

LEGISLATIVE COMMITTEE MINUTES

**SB37**

Bill as  
Introduced

SB 37 - AS INTRODUCED

2021 SESSION

21-0882

06/04

SENATE BILL

**37**

AN ACT

relative to warning label requirements for marijuana products dispensed in alternative treatment centers.

SPONSORS:

Sen. Gannon, Dist 23; Sen. D'Allesandro, Dist 20; Sen. Ward, Dist 8; Rep. M. Pearson, Rock. 34; Sen. Giuda, Dist 2; Sen. Prentiss, Dist 5; Rep. Weyler, Rock. 13

COMMITTEE:

Commerce

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ANALYSIS

This bill requires the department of health and human services to adopt rules that include certain specific information on marijuana product labels dispensed in alternative treatment centers.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 warning label requirements for marijuana products dispensed in alternative treatment centers.

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

1 1 Findings. The general court recognizes that the side effects and risks of marijuana use on the  
2 human body have advanced to a point that requires the department of health and human services to  
3 update agency rules on packaging and labeling requirements for marijuana products dispensed in  
4 alternative treatment centers. No detailed side effects or risks of use exist on current warning  
5 labels.

6 2 Use of Cannabis for Therapeutic Purposes; Rules. Amend RSA 126-X:6, III(a)(9) to read as  
7 follows:

8 (9) Labeling standards.

9 (A) *Labels shall include a statement that the product has not been*  
10 *analyzed or approved by the FDA, is not certified to be free of contaminants, that there is*  
11 *limited detailed information on the side effects of using the product, and that there may be*  
12 *serious associated health risks.*

13 (B) *Labels shall also state "Do not drive or operate heavy machinery*  
14 *when under the influence of this product. KEEP THIS PRODUCT AWAY FROM*  
15 *CHILDREN"; and*

16 (C) *Labels shall include side effects and use risks published by Centers*  
17 *for Disease Control and Prevention, National Institute on Drug Abuse, the National*  
18 *Academy of Sciences and the American Academy of Family Physicians. They shall include*  
19 *but not be limited to: psychosis and schizophrenia, depression, anxiety, suicide, increased*  
20 *blood pressure, increased respiratory rates, cardiac arrhythmia, heart failure, worsening*  
21 *of glaucoma, cognitive impairment, addiction, allergic reactions, accidental poisoning and*  
22 *coma in children, preterm births to pregnant women, and impacts on fetal brain*  
23 *development.*

24 3 New Paragraph; Use of Cannabis for Therapeutic Purposes; Duties. Amend RSA 132:2 by  
25 inserting after paragraph XI the following new paragraph:

26 XII. Prepare, in conjunction with the bureau of alcohol and drug services and the division of  
27 public health services, a brochure and a poster which provides information relative to the known  
28 side effects and risks of marijuana use which shall be posted in a conspicuous location and available  
29 to the public in all therapeutic cannabis dispensary locations pursuant to RSA 126-X:8.

30 4 Effective Date. This act shall take effect 60 days after its passage.

# Committee Minutes

# SENATE CALENDAR NOTICE

## Commerce

Sen Harold French, Chair  
Sen Bill Gannon, Vice Chair  
Sen Jeb Bradley, Member  
Sen Donna Soucy, Member  
Sen Kevin Cavanaugh, Member

Date: January 13, 2021

### HEARINGS

Tuesday	01/19/2021	
(Day)	(Date)	
Commerce	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 35	relative to membership in risk pools.
9:10 a.m.	SB 36	relative to residency under auto insurance policies.
9:20 a.m.	SB 37	relative to warning label requirements for marijuana products dispensed in alternative treatment centers.
9:50 a.m.	SB 38	relative to the organization of alternative treatment centers.
10:20 a.m.	SB 44	establishing the New Hampshire workforce pathway program and commission.

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/93224019555>
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 1-646-558-8656, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-9128
3. Or iPhone one-tap: 13017158592,,93224019555# or 13126266799,,93224019555#
4. Webinar ID: 932 2401 9555
5. To view/listen to this hearing on YouTube, use this link:  
<https://www.youtube.com/channel/UCjBZdtriRnQdmg-2MPMiWtA>
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](mailto:remotesenate@leg.state.nh.us) or call (603-271-6931).

