Bill as Introduced

HB 89-FN - AS AMENDED BY THE HOUSE

7Apr2021... 0437h

2021 SESSION

21-0084 11/04

HOUSE BILL

89-FN

AN ACT

adding qualifying medical conditions to the therapeutic use of cannabis law.

SPONSORS:

Rep. Vail, Hills. 30; Rep. Chase, Straf. 18; Rep. Laflamme, Coos 3; Rep.

Abramson, Rock. 37

COMMITTEE:

Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill adds moderate to severe insomnia and autism spectrum disorder to the definition of "qualifying medical condition" for the purposes of the use of cannabis for therapeutic purposes law.

.....

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

21-0084 11/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT

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adding qualifying medical conditions to the therapeutic use of cannabis law.

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

- 1 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IX(a)(2) to read
 2 as follows:
 3 (2) A severely debilitating or terminal medical condition or its treatment that has
 - (2) A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, agitation of Alzheimer's disease, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, [ex] severe, persistent muscle spasms, or moderate to severe insomnia; or
 - 2 New Subparagraphs; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IX(b) by inserting after subparagraph (3) the following new subparagraphs:
 - (4) Autism spectrum disorder in adults 21 years of age or older.
 - (5) Autism spectrum disorder in people under 21 years of age with the requirement of a consultation with a certified provider of child and/or adolescent psychiatry, developmental pediatrics, or pediatric neurology, who confirms that the autism spectrum disorder has not responded to previously prescribed medication or for which other treatment options produced serious side effects and who supports certification for the use of therapeutic cannabis.
 - 3 Effective Date. This act shall take effect 30 days after its passage.

HB 89-FN- FISCAL NOTE AS INTRODUCED

AN ACT

adding qualifying medical conditions to the therapeutic use of cannabis law.

FISCAL IMPACT:

[X] State

[] County

[] Local

[] None

	Estimated Increase / (Decrease)				
STATE:	FY 2021	FY 2022	FY 2023	FY 2024	
Appropriation	\$0	\$0	\$0	\$0	
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	
Expenditures	\$0	\$0	\$0	\$0	
Funding Source:	[-] General Identification Card a	[] Education [nd Certificate Fund] Highway [X.	Other - Registry	

METHODOLOGY:

This bill adds moderate to severe insomnia to the definition of "qualifying medical condition" for the purposes of the use of cannabis for therapeutic purposes law. The Department of Health and Human Services indicates addition of this qualifying medical condition would result in more patients eligible for the Therapeutic Cannabis Program. To the extent additional patients apply to the program, there would be an increase in application fee revenue received by the Department. Under the statutorily mandated self-funding structure of the Therapeutic Cannabis Program in RSA 126-X and the fee structure established in administrative rule, this may result in lower annual registration fees for the Alternative Treatment Centers. There would be an increase in the number of applications processed by the Department, however it is not expected that the increase would necessitate additional staff.

It is assumed this bill will be effective July 1, 2021.

AGENCIES CONTACTED:

Department of Health and Human Services

CHAPTER 46 HB 89-FN - FINAL VERSION

7Apr2021... 0437h

2021 SESSION

21-0084 11/04

HOUSE BILL

89-FN

AN ACT

adding qualifying medical conditions to the therapeutic use of cannabis law.

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CHAPTER 46 HB 89-FN - FINAL VERSION

7Apr2021... 0437h

21-0084 11/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT

1

adding qualifying medical conditions to the therapeutic use of cannabis law.

