

REGULAR CALENDAR

March 2, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Criminal Justice and Public Safety to which was referred HB 1348-FN,

AN ACT relative to the legalization of a certain amount of cannabis. Having considered the same, report the same with the recommendation that the bill be REFERRED FOR INTERIM STUDY.

Rep. Terry Roy

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1348-FN
Title:	relative to the legalization of a certain amount of cannabis.
Date:	March 2, 2022
Consent Calendar:	REGULAR
Recommendation:	REFER FOR INTERIM STUDY

STATEMENT OF INTENT

The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill should be held for Interim Study. The majority agreed that as there are already several bills that have been sent to the full House relating to the same subject matter, that adding this bill would be superfluous.

Vote 17-4.

Rep. Terry Roy
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 1348-FN, relative to the legalization of a certain amount of cannabis. **MAJORITY: REFER FOR INTERIM STUDY. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. The majority of the Criminal Justice and Public Safety Committee, after having heard testimony from various witnesses, concluded that this bill should be held for Interim Study. The majority agreed that as there are already several bills that have been sent to the full House relating to the same subject matter, that adding this bill would be superfluous. **Vote 17-4.**

REGULAR CALENDAR

March 2, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Criminal Justice and Public Safety to which was referred HB 1348-FN,

AN ACT relative to the legalization of a certain amount of cannabis. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.

Rep. David Meuse

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Criminal Justice and Public Safety
Bill Number:	HB 1348-FN
Title:	relative to the legalization of a certain amount of cannabis.
Date:	March 2, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This simple and thoughtful bill provides an alternative for cannabis legalization that does not create a monopoly for the New Hampshire Liquor Commission. Unlike some related bills also under consideration, it also makes a narrow provision to allow adults to home-grow small amounts of cannabis for personal consumption. With the cost of medical cannabis not covered by the Veterans Administration, a home-grow option would allow many veterans, who use cannabis for therapeutic reasons, to grow it at their primary residence at far less cost. Under the bill, public consumption as well as possession by minors also remain prohibited.

Rep. David Meuse
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Criminal Justice and Public Safety

HB 1348-FN, relative to the legalization of a certain amount of cannabis. **OUGHT TO PASS.**

Rep. David Meuse for the **Minority** of Criminal Justice and Public Safety. This simple and thoughtful bill provides an alternative for cannabis legalization that does not create a monopoly for the New Hampshire Liquor Commission. Unlike some related bills also under consideration, it also makes a narrow provision to allow adults to home-grow small amounts of cannabis for personal consumption. With the cost of medical cannabis not covered by the Veterans Administration, a home-grow option would allow many veterans, who use cannabis for therapeutic reasons, to grow it at their primary residence at far less cost. Under the bill, public consumption as well as possession by minors also remain prohibited.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on HB 1348-FN

BILL TITLE: relative to the legalization of a certain amount of cannabis.

DATE: March 2, 2022

LOB ROOM: 202-204

MOTIONS: REFER FOR INTERIM STUDY

Moved by Rep. Roy

Seconded by Rep. Welch

Vote: 17-4

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Scott Wallace, Clerk



2022 SESSION

Criminal Justice and Public Safety

Bill #: 1348 Motion: IS AM #: / Exec Session Date: 3.2.22

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

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON HB 1348-FN

BILL TITLE: relative to the legalization of a certain amount of cannabis.

DATE: January 20, 2022

LOB ROOM: Reps Hall **Time Public Hearing Called to Order:** 12:00 p.m.

Time Adjourned: 12:10 p.m.

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

Bill Sponsors:

Rep. Egan

Rep. Adjutant

Rep. McGuire

Rep. Klein-Knight

Rep. Weston

Rep. Knirk

Rep. Toll

TESTIMONY

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

Rep. Timothy **Egan** introduced his bill - supports.

Lt. Bill **Bright**, representing the NH State Police, opposes the bill.