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**SB 35**

Sen. Cavanaugh

Sen. D'Allesandro

**SB 36**

Sen. French  
Sen. Sherman

Sen. Hennessey  
Sen. Soucy

Sen. Ricciardi  
Sen. Reagan

Sen. Giuda  
Rep. Pearl

**SB 37**

Sen. Gannon  
Sen. Giuda

Sen. D'Allesandro  
Sen. Prentiss

Sen. Ward  
Rep. Weyler

Rep. M. Pearson

**SB 38**

Sen. Avard  
Sen. Ward

Sen. Bradley  
Rep. McGuire

Sen. Cavanaugh  
Rep. Edwards

Sen. Watters

**SB 44**

Sen. Kahn  
Sen. Rosenwald  
Rep. Ladd

Sen. D'Allesandro  
Sen. Hennessey  
Rep. Myler

Sen. Whitley  
Sen. Soucy  
Rep. Luneau

Sen. Prentiss  
Sen. Sherman

Aaron Jones 271-4063

Harold F. French  
Chairman

**Senate Commerce Committee**  
*Aaron Jones 271-4063*

**SB 37**, relative to warning label requirements for marijuana products dispensed in alternative treatment centers.

**Hearing Date:** January 19, 2021

**Time Opened:** 9:36 a.m.

**Time Closed:** 9:45 a.m.

**Members of the Committee Present:** Senators French, Gannon, Bradley, Soucy and Cavanaugh

**Members of the Committee Absent :** None

**Bill Analysis:** This bill requires the department of health and human services to adopt rules that include certain specific information on marijuana product labels dispensed in alternative treatment centers.

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**Sponsors:**

Sen. Gannon

Sen. D'Allesandro

Sen. Ward

Rep. M. Pearson

Sen. Giuda

Sen. Prentiss

Rep. Weyler

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**Who supports the bill:** Senator Bill Gannon, Senator Bob Giuda, Senator Ruth Ward, Kate Frey (New Futures)

**Who opposes the bill:** David Syrek, Alvin See

**Who is neutral on the bill:** Michael Holt (DHHS)

**Summary of testimony presented in support:**

Senator Bill Gannon

- Senator Gannon said he and Senator Giuda were approached to file this legislation by Smart Approaches to Marijuana, which is an organization comprised of doctors, lawyers, and health care employees, that advocate for the safe distribution of marijuana.
- Senator Gannon said that this bill was a common sense, bipartisan effort to promote truth in labeling to ensure that marijuana is distributed in a safe and effective manner.
- This bill would increase the knowledge of both consumers and employees regarding what is contained in products sold by dispensaries.



- In 2018, Senator Gannon said he was on the Marijuana Commission. All the stakeholders of that Commission believed that truth in labeling was acceptable and should be encouraged.

**Summary of testimony presented in opposition:**

David Syrek

- Mr. Syrek said he agreed with the testimony provided by Mr. Holt (see below).
- Section 1, subparagraphs A through C, according to Mr. Syrek, were already being acted upon and that patients already had access to the possible side effects of cannabis use.
- Mr. Syrek was concerned by some of the listed side effects in subparagraph C, particularly suicide, psychosis, heart failure, and cardiac arrhythmia. He said those side effects are unlikely to occur with the use of cannabis alone. Typically, these side effects would be contributed to an underlying condition or genetic predisposition.
- Also, he was concerned that patients might be too afraid of these side effects to use cannabis, despite it being certified for them to use by their doctor or health care provider.
- Mr. Syrek stated that cannabis was one of the safest medicines on the planet given its high LD 50 count.
- He concluded that the Therapeutic Cannabis Medical Oversight Board could be responsible for examining the side effects listed in this bill.

**Neutral Information Presented:**

Michael Holt, Administrator of the Therapeutic Cannabis Program, DHHS

- This bill would effectively codify current DHHS administrative rules, which support label warnings, accurate labeling, and ensuring patients and caregivers are provided with necessary information.
- Specifically, lines 9 through 15, which would codify warning labels, were directly pulled from existing administrative rules.
- As outlined on lines 16 through 23, Mr. Holt said that placing side effects and risks of use on labels isn't currently done due to space constraints. However, this information is still required to be provided to each patient.
- If this bill were to move forward, Mr. Holt asked that lines 16 through 23 be amended to say, "This information shall be provided, but not required to be placed on the label itself due to space constraints."
- Currently, the Therapeutic Cannabis Medical Oversight Board deals with clinical, quality, and public health information related to therapeutic cannabis.
- In the past year, the Board has worked on documents for providers, which include side effects of cannabis use.
- Additionally, the Board has created a plan to thoroughly review all alternative treatment center (ATC) educational materials and handouts.