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

46:1 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, IX(a)(2) to

 $\mathbf{2}$ read as follows: 3 (2) A severely debilitating or terminal medical condition or its treatment that has 4 produced at least one of the following: elevated intraocular pressure, cachexia, chemotherapy-5 induced anorexia, wasting syndrome, agitation of Alzheimer's disease, severe pain that has not. 6 responded to previously prescribed medication or surgical measures or for which other treatment 7 options produced serious side effects, constant or severe nausea, moderate to severe vomiting, 8 seizures, [ex] severe, persistent muscle spasms, or moderate to severe insomnia; or 9 46:2 New Subparagraphs; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 10 126-X:1, IX(b) by inserting after subparagraph (3) the following new subparagraphs: (4) Autism spectrum disorder in adults 21 years of age or older. 11 12 (5) Autism spectrum disorder in people under 21 years of age with the requirement 13 of a consultation with a certified provider of child and/or adolescent psychiatry, developmental 14 pediatrics, or pediatric neurology, who confirms that the autism spectrum disorder has not 15 responded to previously prescribed medication or for which other treatment options produced serious 16 side effects and who supports certification for the use of therapeutic cannabis. 17 46:3 Effective Date. This act shall take effect 30 days after its passage.

Approved: May 25, 2021 Effective Date: June 24, 2021

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		04/21/202	04/21/2021		
(Day)		(Date)			
Health an	d Human Services	REMOTE 000	8:30 a.m.		
(Name of	Committee)	(Place)	(Time)		
8:30 a.m. 8:45 a.m.	HB 89-FN HB 163-FN	adding qualifying medical conditions to the ther cannabis law. relative to cannabis use during pregnancy.	apeutic use of		
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 as assessment and state health improvement plan			
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/UCiBZdtrjRnQdmg-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

<u>Jeb Bradley</u> Chairman

Senate Health and Human Services Committee

Kirsten Koch 271-3266

HB 89-FN, adding qualifying medical conditions to the therapeutic use of cannabis law.

Hearing Date:

April 21, 2021

Time Opened:

8:34 a.m.

Time Closed:

8:46 a.m.

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

Members of the Committee Absent: None

Bill Analysis: This bill adds moderate to severe insomnia and autism spectrum disorder to the definition of "qualifying medical condition" for the purposes of the use of cannabis for therapeutic purposes law.

Sponsors:

Rep. Vail

Rep. Chase

Rep. Laflamme

Rep. Abramson

Who supports the bill: Rep. Jerry Knirk, TCMOB; Rep. Suzanne Vail, Hillsborough 30; Rep. Larry Laflamme, Coos 3; Joshua Beecher; Michael McLaughlin, Sanctuary ATC; Elizabeth Fenner-Lukaitis; David Bates; Sara Johnson; Wendy Chase; Matthew Simon, Marijuana Policy Project; Elliot Axelman; Robin Vogt; Teresa Rosenberger, Temescal Wellness; Keenan Blaum, Prime ATC.

Who opposes the bill: None

Who is neutral on the bill: Michael Holt, DHHS

Summary of Testimony Presented:

Representative Suzanne Vail, Hillsborough 30

- Rep. Vail said, this bill adds moderate to severe insomnia and autism spectrum disorder to the definition of "qualifying medical condition" for the purposes of the use of cannabis for therapeutic purposes law.
- Rep. Vail said, insomnia was approved by the therapeutic cannabis program last year, but the bill never made it to the Senate because of the pandemic.
- Rep. Vail said, Rep. Jerry Knirk is best equipped to answer any questions and he will later testify
- Rep. Vail said, insomnia causes physical stress, nightmares, exasperates other illnesses, and effects 10-30% of the population. Right now, we can assume there are more cases than ever due to stress from the pandemic.

- Rep. Vail said, traditionally sleep medicine can be habit forming, decrease awareness, and does not provide relief from the side effects. Patients cannot drive the next day after the use of certain sleep aids.
- Rep. Vail said, cannabis products have no lingering side effects. CBD has no psychoactive component. Cannabis helps those with sleep problems and nightmares. It also helps those with PTSD. Those who can fall asleep and stay asleep have a better quality of life. Cannabis products are controlled, tested, and packed in special containers. People should not be forced to the streets to treat their symptoms with unknown compounds.