*Frank **Knaack**, Policy Director, representing ACLU of NH, supports the bill.

Joe **Hannon**, representing NH Harm Reduction Coalition, supports the bill.

Matt **Simon**, representing Prime ATC, supports the bill.

*Written testimony was submitted by Rep. Linda **Gould**, Hills. 7 in opposition to the bill.

Respectfully submitted,

Rep. Scott Wallace
Clerk

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill HB1348 on 2022-01-20

Support: 15 Oppose: 13 Neutral: 1 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Allore, William	Bethlehem, NH Walloreiii@gmail.com	A Member of the Public	Myself	Support	No	No	1/15/2022 9:32 AM
Weston, Joyce	Plymouth, NH jweston14@roadrunner.com	An Elected Official	Myself	Support	No	No	1/15/2022 9:35 AM
Allore, Jamie	Bethlehem, NH jamienniallore@gmail.com	A Member of the Public	Myself	Support	No	No	1/15/2022 9:38 AM
Shick, Larson	Bethlehem, NH shickstone@yahoo.com	A Member of the Public	Myself	Support	No	No	1/15/2022 10:11 AM
Hannon, Michael	Jefferson, NH Michael.Hannon603@gmail.com	A Member of the Public	Myself	Support	No	No	1/15/2022 10:44 AM
Short, Raymond	Hooksett, NH rayshort910@gmail.com	A Member of the Public	Myself	Support	No	No	1/15/2022 4:31 PM
Brooks, Christopher	Bethlehem, NH trib@tributaries.info	A Member of the Public	Myself	Support	No	No	1/16/2022 12:27 AM
Fenner-Lukaitis, Elizabeth	Warner, NH glukaitis@mcttelecom.com	A Member of the Public	Myself	Support	No	No	1/16/2022 6:31 PM
Bates, David	Warner, NH dbates3@yahoo.com	A Member of the Public	Myself	Support	No	No	1/17/2022 9:41 AM
Davis, Johnna	Gilford, NH jdavis@metrocast.net	A Member of the Public	Myself	Support	No	No	1/17/2022 2:46 PM
Bryfonski, John	Bedford, NH jbryfonski@bedfordnh.org	A Member of the Public	NH Association of Chiefs of Police	Oppose	No	No	1/18/2022 11:13 AM
Dunn, Robert	Manchester, NH rdunn@rcbm.org	A Lobbyist	Roman Catholic Bishop of Manchester	Oppose	No	No	1/18/2022 3:44 PM
Beauregard, Mark	Keene, NH Beauremk@yahoo.com	A Member of the Public	Myself	Support	No	No	1/18/2022 6:08 PM

