-X:6 by inserting after paragraph V the following new paragraph:

17 VI. The department shall adopt rules, pursuant to RSA 541-A, regarding an alternative
18 treatment center's verification of a visiting qualifying patient's registry identification card, or its
19 equivalent.

20 7 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as
21 follows:

22 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and
23 educational materials to qualifying patients who have designated the alternative treatment center to
24 provide for them, to designated caregivers on behalf of the qualifying patients who have designated
25 the alternative treatment center, *to visiting qualifying patients*, or to other alternative treatment
26 centers.

27 8 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-
28 X:8, XV(b) to read as follows:

29 (b) An alternative treatment center or alternative treatment center agent shall not
30 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

31 (1) A qualifying patient who has designated the relevant alternative treatment
32 center; or

33 (2) Such patient's designated caregiver; or

34 (3) Another alternative treatment center; *or*

35 (4) *A visiting qualifying patient*.

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Department of Health and Human Services

CHAPTER 193
HB 605-FN - FINAL VERSION

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5 psychiatry provider who is actively treating the patient for opioid use disorder; and

6 (B) With associated symptoms of cravings and/or withdrawal.

7 193:2 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, I to read as
8 follows:

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10 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies,
11 and dispenses cannabis, and related supplies and educational materials, to qualifying patients ~~and~~,
12 **designated caregivers, other alternative treatment centers, and visiting qualifying patients.**

13 193:3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XIII(b) to
14 read as follows:

15 (b) Cultivation or purchase by a visiting qualifying patient **from a qualifying patient**
16 **or designated caregiver; or**

17 193:4 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVI to read
18 as follows:

19 XVI. "Visiting qualifying patient" means a ~~[patient with a qualifying medical condition who~~
20 ~~is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30~~
21 ~~days and is not eligible to purchase therapeutic cannabis in New Hampshire or receive cannabis~~
22 ~~from a qualifying New Hampshire patient]~~ **person who is not a resident of New Hampshire, or**
23 **who has been a resident of New Hampshire for fewer than 90 days, who has been issued a**
24 **valid registry identification card, or its equivalent, under the laws of another state,**
25 **district, territory, commonwealth, or insular possession of the United States, or under the**
26 **laws of Canada, that allows, in the jurisdiction of issuance, that person to possess**
27 **cannabis for therapeutic purposes.**

28 193:5 Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections.
29 Amend RSA 126-X:2, V to read as follows:

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1 V. A valid registry identification card, or its equivalent, that is issued under the laws of
2 another state, district, territory, commonwealth, or insular possession of the United States, *or*
3 *under the laws of Canada* that allows, in the jurisdiction of issuance, a visiting qualifying patient
4 to possess cannabis for therapeutic purposes, shall have the same force and effect *and be subject to*
5 *the same restrictions* as a valid registry identification card issued by the department in this state,
6 provided that:

7 (a) ~~[The visiting qualifying patient shall also produce a statement from his or her~~
8 ~~provider stating that the visiting qualifying patient has a qualifying medical condition as defined in~~
9 ~~RSA 126-X:1]~~ *A visiting qualifying patient shall not purchase cannabis at an alternative*
10 *treatment center more than 3 times in a 12-month period, unless the visiting qualifying*
11 *patient produces a statement from his or her health care provider stating that the visiting*
12 *qualifying patient has a qualifying medical condition as defined in RSA 126-X:1; and*

13 (b) A visiting qualifying patient shall not cultivate ~~[or purchase]~~ cannabis in New
14 Hampshire or obtain *or purchase* cannabis from ~~[alternative treatment centers or from]~~ a
15 ~~[qualifying]~~ New Hampshire *qualifying patient or designated caregiver*.

16 193:6 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend
17 RSA 126-X:6 by inserting after paragraph VI the following new paragraph:

18 VII. The department shall adopt rules, pursuant to RSA 541-A, regarding an alternative
19 treatment center's verification of a visiting qualifying patient's registry identification card, or its
20 equivalent.

21 193:7 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read
22 as follows:

23 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and
24 educational materials to qualifying patients who have designated the alternative treatment center to
25 provide for them, to designated caregivers on behalf of the qualifying patients who have designated
26 the alternative treatment center, *to visiting qualifying patients*, or to other alternative treatment
27 centers.

28 193:8 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA
29 126-X:8, XV(b) to read as follows:

30 (b) An alternative treatment center or alternative treatment center agent shall not
31 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

32 (1) A qualifying patient who has designated the relevant alternative treatment
33 center; or

34 (2) Such patient's designated caregiver; or

35 (3) Another alternative treatment center; *or*

36 (4) *A visiting qualifying patient.*

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HB 605-FN - FINAL VERSION
- Page 3 -

1 193:9 Public Health; Use of Cannabis for Therapeutic Purposes; Definitions; Alternative
2 Treatment Center. Amend RSA 126-X:1, I to read as follows:

3 I. "Alternative treatment center" means a domestic business corporation organized under
4 RSA 293-A, a domestic limited liability company organized under RSA 304-C, or a not-for-profit
5 voluntary corporation organized under RSA 292 that is registered under RSA 126-X:7 and that
6 acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and
7 dispenses cannabis, and related supplies and educational materials, to qualifying patients, ~~[and]~~
8 ***designated caregivers, other alternative treatment centers, and visiting qualifying patients.***

9 193:10 Contingency. If SB 38 of the 2021 general legislative session becomes law, section 9 of
10 this act shall take effect 60 days after its passage and section 2 of this act shall not take effect. If SB
11 38 does not become law, section 2 of this act shall take effect 60 days after its passage and section 9
12 of this act shall not take effect.

13 193:11 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to
14 read as follows:

15 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and
16 educational materials to qualifying patients, to designated caregivers on behalf of the qualifying
17 patients, ***to visiting qualifying patients,*** or to other alternative treatment centers.