Representative Jerry Knirk, Carroll 3 and the Therapeutic Cannabis Medical Oversight Board (TCMOB)

- Rep. Knirk testified in support of the bill.
- Rep. Knirk said he is the chair of therapeutic cannabis medical oversight board (TCMOB).
- Rep. Knirk said, the TCMOB considers each qualifying condition based on studies.
- Rep. Knirk said, many current available treatments are limited by side effects or habitforming prescription reliability. Current available treatments have increased risks.
 Cannabis is not without any risks and does have side effects as well, but many studies
 show THC and CBD are proven to help individuals sleep. Some medications used for
 insomnia can really mess up your sleep architecture. Insomnia can be associated with
 many other conditions. It is classified as a symptom of other conditions rather than a
 stand-alone symptom.
- Rep. Knirk said, HB 89 was amended in the House HHS Committee to add autism spectrum disorder, because of the work done last year on SB 700. That bill never made it through the process again.
- Rep. Knirk said, Autism spectrum disorder (ASD) is a standalone condition. ASD can be difficult to manage with current pharmaceutical options. Studies support cannabis as a reasonable option to treat ASD. Testimony provided to us in the House provided compelling anecdotal evidence for cannabis treating ASD. However, there are significant risks in using cannabis in developing brains and almost no studies on the use of cannabis on ASD brains. We need studies for cannabis use for ages under 21 and for the use of cannabis in brains with ASD.

KNK
Date Hearing Report completed: April 22, 2021

Speakers

Senate Remote Testify

Health and Human Services Committee Testify List for Bill HB89 on 2021-04-:

Support: 11 Oppose: 0 Neutral: 1 Total to Testify: 2

<u>Name</u>	Email Address	Phone	<u>Title</u>	Representing	<u>Position</u>	Testifing	5
Knirk, Jerry	Jerry.Knirk@leg.state.nh.us	617-448-7557	An Elected Official	Therapeutic Cannabis Medical Oversight Board	Support	Yes	4
Vail, Suzanne	Suzanne.vail@leg.state.nh.us	603.234.0704	An Elected Official	Myself	Support	Yes	4
Beecher, Josh	ua Not Given	Not Given	A Member of the Public	Myself	Support	No	4
mclaughlin, m	ichael capitolinsightsgroup@gmail.com	603.226.9600	A Lobbyist	Sanctuary ATC	Support	No	4
Simon, Matthe	ew msimon@mpp.org	603.391.7450	A Lobbyist	Marijuana Policy Project	Support	No	4
Axelman, Elli	ot alu.axelman@gmail.com	732.674.2355	A Member of the Public	Myself	Support	No	2
Laflamme, La	пу Larry.laflamme@ leg.state.nh.us	Not Given	An Elected Official	Myself	Support	No	2
HOLT, MICH	AEL michael.holt@dhhs.nh.gov	271-9234	State Agency Staff	DHHS/TCP	Neutral	No	4
Fenner-Lukait Elizabeth	is, glukaitis@mcttelecom.com	Not Given	A Member of the Public	Myself	Support	No	2
Bates, David	dcbates70@gmail.com	603.456.2578	A Member of the Public	Myself	Support	No	2
Johnson, Sara	nhchicagocubfan@gmail.com	603-748-5779	A Member of the Public	Myself	Support	No	4
Chase, Wendy	Not Given	Not Given	An Elected Official	Myself	Support	No	Z

Testimony

HB 89 as amended adds moderate to severe insomnia as a qualifying symptom and and autism spectrum disorder (ASD) as a stand-alone qualifying condition in the therapeutic cannabis program on recommendations of the Therapeutic Cannabis Medical Oversight Board (TCMOB). The board 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. TCMOB considers each qualifying condition with an exhaustive literature review, a public hearing, personal experience and robust discussions.

TCMOB voted 9-1 to recommend the addition of moderate to severe insomnia as a qualifying symptom.