Gould, Matthew	Litchfield, NH mgould3090@gmail.com	A Member of the Public	Myself	Support	No	No	1/18/2022 7:45 PM
Frost, Sherry	Dover, NH s.frost@leg.state.nh.us	An Elected Official	Myself	Support	No	No	1/19/2022 9:03 AM
Collyer, Anne	Newton, NH annicollyer34@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 2:10 PM
POST, LISA CM	Lyndeborough, NH Lisacmpost@gmail.com	An Elected Official	Myself	Support	No	No	1/19/2022 7:59 PM
Marcoux, Sarah	Northfield, NH marcouxhouse@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:36 PM
Marcoux, Joseph	Northfield, NH Joeymarcoux@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/19/2022 9:57 PM
Stockwell, Daniel	Dublin, NH danstockwell.nh@gmail.com	A Member of the Public	Myself	Support	No	No	1/19/2022 11:29 PM
Saltzman, Michael	Manchester, NH saltzman_mike@yahoo.com	A Member of the Public	Myself	Support	No	No	1/20/2022 7:53 AM
Simon, Matt	Manchester, NH matt.simon@primeatc.com	A Lobbyist	Prime Alternative Treatment Centers of NH	Support	No	No	1/20/2022 8:00 AM
Vanbibber, Rolf	Amherst, NH rolfvanbibber@gmail.com	A Member of the Public	Myself	Support	No	No	1/20/2022 8:31 AM
Lord, Brian	Deering, NH blord@antrimpolice.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 8:41 AM
Miller, Ken	Thornton, NH kmill192@aol.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 9:05 AM
Croft, David	Salisbury, NH dcroft4@msn.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 9:12 AM
Duquette, Gary	Deerfield, NH policechief@toownofdeerfieldnh.com	A Lobbyist	NH Chiefs of Police Association	Oppose	No	No	1/20/2022 9:18 AM
perez, maria	milford, NH mariaeli63@gmail.com	An Elected Official	Myself	Support	No	No	1/20/2022 9:35 AM
Lewandoski, Mark	Belmont, NH policechief@belmontnh.org	A Member of the Public	Myself	Oppose	No	No	1/20/2022 11:00 AM
Alleman, Bill	Weare, NH gencourt@allemanse.com	A Member of the Public	Myself	Support	No	No	1/20/2022 12:10 PM
Hoebeke, Joseph	Hollis, NH jhoebeke@hollisnh.org	A Member of the Public	New Hampshire Association of Chiefs of Police	Oppose	No	No	1/20/2022 12:37 PM

Walczyk, Alexander	Hooksett, NH awalczyk@comcast.net	An Elected Official	Myself	Support	No	No	1/20/2022 1:15 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/20/2022 2:39 PM
Cherrington, Brett	Hillsborough, NH brettacherrington@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/20/2022 8:58 PM

Archived: Thursday, March 10, 2022 2:40:45 PM

From: Daniel Richardson

Sent: Tuesday, January 18, 2022 1:09:00 PM

To: ~House Criminal Justice and Public Safety

Cc: Tom Lanzara

Subject: In opposition to HB 1348 relative to the legalization of a certain amount of cannabis

Importance: Normal

Ref: Jan 20, 2022 Committee Meeting

HOUSE CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE -

I write in opposition to HB 1348. This bill proposes legalization of cannabis and derivatives with restrictions as to possession amount, age limit, manufacture location, place of use, but allows for inclusion of adulterants or dilutants.

Please amend HB 1348 to maintain criminal violation for possession and use applying to those who are guardians of others, those in authority over others, those who are first responders, those who operate construction equipment, those who operate the safety features of public utilities, those who carry weapons of any type, those who are in control of vehicles, pilots, doctors, teachers, nurses, parents, cooks, school councilors, etc.

Otherwise recommend ITL.

Daniel Richardson, Nashua

Subject: In opposition to HB 1348 relative to the legalization of a certain amount of cannabis

From: Daniel Richardson <daniel6_22@comcast.net>

Date: 1/18/2022, 1:08 PM

To: HouseCriminalJusticeandPublicSafety@leg.state.nh.us

CC: Tom Lanzara <tomlanzara@gmail.com>

BCC: Di Lothrop <dilothrop@yahoo.com>, Pastor Denis Frediani <djsddm6@gmail.com>

Ref: Jan 20, 2022 Committee Meeting

HOUSE CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE -

I write in opposition to HB 1348. This bill proposes legalization of cannabis and derivatives with restrictions as to possession amount, age limit, manufacture location, place of use, but allows for inclusion of adulterants or dilutants.

Please amend HB 1348 to maintain criminal violation for possession and use applying to those who are guardians of others, those in authority over others, those who are first responders, those who operate construction equipment, those who operate the safety features of public utilities, those who carry weapons of any type, those who are in control of vehicles, pilots, doctors, teachers, nurses, parents, cooks, school councilors, etc.

Otherwise recommend ITL.

Daniel Richardson, Nashua



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Testimony from:

Sarah Wall, Government Affairs Region Manager, Northeast & Mid-Atlantic Region, R Street Institute

In Support of House Bill 1348 – AN ACT relative to the legalization of a certain amount of cannabis.