18 193:12 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA
19 126-X:8, XV(b) to read as follows:

20 (b) An alternative treatment center or alternative treatment center agent shall not
21 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

- 22 (1) A qualifying patient; or
23 (2) Such patient's designated caregiver; or
24 (3) Another alternative treatment center; ***or***
25 (4) ***A visiting qualifying patient.***

26 193:13 Contingency. If SB 162-FN of the 2021 general legislative session becomes law, sections
27 11 and 12 of this act shall take effect at 12:01 a.m. on the effective date of SB 162-FN and section 7
28 and 8 of this act shall not take effect. If SB 162-FN does not become law, section 7 and 8 of this act
29 shall take effect 60 days after its passage and section 11 and 12 of this act shall not take effect.

30 193:14 Effective Date.

31 I. Sections 2 and 9 of this act shall take effect as provided in section 10 of this act.

32 II. Section 7, 8 and 11, 12 of this act shall take effect as provided in section 13 of this act.

33 III. The remainder of this act shall take effect 60 days after its passage.

Approved: August 10, 2021

Effective Date:

I. Sections 2 & 9 shall take effect as provided in section 10.

II. Sections 7,8,11 & 12 shall take effect as provided in section 13.

III. Remainder shall take effect October 9, 2021.

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HB 605-FN - FINAL VERSION
- Page 4 -

1

Amendments

Amendment to HB 605-FN

1 Amend the bill by inserting after section 6 the following and renumbering the original section 7 to
2 read as 9:

3

4 7 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as
5 follows:

6 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and
7 educational materials to qualifying patients who have designated the alternative treatment center to
8 provide for them, to designated caregivers on behalf of the qualifying patients who have designated
9 the alternative treatment center, *to visiting qualifying patients*, or to other alternative treatment
10 centers.

11 8 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-
12 X:8, XV(b) to read as follows:

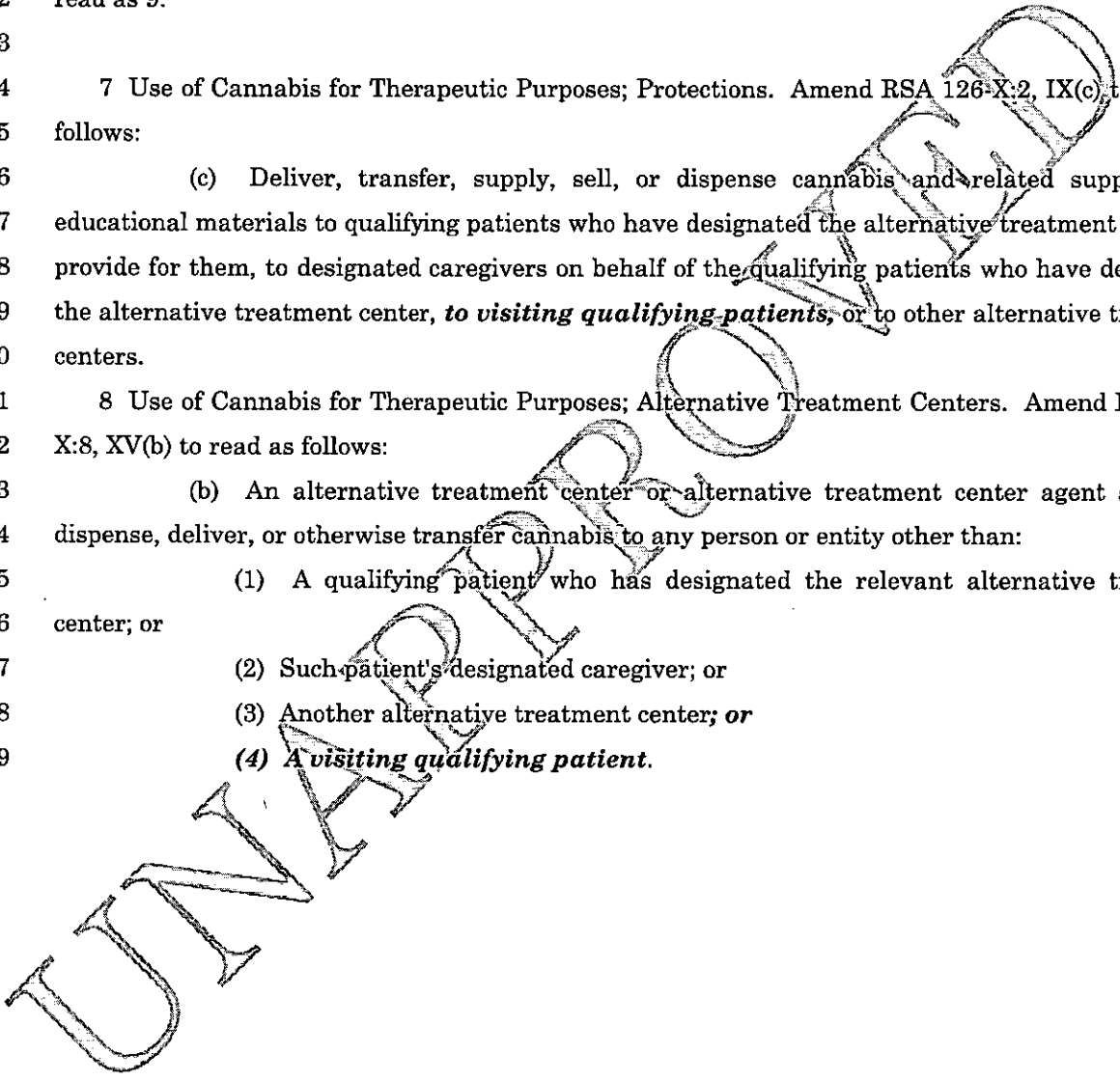
13 (b) An alternative treatment center or alternative treatment center agent shall not
14 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

15 (1) A qualifying patient who has designated the relevant alternative treatment
16 center; or

17 (2) Such patient's designated caregiver; or

18 (3) Another alternative treatment center; *or*

19 (4) *A visiting qualifying patient.*



2021-1181s

AMENDED ANALYSIS

This bill

I. Adds opioid use disorder as a qualifying medical condition for the purpose of the therapeutic use of cannabis.

II. Amends the definitions of "alternative treatment center" and "therapeutic use" and "visiting qualifying patient" in the therapeutic cannabis statute.