Many currently available pharmacological treatments for insomnia and primary sleep disorders are limited by side effects, and in some cases addiction liability. The benefits of some prescription sleep medications are noted to be minimal and often come with increased risks of next-day drowsiness, confusion, increased traffic accidents, hallucinations or sleep paralysis.

The majority of the studies suggests that the use of THC and THC derivatives, alone or in combination with CBD, may improve self-reported sleep quality, decrease sleep disturbances, and decrease sleep onset latency. Studies are limited, but overall point to more beneficial effects than deleterious.

Some medications currently used to treat insomnia can adversely affect sleep architecture, but one study suggested that cannabinoid preparations (or dosing) may have fewer effects of sleep architecture than traditional medications. The particular preparation and dosing of cannabinoids may be an important factor and more research is needed.

Improving sleep habits and behavioral therapy should still be the first line treatments but TCMOB feels that therapeutic cannabis is a reasonable alternative when those do not suffice.

HB89 was amended to add Autism Spectrum Disorder. This is a result of work TCMOB did last year evaluating SB700 which aimed to add ASD as a qualifying condition but died a COVID death. We were surprised when Senator Reagan did not file it again and the board agreed that it would be reasonable to offer an amendment to HB 89, with the agreement of the sponsor, to add ASD as a stand-alone condition.

Agitation and other problems in ASD, particularly in adult patients, can be difficult to manage with current pharmacologic options. Anecdotal evidence and emerging literature supports cannabis as a reasonable option for the management of ASD. There are studies underway looking at the use of therapeutic cannabis in autism spectrum disorder but strong evidence is currently lacking. Testimony at the hearing and written testimony provided compelling anecdotal evidence of the usefulness in treating agitation seen in individuals with ASD and the desperation of parents and caregivers with such behavior.

Given the concerns regarding the deleterious effects of cannabis on the developing brain, TCMOB added that certification of patients under age 21 also requires evaluation by a provider of child or adolescent psychiatry, pediatric neurology or developmental pediatrics who confirms that the ASD has not responded to previously prescribed medication or that the other treatment options produced serious side effects and supports certification for the use of therapeutic cannabis.

TCMOB urges passage of HB89. Thank you.

Voting Sheets

Senate Health and Human Services Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Hearing Da	te: 4/21/21		Bill# \	1B 89-F1	N	
Executive S	ession Date: 4/21/21			•		
Motion:	OTP		Vot			
	Committee Member Sen. Bradley, Chair Sen. Gray, Vice Chair Sen. Avard Sen. Sherman Sen. Whitley	Present X X X X X X X	Made by	Second	Yes No	o]]]]
Motion:	Consent Calendar		Vot	e: <u>5-0</u>		
	Committee Member Sen. Bradley, Chair Sen. Gray, Vice Chair Sen. Avard Sen. Sherman Sen. Whitley	Present X X X X Y	Made by	Second	Yes N \hat{\chi} \hat{\chi} \hat{\chi} \hat{\chi}	
Motion:			Vot	e:		
	Committee Member Sen. Bradley, Chair Sen. Gray, Vice Chair Sen. Avard Sen. Sherman Sen. Whitley	Present	Made by	Second	Yes N	0
Motion:	- -		Vot	e:		
Reported of	Committee Member Sen. Bradley, Chair Sen. Gray, Vice Chair Sen. Avard Sen. Sherman Sen. Whitley ut by:	Present	Made by	Second	Yes N	0
110000						

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE FOR THE CONSENT CALENDAR

Thursday, April 22, 2021

THE COMMITTEE ON Health and Human Services

to which was referred HB 89-FN

AN ACT

adding qualifying medical conditions to the therapeutic use of cannabis law.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Kevin Avard For the Committee

This bill adds moderate to severe insomnia and autism spectrum disorder to the definition of "qualifying medical condition" for the purposes of the use of cannabis for therapeutic purposes law. This bill provides patients with insomnia relief that is not available through medications that are traditionally available. Individuals with insomnia have been forced to choose between not treating their condition or taking traditionally available medication with adverse side effects that are highly disruptive to their everyday lives. This bill provides individuals with moderate to severe insomnia the opportunity to qualify for treatment using therapeutic cannabis. This bill also allows for patients with autism spectrum disorder to qualify for the use of therapeutic cannabis to manage their condition.