March 2, 2022

House Committee on Criminal Justice and Public Safety

Chair Abbas, Vice Chair Roy and Honorable Members of the Committee,

My name is Sarah Wall and I am the government affairs manager for the Northeast region at R Street Institute (R Street). R Street is a nonprofit, nonpartisan public policy research organization focused on advancing limited, effective government in many policy areas, including criminal justice reform. Our Criminal Justice & Civil Liberties team researches and offers public policy solutions to a variety of state and federal issues, including police reform, reentry and overcriminalization, especially in reforming cannabis policy. Because House Bill 1348 would legalize the possession of small amounts of cannabis for adults, thereby reducing the harmful impacts of overly punitive drug-related policies with the added benefit of fiscal soundness, R Street encourages the Criminal Justice and Public Safety Committee to pass this legislation.

Specifically, HB 1348 would legalize possession of up to one ounce of cannabis, five grams of hashish, and two cannabis plants' cultivation for adults 21 years and older. Under these provisions, cannabis can also be given, but not sold, to other adults. Selling cannabis, possessing quantities larger than those provided in HB 1348, or possession of any amount by a person under 21 years old would remain misdemeanors under state law. These moderate, sensible reforms recognize that cannabis, like alcohol, can be appropriate for adults' limited consumption and regulated to benefit both residents and government.¹

New Hampshire has already enacted strong policies that reduce the harmful impacts of marijuana criminalization, making medical marijuana legal and passing legislation in 2017 that decriminalized possession of $\frac{3}{4}$ ounce of cannabis by a person 21 years or older.² These are positive developments, but they do not go far enough to correct the punitive history of criminalization. It is important to note that poor and middle-class individuals are those least able to pay the fine and are also the most likely to be cited for cannabis use.³ The history of criminalization and monetary fines have lasting collateral consequences, forestalling opportunities to pursue higher education, better employment or a new home—all of which risks increasing recidivism, including for more serious offenses.⁴ Furthermore, studies have consistently found legalizing cannabis has no effect on crime rates; in fact, one study found legalizing medical cannabis in California was associated with a 20 percent plunge in certain offenses.⁵

Legalizing small amounts of cannabis would also be a boon to New Hampshire's fiscal health. In 2021, the Colorado Department of Revenue reported \$423 million in tax revenue from cannabis sales, breaking a



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new record.⁶ Nationally, the \$10.4 billion collected in tax revenue for legal cannabis sales has gone toward education, job training and conviction expungement expenses, among others.⁷ In New Hampshire, similar “sin taxes” on alcohol, tobacco and gambling make up 23 percent of total tax revenue, tallying over \$1 billion to state coffers.⁸ Adding cannabis to this list would not only be familiar to Granite Staters, but could also allow New Hampshire to cut broader taxes, such as the property tax, which is currently the highest in the United States.⁹

By legalizing small amounts of cannabis for adults 21 years and older, New Hampshire would be joining the growing list of states reexamining the utility of cannabis criminalization: so far, 36 have legalized it for medicinal use, including New Hampshire, and half have legalized it recreationally as well.¹⁰ Especially given the bill would only legalize small amounts of cannabis for personal recreational use, this legislation is a moderate step forward in recreational legalization. R Street urges this committee to report House Bill 1348 as ought to pass.

Thank you for your consideration.

Respectfully submitted,

Sarah Wall
Government Affairs Region Manager
R Street Institute
swall@rstreet.org

¹ Jillian Snider and Diane M. Goldstein, “Republican Legislators Propose Marijuana Legalization at the Federal Level,” *RealClearPolicy*, Nov. 24, 2021.

https://www.realclearpolicy.com/articles/2021/11/24/republican_legislators_propose_marijuana_legalization_at_the_federal_level_804997.html.

² “An Overview of New Hampshire’s Medical Cannabis Law,” Marijuana Policy Project, last accessed Feb. 24, 2022.