III. Permits out-of-state residents qualified in other jurisdictions to purchase therapeutic cannabis at New Hampshire therapeutic dispensaries.

IV. Requires the department of health and human services to adopt rules regarding an alternative treatment center's verification of a visiting qualifying patient's identification.

V. Permits an alternative treatment center to dispense therapeutic cannabis to a visiting qualifying patient and protects the alternative treatment center from prosecution for such distribution.

UNAPPROVED

Sen. Gray, Dist 6
April 27, 2021
2021-1208s
04/06

Amendment to HB 605-FN

1 Amend the bill by replacing section 5 with the following:

2

3 5 Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections. Amend
4 RSA 126-X:2, V to read as follows:

5 V. A valid registry identification card, or its equivalent, that is issued under the laws of
6 another state, district, territory, commonwealth, or insular possession of the United States, *or*
7 *under the laws of Canada* that allows, in the jurisdiction of issuance, a visiting qualifying patient
8 to possess cannabis for therapeutic purposes, shall have the same force and effect *and be subject to*
9 *the same restrictions* as a valid registry identification card issued by the department in this state,
10 provided that:

11 (a) ~~[The visiting qualifying patient shall also produce a statement from his or her~~
12 ~~provider stating that the visiting qualifying patient has a qualifying medical condition as defined in~~
13 ~~RSA 126-X:1]~~ *A visiting qualifying patient shall not purchase cannabis at an alternative*
14 *treatment center more than 3 times in a 12-month period, unless the visiting qualifying*
15 *patient produces a statement from his or her health care provider stating that the visiting*
16 *qualifying patient has a qualifying medical condition as defined in RSA 126-X:1; and*

17 (b) A visiting qualifying patient shall not cultivate ~~[or purchase]~~ cannabis in New
18 Hampshire or obtain *or purchase* cannabis from ~~[alternative treatment centers or from]~~ a
19 ~~[qualifying]~~ New Hampshire *qualifying patient or designated caregiver.*

Amendment to HB 605-FN

1 Amend the bill by replacing section 5 with the following:

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3 5 Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections. Amend
4 RSA 126-X:2, V to read as follows:

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6 another state, district, territory, commonwealth, or insular possession of the United States, **or**
7 ***under the laws of Canada*** that allows, in the jurisdiction of issuance, a visiting qualifying patient
8 to possess cannabis for therapeutic purposes, shall have the same force and effect ***and be subject to***
9 ***the same restrictions*** as a valid registry identification card issued by the department in this state,
10 provided that:

11 (a) ~~[The visiting qualifying patient shall also produce a statement from his or her~~
12 ~~provider stating that the visiting qualifying patient has a qualifying medical condition as defined in~~
13 ~~RSA 126-X:1]~~ ***A visiting qualifying patient shall not purchase cannabis at an alternative***
14 ***treatment center more than 3 times in a 12-month period, unless the visiting qualifying***
15 ***patient produces a statement from his or her health care provider stating that the visiting***
16 ***qualifying patient has a qualifying medical condition as defined in RSA 126-X:1; and***

17 (b) A visiting qualifying patient shall not cultivate ~~[or purchase]~~ cannabis in New
18 Hampshire or obtain ***or purchase*** cannabis from ~~[alternative treatment centers or from]~~ a
19 ~~[qualifying]~~ New Hampshire ***qualifying patient or designated caregiver.***

20

21 Amend the bill by inserting after section 6 the following and renumbering the original section 7 to
22 read as 9:

23

24 7 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as
25 follows:

26 (c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and
27 educational materials to qualifying patients who have designated the alternative treatment center to
28 provide for them, to designated caregivers on behalf of the qualifying patients who have designated
29 the alternative treatment center, ***to visiting qualifying patients,*** or to other alternative treatment
30 centers.

31 8 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-
32 X:8, XV(b) to read as follows:

Amendment to HB 605-FN
- Page 2 -

1 (b) An alternative treatment center or alternative treatment center agent shall not
2 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

3 (1) A qualifying patient who has designated the relevant alternative treatment
4 center; or

5 (2) Such patient's designated caregiver; or

6 (3) Another alternative treatment center; *or*

7 (4) *A visiting qualifying patient.*

2021-1234s

AMENDED ANALYSIS

This bill

I. Adds opioid use disorder as a qualifying medical condition for the purpose of the therapeutic use of cannabis.

II. Amends the definitions of "alternative treatment center" and "therapeutic use" and "visiting qualifying patient" in the therapeutic cannabis statute.

III. Permits out-of-state residents qualified in other jurisdictions to purchase therapeutic cannabis at New Hampshire therapeutic dispensaries.

IV. Requires the department of health and human services to adopt rules regarding an alternative treatment center's verification of a visiting qualifying patient's identification.

V. Permits an alternative treatment center to dispense therapeutic cannabis to a visiting qualifying patient and protects the alternative treatment center from prosecution for such distribution.

Sen. Gray, Dist 6
Sen. Sherman, Dist 24
May 20, 2021
2021-1603s
04/06

Floor Amendment to HB 605-FN

1 Amend the bill by replacing section 5 with the following:

2

3 5 Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections. Amend
4 RSA 126-X:2, V to read as follows:

5 V. A valid registry identification card, or its equivalent, that is issued under the laws of
6 another state, district, territory, commonwealth, or insular possession of the United States, *or*
7 *under the laws of Canada* that allows, in the jurisdiction of issuance, a visiting qualifying patient
8 to possess cannabis for therapeutic purposes, shall have the same force and effect *and be subject to*
9 *the same restrictions* as a valid registry identification card issued by the department in this state,
10 provided that:

11 (a) ~~[The visiting qualifying patient shall also produce a statement from his or her~~
12 ~~provider stating that the visiting qualifying patient has a qualifying medical condition as defined in~~
13 ~~RSA 126-X:1]~~ *A visiting qualifying patient shall not purchase cannabis at an alternative*
14 *treatment center more than 3 times in a 12-month period, unless the visiting qualifying*
15 *patient produces a statement from his or her health care provider stating that the visiting*
16 *qualifying patient has a qualifying medical condition as defined in RSA 126-X:1; and*

17 (b) A visiting qualifying patient shall not cultivate ~~[or purchase]~~ cannabis in New
18 Hampshire or obtain *or purchase* cannabis from ~~[alternative treatment centers or from]~~ a
19 ~~[qualifying]~~ New Hampshire *qualifying patient or designated caregiver*.