Kirsten Koch 271-3266

FOR THE CONSENT CALENDAR

HEALTH AND HUMAN SERVICES

HB 89-FN, adding qualifying medical conditions to the therapeutic use of cannabis law. Ought to Pass, Vote 5-0.

Senator Kevin Avard for the committee.

This bill adds moderate to severe insomnia and autism spectrum disorder to the definition of "qualifying medical condition" for the purposes of the use of cannabis for therapeutic purposes law. This bill provides patients with insomnia relief that is not available through medications that are traditionally available. Individuals with insomnia have been forced to choose between not treating their condition or taking traditionally available medication with adverse side effects that are highly disruptive to their everyday lives. This bill provides individuals with moderate to severe insomnia the opportunity to qualify for treatment using therapeutic cannabis. This bill also allows for patients with autism spectrum disorder to qualify for the use of therapeutic cannabis to manage their condition.

9/22/21, 10:10 AM Bill_Status

General Court of New Hampshire - Bill Status System

Docket of HB89

Docket Abbreviations

Bill Title: adding qualifying medical conditions to the therapeutic use of cannabis law.

Official Docket of HB89.:

Date	Body	Description
1/4/2021	Н	Introduced (in recess of) 01/06/2021 and referred to Health, Human Services and Elderly Affairs HJ 2 P. 34
2/23/2021	н	Public Hearing: 02/23/2021 09:00 am 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	Н	Committee Report: Ought to Pass with Amendment #2021-0437h (Vóte 20-0; CC) HC 18 P. 14
4/7/2021	Н	Amendment #2021-0437h: AA VV 04/07/2021 HJ 5 P. 31
4/7/2021	Н	Ought to Pass with Amendment 2021-0437h: MA VV 04/07/2021 HJ 5 P. 31
4/7/2021	Н	Reconsider (Rep. Osborne): MF VV 04/07/2021 HJ 5 P. 50
4/7/2021	S	Introduced 04/01/2021 and Referred to Health and Human Services; SJ 11
4/15/2021	S	Remote Hearing: 04/21/2021, 08:30 am; Links to join the hearing can be found in the Senate Calendar; SC 20
4/22/2021	S	Committee Report: Ought to Pass, 04/29/2021; Vote 5-0; CC; SC 21
4/29/2021	S	Sen. Daniels Moved to Remove HB 89 from the Consent Calendar; 04/29/2021; SJ 13
4/29/2021	S	Ought to Pass: RC 17Y-7N, MA; OT3rdg; 04/29/2021; SJ 13
5/17/2021	S	Enrolled Adopted, VV, (In recess 05/13/2021); SJ 16
5/17/2021	Н	Enrolled (in recess of) 04/09/2021 HJ 7 P. 104
5/27/2021	Н	Signed by Governor Sununu 05/25/2021; Chapter 46; Eff: 06/24/2021

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 89-170 Senate Committee: HH5
Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside
Y Final docket found on Bill Status
Bill Hearing Documents: {Legislative Aides}
Bill version as it came to the committee
All Calendar Notices
All Calendar Notices Hearing Sign-up sheet(s) Prepared testimony, presentations, & other submissions handed in at the public hearing
Yrepared 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 Actions (if applicable) (Clark's Office)
Post Floor Action: (if applicable) {Clerk's Office} Committee of Conference Report (if signed off by all members. Include any new language propose
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:
Vivolen Vach
Committee Aide Date
Senate Clerk's Office