<https://www.mpp.org/states/new-hampshire/an-overview-of-new-hampshires-medical-marijuana-law>;

“Marijuana Decriminalization,” Citizens Count, 2022. <https://www.citizenscount.org/issues/marijuana-decriminalization>.

³ Conor Friedersdorf, “Marijuana Laws Enforced, Poor Hit Hardest,” *The Atlantic*, Dec. 20, 2012.

<https://www.theatlantic.com/politics/archive/2012/12/marijuana-laws-enforced-poor-hit-hardest/266490>.

⁴ “What are collateral consequences?” National Inventory of Collateral Consequences of Conviction, last accessed Feb. 27, 2022.

<https://niccc.nationalreentryresourcecenter.org/#:~:text=What%20are%20collateral%20consequences%3F,righ%2C%20benefits%2C%20and%20opportunities>.

⁵ Kyle Jaeger, “Impact Of Marijuana Legalization On Crime Reduction Is Being Underestimated, New Study Finds,”

Marijuana Moment, Oct. 15, 2021. <https://www.marijuanamoment.net/impact-of-marijuana-legalization-on-crime-reduction-is-being-underestimated-new-study-finds>.

⁶ Robert Davis, “Colorado Earned \$423 Million In Marijuana Tax Revenue Last Year,” *Marijuana Moment*, Jan. 14,

2022. [https://www.marijuanamoment.net/colorado-earned-423-million-in-marijuana-tax-revenue-last-year/#:~:text=Colorado%20brought%20in%20a%20record,Department%20of%20Revenue%20\(DOR\)](https://www.marijuanamoment.net/colorado-earned-423-million-in-marijuana-tax-revenue-last-year/#:~:text=Colorado%20brought%20in%20a%20record,Department%20of%20Revenue%20(DOR)).



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⁷ Steve Gelsi, “Cannabis state tax revenue tops \$10 billion from legal sales,” *MarketWatch*, Jan. 11, 2022.

<https://www.marketwatch.com/story/cannabis-state-tax-revenue-tops-10-billion-from-legal-sales-11641827815#:~:text=According%20to%20data%20from%20the,on%20beer%2C%20wine%20and%20spirits.>

⁸ Andrew Soergel, “New Hampshire Bets on Sin Taxes,” *U.S. News and World Report*, Oct. 25, 2019.

<https://www.usnews.com/news/best-states/articles/2019-10-25/new-hampshire-profits-most-from-sin-taxes.>

⁹ Rich States, Poor States, “Property Tax Burden,” The American Legislative Exchange Council, 2021.

[https://www.richstatespoorstates.org/variables/property_tax_burden/.](https://www.richstatespoorstates.org/variables/property_tax_burden/)

¹⁰ Snider and Goldstein.

[https://www.realclearpolicy.com/articles/2021/11/24/republican_legislators_propose_marijuana_legalization_at_the_federal_level_804997.html.](https://www.realclearpolicy.com/articles/2021/11/24/republican_legislators_propose_marijuana_legalization_at_the_federal_level_804997.html)

Archived: Thursday, March 10, 2022 2:45:04 PM

From: [Sheila Rogers](#)

Sent: Saturday, January 15, 2022 1:21:47 PM

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

Subject: HB629. HB1348

Importance: Normal

I hope you will seriously consider passing HB 629 & HB 1348. For people using Therapeutic cannabis, this bill would allow them to cultivate just a few plants and would be so cost efficient.