20

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25 follows:

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27 educational materials to qualifying patients who have designated the alternative treatment center to
28 provide for them, to designated caregivers on behalf of the qualifying patients who have designated
29 the alternative treatment center, *to visiting qualifying patients*, or to other alternative treatment
30 centers.

Floor Amendment to HB 605-FN
- Page 2 -

1 8 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-
2 X:8, XV(b) to read as follows:

3 (b) An alternative treatment center or alternative treatment center agent shall not
4 dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

5 (1) A qualifying patient who has designated the relevant alternative treatment
6 center; or

7 (2) Such patient's designated caregiver; or

8 (3) Another alternative treatment center; *or*

9 (4) *A visiting qualifying patient.*

2021-1603s

AMENDED ANALYSIS

This bill

I. Adds opioid use disorder as a qualifying medical condition for the purpose of the therapeutic use of cannabis.

II. Amends the definitions of "alternative treatment center" and "therapeutic use" and "visiting qualifying patient" in the therapeutic cannabis statute.

III. Permits out-of-state residents qualified in other jurisdictions to purchase therapeutic cannabis at New Hampshire therapeutic dispensaries.

IV. Requires the department of health and human services to adopt rules regarding an alternative treatment center's verification of a visiting qualifying patient's identification.

V. Permits an alternative treatment center to dispense therapeutic cannabis to a visiting qualifying patient and protects the alternative treatment center from prosecution for such distribution.

Committee Minutes

SENATE CALENDAR NOTICE
Health and Human Services

Sen Jeb Bradley, Chair
Sen James Gray, Vice Chair
Sen Kevin Avard, Member
Sen Tom Sherman, Member
Sen Rebecca Whitley, Member

Date: April 15, 2021

HEARINGS

Wednesday	04/21/2021	
(Day)	(Date)	
Health and Human Services	REMOTE 000	8:30 a.m.
(Name of Committee)	(Place)	(Time)
8:30 a.m.	HB 89-FN	adding qualifying medical conditions to the therapeutic use of cannabis law.
8:45 a.m.	HB 163-FN	relative to cannabis use during pregnancy.
9:00 a.m.	HB 605-FN	relative to the therapeutic cannabis program.
9:15 a.m.	HB 157-FN	relative to the state health improvement plan and the state health assessment and state health improvement plan advisory council.
9:30 a.m.	HB 381-FN	relative to laboratory testing.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/95879786662>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 16465588656,,95879786662# or 13017158592,,95879786662#
4. Webinar ID: [958 7978 6662](#)
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 89-FN

Rep. Vail

Rep. Chase

Rep. Laflamme

Rep. Abramson

HB 163-FN

Rep. Marsh

Rep. Abrami

Rep. Rung

Rep. Crawford

Rep. Nelson

Rep. Knirk

Rep. Deshaies

HB 605-FN

Rep. Conley

Rep. Chase

Rep. Acton

Rep. Moran

Rep. McWilliams

Rep. Cushing

HB 157-FN

Rep. Edwards

Rep. M. Pearson

HB 381-FN

Rep. Edwards

Rep. Marsh

Rep. Deshaies

Kirsten Koch 271-3266

Jeb Bradley
Chairman

Senate Health and Human Services Committee

Kirsten Koch 271-3266

HB 605-FN, relative to the therapeutic cannabis program.

Hearing Date: April 21, 2021

Time Opened: 9:03 a.m.

Time Closed: 9:33 a.m.

Members of the Committee Present: Senators Bradley, Gray, Avard, Sherman and Whitley

Members of the Committee Absent : None

Bill Analysis: This bill

I. Adds opioid use disorder as a qualifying medical condition for the purpose of the therapeutic use of cannabis.

II. Amends the definitions of "alternative treatment center" and "therapeutic use" and "visiting qualifying patient" in the therapeutic cannabis statute.

III. Permits out-of-state residents qualified in other jurisdictions to purchase therapeutic cannabis at New Hampshire therapeutic dispensaries.

IV. Requires the department of health and human services to adopt rules regarding an alternative treatment center's verification of a visiting qualifying patient's identification.

Sponsors:

Rep. Conley

Rep. Chase

Rep. Acton

Rep. Moran

Rep. McWilliams

Rep. Cushing

Who supports the bill: Rep. Jerry Knirk, Carroll 3; Rep. Wendy Chase, Strafford 18; Lee Cooper, Sanctuary ATC; Keenan Blaum, Prime ATC; Joshua Beecher; Michael McLaughlin, Sanctuary ATC; Teresa Rosenberger, Temescal Wellness; Matt Simon, Marijuana Policy Project; Robin Vogt.

Who opposes the bill: None.

Who is neutral on the bill: Michael Holt, TCP/DHHS.

Summary of Testimony Presented:

Representative Jerry Knirk, Carroll 3/Therapeutic Cannabis Medical Oversight Board

- Rep. Knirk said, this bill was originally an omnibus bill, but we found that the components are in other bills, so we left in two different parts:

- The first part adds opioid use disorder (OUD) as a stand-alone condition for use for therapeutic cannabis use. It is very restrictive.
- The second part allows visitors of NH who qualify for therapeutic cannabis to buy cannabis at ATCs.
- Rep. Knirk said, when dealing with qualifying conditions, a split recommendation is not useful. The therapeutic cannabis use medical oversight board (TCMOB or the board) has members with a variety of views and the board came to a consensus to support this bill.
- Rep. Knirk said, providers that treat opioid use disorder found evidence that cannabis use and THC triggers OUD. THC can also satisfy the need for opioids.
- Rep. Knirk said, the board does not support cannabis for OUD, but only the use for specialized guided treatment program.
- Rep. Knirk said, the board approved certification for cannabis for OUD when approved by certified addiction provider and while actively treating a patient with OUD. Appropriate treatment always requires a specific ratio of THC to CBD. Providers must closely monitor the patient.
- Rep. Knirk said, as for the second part of the bill, a lot of qualified patients from Canada and other states that stay in NH for an extended period of time are not able to purchase their therapeutic cannabis products in NH. This bill allows out of state individuals to purchase cannabis at a NH ATC.
- Rep. Knirk said, with this bill, individuals do not have to bring cannabis across a state or national border—which is illegal to do.
- Rep. Knirk said, an ATC must verify an individual’s qualifying card.
- Rep. Knirk said, the TCMOB supports this bill.
- Sen. Sherman asked, the role of the certifying provider has always been just to certify and not prescribe. That first section, it does not put the provider in a prescribing role, does it?
 - Rep. Knirk said, I do not think so, but you are right that it comes right up to the line. At this point in time a provider can instruct a patient which product to get at the ATC. For example, a patient with a lung condition needs edibles instead of combustibles. It is not prescribing but there are rigid guardrails. We are looking to improve best practices, so providers do not certify and say goodbye to their patients. We want providers to take the active role of following up with their patients after certifying.
- Sen. Sherman said, I think what you are doing is saying who can certify rather than changing the process of certifying. One thing to keep in mind is the omnibus bill from the Senate did change re-certification to every three years.
 - Rep. Knirk, we did not want a primary care provider to give a certification and then send a patient away. We wanted to define very narrowly who can certify.

Sen. Bradley said, I know Rep. Marsh filed a minority report. Maybe we can ask him some questions.

Rep. Knirk later testified again.

- Rep. Knirk said, we explicitly said we do not support cannabis use in a widespread program for OUD. Our 2 most skeptical physicians treat addiction and came along on being in favor on this. We all share Rep. Marsh’s concerns and that is why we came up

with rigid guardrails. A very small margin of people would qualify for therapeutic cannabis use for the treatment of OUD.

Representative William Marsh, Carroll 8

- Rep. Marsh said, the reservations the minority have are the evidence seems to be debatable at this time. In some cases of cannabis use makes OUD worse.
- Rep. Marsh said, I support the rest of this bill.

Lee Cooper, Administrator for Sanctuary ATC

- Ms. Cooper testified in support of this bill.
- Ms. Cooper said, allowed patients with OUD to be in the therapeutic cannabis program would expand our access to more qualified patients.
- Ms. Cooper said, out of state patients being able to purchase cannabis will provide local relief to those visiting our beautiful state.

Michael Holt, Administrator of the Therapeutic Cannabis Program, DHHS

- Mr. Holt said Rep. Knirk already shared most of the same talking points.
- Mr. Holt said he supports visiting patients purchasing cannabis from NH ATC's. Currently NH law allows for limiting reciprocity for visiting card holders. NH Law allows out of state card holders to possess cannabis in NH, but not purchase cannabis in NH. Individuals cannot cross state borders with cannabis. We know that cannabis is federally illegal. The law currently implicitly acknowledges cannabis will cross state borders even though this is illegal. Reciprocity is limited. An out of state individual's qualifying condition(s) must be on NH list and patient must have a certifying doctor note for their medical diagnosis to show law enforcement.
- Mr. Holt summarized what this bill does:
 - (1) Allows visiting patients to purchase cannabis from NH ATCs.
 - (2) Makes explicit that a visiting patient cannot obtain cannabis from a NH patient or caregiver.
 - (3) Clarifies and amends the definition of visiting qualifying patient to include our neighbors from Canada who have medical marijuana cards.
 - (4) Removes the requirement of visiting patients to show law enforcement officers a copy of their doctor's certification of the medical diagnosis in order to be afforded the state's reciprocity.
 - (5) And lastly, requires the department to adopt rules regarding the verification of a visiting patient's ID card prior to dispensing.
- Mr. Holt referred the committee members to his written testimony for amendment suggestions for two technical edits.
- Sen. Gray said, it seems to me that someone who could qualify in Maine or Massachusetts to get qualified, and then purchase in NH without one of the NH qualifications?

- Mr. Holt said, this bill does not allow a NH patient to become qualified in another state. If someone qualified for the program under a condition, such as anxiety, in MA and that is not a qualifying condition in NH, then they would not be granted reciprocity here. Under this bill, they would be allowed that reciprocity here. This eliminates law enforcement from having to make clinical determinations in the field.
- Sen. Sherman said, we have pharmacists that fill prescriptions. They are not looking for indications for the prescriptions. There is an assumption the prescription is appropriate. If you have an out of state provider and out of state card, there is an assumption that state is appropriately using cannabis. It is like off-label use of medications. Is this something they would even have the ability to know: what the reason for the certification in the other state would be?
 - Mr. Holt said, NH cards do not include the certifying diagnosis. That is personal and private health information. Sharing that with law enforcement seems odd. Out of state patients may not know the state law that limits their reciprocity here. Our patients do not keep their card on them, they send it to us at the department. Law enforcement officers have told us forcing patients to produce their card is virtually unenforceable. They will cease the cannabis until the patient can produce their card.
- Sen. Bradley asked, what if the OUD part were to have a sunset to see how it works for a period? How would that work administratively?
 - Mr. Holt said, I would like that to be brought to the board. This is to be used seldomly. I would not recommend a sunset. The board could look at this, do a further evaluation, and then make a recommendation, but that would mandate extra work for them.

Keenan Blaum, Prime ATC

- Mr. Blaum said he supports both parts of the bill
- Mr. Blaum said he has seen great results, although anecdotal, for patients treating their OUD with cannabis use.
- Mr. Blaum said, we have a number of patients that do not reside in NH year-round. They spend half a year in each place and really end up in a bind for the rest of the year.

Grant Ellis

- Mr. Ellis testified in support of the bill in its entirety.
- Mr. Ellis said he does not know much about OUD part, but that he is in strong support for the out of state patient parts.
- Mr. Ellis said he is an out of state medical cannabis patient and that he is a homebound, disabled medical patient from MA with family in NH.
- Mr. Ellis said he is the president of medical cannabis coalition.
- Mr. Ellis said, without cannabis, patients are faced to take opioid based medications to treat their conditions.