- Mr. Holt said that section 3, lines 23 through 29 would have a fiscal impact on the department because they would have to produce glossy posters and brochures. Mr. Holt reiterated that that information is already provided to patients at dispensaries.
- Mr. Holt concluded that this bill is redundant, and over the past five years, the department has been doing most of what's asked for in this bill.

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Date Hearing Report completed: January 20, 2021

# Speakers

# Commerce Committee Testify List for Bill SB37 on 2021-01-19

Support: 4 Oppose: 2 Neutral: 1 Total to Testify: 4

<u>Name</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>
Gannon, Senator Bill	District 23	Support	Yes
Giuda, Bob	NH Senate District 2	Support	No
Ward, Senator Ruth	Senate District 8	Support	No
Frey, Kathryn	Myself	Support	Yes
Holt, Michael	DHHS	Neutral	Yes
See, Alvin	Myself	Oppose	No
Syrek, David	Myself	Oppose	Yes

# Voting Sheets

# Senate Commerce Committee

## EXECUTIVE SESSION RECORD

### 2021-2022 Session

Bill # SB 37

Hearing date: 1/19/21

Executive Session date: 1/19/21

Motion of: TTL Vote: 5-0

Committee Member	Made by	Second	Yes/	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: consent Vote: 5-0

Committee Member	Made by	Second	Yes/	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Made by	Second	Yes	No
Sen. French, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gannon, V-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Bradley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Cavanaugh	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Gannon

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

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Wednesday, January 20, 2021

THE COMMITTEE ON Commerce

to which was referred **SB 37**

AN ACT

relative to warning label requirements for  
marijuana products dispensed in alternative  
treatment centers.

Having considered the same, the committee recommends that the Bill

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 5-0

Senator Bill Gannon  
For the Committee

This bill would have required DHHS to adopt labeling standards for marijuana products sold at alternative treatment centers. The committee found there were several redundant aspects to this bill. First, DHHS already has administrative rules in place governing labels. Second, side effects and risks associated with therapeutic cannabis are already required to be provided to patients. Finally, materials showing the risks and side effects of therapeutic cannabis are already displayed for patients at dispensaries; therefore, it would be costly and redundant for brochures and posters to be prepared.

Aaron Jones 271-4063



FOR THE CONSENT CALENDAR

**COMMERCE**

**SB 37**, relative to warning label requirements for marijuana products dispensed in alternative treatment centers.

Inexpedient to Legislate, Vote 5-0.

Senator Bill Gannon for the committee.

This bill would have required DHHS to adopt labeling standards for marijuana products sold at alternative treatment centers. The committee found there were several redundant aspects to this bill. First, DHHS already has administrative rules in place governing labels. Second, side effects and risks associated with therapeutic cannabis are already required to be provided to patients. Finally, materials showing the risks and side effects of therapeutic cannabis are already displayed for patients at dispensaries; therefore, it would be costly and redundant for brochures and posters to be prepared.

# Docket of SB37

Docket Abbreviations

**Bill Title:** relative to warning label requirements for marijuana products dispensed in alternative treatment centers.

*Official Docket of SB37.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/12/2021	S	<b>Introduced</b> 01/06/2021 and Referred to Commerce; <b>SJ 3</b>
1/13/2021	S	Remote <b>Hearing:</b> 01/19/2021, 09:20 am; Links to join the hearing can be found in the Senate Calendar; <b>SC 7</b>
1/20/2021	S	Committee Report: Inexpedient to Legislate; Vote 5-0; CC; 02/04/2021; <b>SC 9</b>
2/4/2021	S	Inexpedient to Legislate, <b>RC 23Y-1N, MA === BILL KILLED ===;</b> 02/04/2021; <b>SJ 3</b>

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NH House

NH Senate

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# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB 37

Senate Committee: Commerce

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)

\_\_\_ 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:

AARON JONES  
Committee Aide

7/21/21  
Date

Senate Clerk's Office [Signature]