- Mr. Ellis said, I do not believe a NH resident qualifies under a visiting patient in MA.
- Sen. Gray asked, if a college student had a condition approved in their state but not in NH, wouldn't that circumvent NH law?
 - Mr. Ellis said, not for the first 90 days, but on the 91st day, yes. The bill defines a qualifying patient as a resident of the state for more than 90 days.

KNK

Date Hearing Report completed: April 23, 2021

SENATE CALENDAR NOTICE
Finance

Sen Gary Daniels, Chair
Sen John Reagan, Vice Chair
Sen Bob Giuda, Member
Sen Erin Hennessey, Member
Sen Chuck Morse, Member
Sen Lou D'Allesandro, Member
Sen Cindy Rosenwald, Member

Date: May 19, 2021

~~EXECUTIVE SESSION~~

Tuesday	05/25/2021	
(Day)	(Date)	
Finance	REMOTE 000	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.

EXECUTIVE SESSION - BUDGET DELIBERATIONS

Members of the public may attend using the following links:

1. To join the webinar: <https://www.zoom.us/j/91700661940>
2. Or Telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799, or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: 19292056099,,91700661940# or 13017158592,,91700661940#
4. Webinar ID: [917 0066 1940](#)
5. To view on YouTube, click here: <https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

Deb Martone 271-4980

Gary L. Daniels
Chairman

Speakers

Senate Remote Testify

Health and Human Services Committee Testify List for Bill HB605 on 2021-04-
Support: 6 Oppose: 0 Neutral: 1 Total to Testify: 3

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>S</u>
Knirk, Jerry	Jerry.Knirk@leg.state.nh.us	617-448-7557	An Elected Official	Therapeutic Cannabis Medical Oversight Board	Support	Yes	4
Cooper, Lee	lcooper@sanctuarymed.com	Not Given	A Member of the Public	Sanctuary ATC	Support	Yes	4
HOLT, MICHAEL	michacl.holt@dhhs.nh.gov	271-9234	State Agency Staff	DHHS/TCP	Neutral	Yes	4
Beecher, Joshua	Not Given	Not Given	A Member of the Public	Myself	Support	No	4
mclaughlin, michael	Not Given	Not Given	A Lobbyist	Sanctuary ATC	Support	No	4
Simon, Matt	msimon@mpp.org	603.391.7450	A Lobbyist	Marijuana Policy Project	Support	No	4
Chase, Wendy	Not Given	603.319.7259	An Elected Official	Myself	Support	No	4

Testimony

Kirsten Koch

From: Holt, Michael <Michael.Holt@dhhs.nh.gov>
Sent: Tuesday, April 20, 2021 9:49 PM
To: Jeb Bradley
Cc: Kirsten Koch; Rogers, Abigail
Subject: HB 605, relative to the therapeutic cannabis program
Attachments: HB 605 - proposed amendment-senate.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Senator Bradley.

HB 605 (hearing tomorrow in your committee) is the vehicle for all the TCP legislation that was laid on the table last session due to Covid. Only two proposals remain in this bill at this point; most of the other proposals found homes in stand-alone bills.

The two proposals are:

- (1) Adds opioid use disorder to the list of qualifying medical conditions for therapeutic cannabis. This is supported by the Therapeutic Cannabis Medical Oversight Board (TCMOB), and you will hear testimony from Rep. Jerry Knirk, as Chair of that Board;
- (2) Allows visiting qualifying patients (ie, registered cannabis cardholders from other states) access to NH's ATC dispensaries.

I'm sorry this is coming to you so late, but I've identified the need for two technical edits to make the visiting qualifying patient provisions of this bill complete. I've attached the draft language here, and will mention the need for a technical amendment in my testimony tomorrow.

I wanted to give you a heads-up on this, albeit late. And I would also request your assistance in presenting this amendment to the Committee before the bill is exec'ed.

Thank you very much.

-Mike

Michael Holt
Program Administrator
Therapeutic Cannabis Program
Division of Public Health Services, NH Department of Health and Human Services
(603) 271-9234 / michael.holt@dhhs.nh.gov / [TCP Webpage](#)

ATTENTION: Please visit the DHHS COVID-19 website for the latest COVID-19 information, resources, and guidance:
<https://www.nh.gov/covid19/>

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HB 605, proposed amendment (visiting qualifying patients)

1. Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as follows:

(c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and educational materials to qualifying patients who have designated the alternative treatment center to provide for them, to designated caregivers on behalf of the qualifying patients who have designated the alternative treatment center, ***to visiting qualifying patients***, or to other alternative treatment centers.

2 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-X:8, XV(b) to read as follows:

(b) An alternative treatment center or alternative treatment center agent shall not dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

(1) A qualifying patient who has designated the relevant alternative treatment center; or

(2) Such patient's designated caregiver; or

(3) Another alternative treatment center[-]; ***or***

(4) ***A visiting qualifying patient.***

HB605 testimony
Rep Jerry Knirk (Carroll-3)
Chair, Therapeutic Cannabis Medical Oversight Board

April 21, 2021

HB 605 has two parts. The first part adds opioid use disorder (OUD) as a standalone qualifying condition for the use of therapeutic cannabis with very restrictive guardrails set by the Therapeutic Cannabis Medical Oversight Board (TCMOB) and the second part allows patients visiting New Hampshire who have qualified for the use of therapeutic cannabis in their home state or Canada (which has a nationwide therapeutic cannabis program) to purchase therapeutic cannabis at New Hampshire ATCs.

TCMOB is composed of the Chief Medical Officer of DHHS, a qualifying patient representative, a clinical representative from an ATC and ten medical providers from various fields, charged with the task of advising the therapeutic cannabis program on medical issues, including qualifying conditions. When dealing with qualifying conditions, I strive to lead the board to a consensus as split recommendations do not convey much useful advice to the legislature. This is difficult given that the board is composed of individuals with very differing views of the role of therapeutic cannabis, including providers who initially opposed the therapeutic cannabis program. When we come to consensus, you can be sure we thought of every option.

TCMOB, which includes providers practicing addiction medicine, exhaustively reviewed the literature on the use of therapeutic cannabis in treating opioid use disorder. There is evidence for the use of therapeutic cannabis in OUD, but such use is complicated since THC stimulates reward centers and therefore can exacerbate OUD. However, CBD, the other major cannabinoid in cannabis, has been shown to help with symptoms of craving and withdrawal. Given that the use of therapeutic cannabis in OUD is complicated, TCMOB does not support the use of therapeutic cannabis for OUD except when used as part of a specialist-guided treatment program for OUD. By a 9-0 vote, TCMOB approved certification of a patient for the use of therapeutic cannabis only when certified by a board-certified addiction medicine or addiction psychiatry provider, who is actively treating the patient for OUD, to treat associated symptoms of craving and withdrawal. Such a highly specialized provider will have the skills to give specific instructions to the ATC regarding the

ratio of CBD to THC in the product to be dispensed and closely monitor the patient.

The second part of the bill allows patients visiting New Hampshire who have qualified for the use of therapeutic cannabis in their home state or Canada (which has a nationwide therapeutic cannabis program) to purchase therapeutic cannabis at New Hampshire ATCs. There are many qualified patients from other states or Canada who stay in New Hampshire for extended times vacationing or at a second home or as students. This bill will allow visiting qualifying patients to purchase therapeutic cannabis at a New Hampshire ATCs so they do not need to bring cannabis across state or international borders which is illegal to do. The therapeutic cannabis program will develop rules for the ATCs to assist them in verifying a visiting qualifying patient's registry identification card or its equivalent.

Voting Sheets

Senate Health and Human Services Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Bill # HB 605 FN

Hearing Date: 4/21/21

Executive Session Date: 4/28/21

Motion: Amendment 1208s Vote: 3-2

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

Motion: Amendment 1181s Vote: 5-0

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

Motion: OTPA Vote: 5-0

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

Motion: _____ Vote: _____

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

Reported out by: Sen. Gray

Notes: _____

Senate Finance Committee

EXECUTIVE SESSION

Bill # HB 605-FN

Hearing date: N/A

Executive session date: 05/25/21

Motion of: OTP

VOTE: 4-3

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input checked="" type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input checked="" type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input checked="" type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

Motion of: _____

VOTE: _____

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Amendments: _____

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Wednesday, April 28, 2021

THE COMMITTEE ON Health and Human Services

to which was referred **HB 605-FN**

AN ACT relative to the therapeutic cannabis program.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1234s

Senator James Gray
For the Committee

Kirsten Koch 271-3266

HEALTH AND HUMAN SERVICES

HB 605-FN, relative to the therapeutic cannabis program.

Ought to Pass with Amendment, Vote 5-0.

Senator James Gray for the committee.

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Tuesday, May 25, 2021

THE COMMITTEE ON Finance

to which was referred **HB 605-FN**

AN ACT relative to the therapeutic cannabis program.

Having considered the same, the committee recommends that the Bill
OUGHT TO PASS

BY A VOTE OF: 4-3

Senator Cindy Rosenwald
For the Committee

Deb Martone 271-4980

General Court of New Hampshire - Bill Status System

Docket of HB605

Docket Abbreviations

Bill Title: relative to the therapeutic cannabis program.**Official Docket of HB605.:**

Date	Body	Description
1/14/2021	H	Introduced (in recess of) 01/06/2021 and referred to Health, Human Services and Elderly Affairs HJ 2 P. 56
2/23/2021	H	Public Hearing: 02/23/2021 01:00 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/95885653389 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
3/2/2021	H	Executive Session: 03/02/2021 12:30 pm Members of the public may attend using the following links: To join the webinar: https://www.zoom.us/j/99282187833
3/16/2021	H	Majority Committee Report: Ought to Pass with Amendment #2021-0646h (Vote 17-3; RC) HC 18
3/16/2021	H	Minority Committee Report: Ought to Pass with Amendment #2021-0645h
4/8/2021	H	Amendment #2021-0646h : AA VV 04/08/2021 HJ 6 P. 91
4/8/2021	H	Ought to Pass with Amendment 2021-0646h: MA VV 04/08/2021 HJ 6 P. 91
4/13/2021	S	Introduced 04/08/2021 and Referred to Health and Human Services; SJ 12
4/15/2021	S	Remote Hearing : 04/21/2021, 09:00 am; Links to join the hearing can be found in the Senate Calendar; SC 20
4/28/2021	S	Committee Report: Ought to Pass with Amendment #2021-1234s , 05/06/2021; SC 22
5/6/2021	S	Committee Amendment #2021-1234s , RC 10Y-13N, AF; 05/06/2021; SJ 14
5/6/2021	S	Sen. Bradley Moved Laid on Table, RC 18Y-5N , MA; 05/06/2021; SJ 14
5/6/2021	S	Pending Motion Ought to Pass; 05/06/2021; SJ 14
5/20/2021	S	Sen. Sherman Moved to Remove From Table, MA, VV; 05/20/2021; SJ 16
5/20/2021	S	Sen. Sherman Floor Amendment #2021-1603s , AA, VV; 05/20/2021; SJ 16
5/20/2021	S	Ought to Pass with Amendment 2021-1603s, MA, VV; Refer to Finance Rule 4-5; 05/20/2021; SJ 16
5/25/2021	S	Committee Report: Ought to Pass, 05/27/2021; SC 25A
5/27/2021	S	Ought to Pass : RC 17Y-7N, MA; OT3rdg; 05/27/2021; SJ 17
6/10/2021	H	House Concurs with Senate Amendment 2021-1603s (Rep. M. Pearson): MA VV 06/10/2021 HJ 10 P. 12
7/8/2021	S	Enrolled Bill Amendment #2021-2052e Adopted, VV, (In recess of 06/24/2021); SJ 20
7/12/2021	H	Enrolled Bill Amendment #2021-2052e : AA VV (in recess of) 06/24/2021
7/21/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/23/2021	H	Enrolled (in recess of) 06/24/2021

8/16/2021

H

Signed by Governor Sununu 08/10/2021; Chapter 193; I. Sec. 2 & 9 Eff: as provided in Sec. 10 II. Sec. 7/8/11/12 Eff: as provided in Sec. 13 III. Rem. Eff: 10/09/2021

NH House

NH Senate

Docket of HB605**Bill Title:** relative to the therapeutic cannabis program.*Official Docket of HB605.:*

Date	Body	Description
1/14/2021	H	Introduced (in recess of) 01/06/2021 and referred to Health, Human Services and Elderly Affairs HJ 2 P. 56
2/23/2021	H	Public Hearing: 02/23/2021 01:00 pm Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/95885653389 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
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4/8/2021	H	Ought to Pass with Amendment 2021-0646h: MA VV 04/08/2021 HJ 6 P. 91
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5/6/2021	S	Sen. Bradley Moved Laid on Table, RC 18Y-5N , MA; 05/06/2021; SJ 14
5/6/2021	S	Pending Motion Ought to Pass; 05/06/2021; SJ 14
5/20/2021	S	Sen. Sherman Moved to Remove From Table, MA, VV; 05/20/2021; SJ 16
5/20/2021	S	Sen. Sherman Floor Amendment #2021-1603s , AA, VV; 05/20/2021; SJ 16
5/20/2021	S	Ought to Pass with Amendment 2021-1603s, MA, VV; Refer to Finance Rule 4-5; 05/20/2021; SJ 16
5/25/2021	S	Committee Report: Ought to Pass, 05/27/2021; SC 25A
5/27/2021	S	Ought to Pass : RC 17Y-7N, MA; OT3rdg; 05/27/2021; SJ 17
6/10/2021	H	House Concurs with Senate Amendment 2021-1603s (Rep. M. Pearson): MA VV 06/10/2021
7/8/2021	S	Enrolled Bill Amendment #2021-2052e Adopted, VV, (In recess of 06/24/2021); SJ 20
7/12/2021	H	Enrolled Bill Amendment #2021-2052e : AA VV (in recess of) 06/24/2021
7/21/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/23/2021	H	Enrolled (in recess of) 06/24/2021

Other Referrals

July 1, 2021
2021-2052-EBA
05/10

Enrolled Bill Amendment to HB 605-FN

The Committee on Enrolled Bills to which was referred HB 605-FN

AN ACT relative to the therapeutic cannabis program.

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

FOR THE COMMITTEE

Explanation to Enrolled Bill Amendment to HB 605-FN

- This enrolled bill amendment renumbers RSA provisions to incorporate changes made by 2021, 46:2 (HB 89-FN) and 2021, 47:3 (HB 163-FN). The enrolled bill amendment also inserts contingencies to incorporate changes made by SB 38 and SB 162-FN of the 2021 general legislative session if they become law.

Enrolled Bill Amendment to HB 605-FN

Amend section 1 of the bill by replacing lines 1-3 with the following:

1 New Subparagraph; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IX(b) by inserting after subparagraph (5) the following new subparagraph:

(6) Opioid use disorder, with the following restrictions:

Amend section 6 of the bill by replacing lines 1-3 with the following:

6 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6 by inserting after paragraph VI the following new paragraph:

VII. The department shall adopt rules, pursuant to RSA 541-A, regarding an alternative

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

9 Public Health; Use of Cannabis for Therapeutic Purposes; Definitions; Alternative Treatment Center. Amend RSA 126-X:1, I to read as follows:

ENROLLED BILL AMENDMENT TO HB 605-FN

- Page 2 -

I. "Alternative treatment center" means a domestic business corporation organized under RSA 293-A, a domestic limited liability company organized under RSA 304-C, or a not-for-profit voluntary corporation organized under RSA 292 that is registered under RSA 126-X:7 and that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying patients, ~~and~~ **designated caregivers, other alternative treatment centers, and visiting qualifying patients.**

10 Contingency. If SB 38 of the 2021 general legislative session becomes law, section 9 of this act shall take effect 60 days after its passage and section 2 of this act shall not take effect. If SB 38 does not become law, section 2 of this act shall take effect 60 days after its passage and section 9 of this act shall not take effect.

11 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as follows:

(c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and educational materials to qualifying patients, to designated caregivers on behalf of the qualifying patients, **to visiting qualifying patients**, or to other alternative treatment centers.

12 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-X:8, XV(b) to read as follows:

(b) An alternative treatment center or alternative treatment center agent shall not dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

- (1) A qualifying patient; or
- (2) Such patient's designated caregiver; or
- (3) Another alternative treatment center; **or**
- (4) **A visiting qualifying patient.**

13 Contingency. If SB 162-FN of the 2021 general legislative session becomes law, sections 11 and 12 of this act shall take effect at 12:01 a.m on the effective date of SB 162-FN and section 7 and 8 of this act shall not take effect. If SB 162-FN does not become law, section 7 and 8 of this act shall take effect 60 days after its passage and section 11 and 12 of this act shall not take effect.

14 Effective Date.

- I. Sections 2 and 9 of this act shall take effect as provided in section 10 of this act.
- II. Section 7, 8 and 11, 12 of this act shall take effect as provided in section 13 of this act.
- III. The remainder of this act shall take effect 60 days after its passage.

Senate Inventory Checklist for Archives

Bill Number: HB 605-FN

Senate Committee: HHS

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

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

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

Hearing Report

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

Committee Action Documents: {Legislative Aides}

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

- amendment # Bradley 2021-1181s - amendment # 2021-1234s

- amendment # _____ - amendment # 2021-1208s Gray

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

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

- amendment # 1603 - amendment # _____

- amendment # _____ - amendment # _____

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

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

Enrolled Bill Amendment(s)

Governor's Veto Message

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

as amended by the senate as amended by the house

final version

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

Kirsten Koch
Committee Aide

7/26/21
Date

Senate Clerk's Office AK

Senate Inventory Checklist for Archives

Bill Number: HB 605-F1

Senate Committee: FINANCE - 2ND COMMITTEE

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

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

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

Hearing Report

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

Committee Action Documents: {Legislative Aides}

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

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

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

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

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

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

Enrolled Bill Amendment(s) 2052

Governor's Veto Message

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

___ as amended by the senate ___ as amended by the house

final version

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

Deb Martore
Committee Aide

07/29/21
Date

Senate Clerk's Office AK