Sheila Rogers

HB 1348 – End New Hampshire’s Unnecessary and Harmful War on Marijuana

Bill Summary: HB 1348 would permit adults to possess up to one ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permit adults to cultivate up to 2 mature cannabis plants at home in a secure location that is not visible from other properties, and to possess and process the cannabis produced from their plants at the same location; permit adults to give cannabis to other adults, provided it is not more than one ounce of cannabis, 5 grams of hashish; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a fine; provide that violations of the restrictions on cultivation would be a violation punishable by fine; penalize dangerous, volatile extraction; and permit adults to possess, make, and sell cannabis accessories to other adults

A marijuana possession arrest can ruin lives. Sold to the public in the name of public safety, New Hampshire’s marijuana laws needlessly ensnare over a thousand people -- disproportionately Black people -- in its criminal justice system every year. These arrests are not just an unnecessary burden on New Hampshire residents and the judicial system, but also negatively effect access to employment, housing, student financial aid, and child custody, among others, for the person arrested. These collateral harms can last for decades, even after someone has served their time or paid any required fines. It is past time to end New Hampshire’s unnecessary and harmful war on marijuana.

New Hampshire’s war on marijuana is a monumental waste of tax dollars. For each of the 1,494 marijuana arrests in 2020,ⁱ our tax dollars had to pay for a judge, a clerk, law enforcement officers, prosecutor, and others to process the case. According to an economic analysis published in 2013, the 2,769 marijuana possession arrests in 2010 cost New Hampshire taxpayers \$6,526,364 that year.ⁱⁱ Despite New Hampshire’s decriminalization of marijuana possession in 2017,ⁱⁱⁱ law enforcement still arrested 1,494 people in 2020 for marijuana possession,^{iv} meaning New Hampshire taxpayers may still be paying close to \$3.25 million each year to enforce marijuana possession laws. Lawmakers should stop wasting tax dollars on this failed war.

New Hampshire’s war on marijuana is enforced with a staggering racial bias. In 2020 Black people were 4.8 times more likely to be arrested for marijuana possession when compared with whites,^v despite both groups using marijuana at roughly the same rate.^{vi} And, this disparity is on the rise, up from 2.6 times more likely to be arrested in 2010 – a 46 percent increase.^{vii} The racial bias in enforcement is even more pronounced with the city police departments in Manchester and Concord, where the disparities are 13.9 times and 5.8 times respectively.^{viii} The discriminatory enforcement of New Hampshire’s marijuana laws means that Black people are more likely to face the immediate harms of a marijuana arrest and charge, including potential incarceration, as well as the collateral consequences, including the loss of jobs, housing, financial aid eligibility, and child custody.

The vast majority of Granite Staters support marijuana legalization. Seventy-five percent of Granite Staters support marijuana legalization, including majorities of Democrats, Independents, and Republicans.^{ix} And, support for marijuana legalization has greatly increased since 2013, when it was just 49 percent.^x It is past time for New Hampshire lawmakers to listen to the people and legalize marijuana possession by adults.

Opponents of marijuana legalization rely on fear-based rhetoric divorced from reality. Marijuana legalization opponents argue that marijuana legalization leads to increased youth use, crime, and traffic fatalities. They also argue that marijuana is a gateway drug that is partially responsible for the opioid epidemic. The data from legalization states do not support these claims. Multiple studies have found no increase in youth use in states that have legalized marijuana.^{xi} Legalization has also not substantially affected crime rates,^{xii} and, according to a multi-year study of Colorado and Washington, may have improved crime clearance rates.^{xiii} Fortunately, it also appears that marijuana legalization has had “little or no effect” on traffic accidents and fatalities.^{xiv} Finally, evidence suggests that marijuana legalization is

connected with a reduction in opioid related deaths.^{xv} New Hampshire lawmakers have the benefit of years of data from legalization states to distinguish myth from reality.

Support HB 1348 – The war on marijuana does not make us safe, wastes taxpayer dollars, and ruins lives.

ⁱ Federal Bureau of Investigation, Crime Data Explorer, Arrests in New Hampshire by Offense, Drug Possession – Marijuana, 2020, available at <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/arrest>.

ⁱⁱ ACLU, *The War on Marijuana in Black and White*, p. 164, available at <https://www.aclu.org/report/report-war-marijuana-black-and-white>.

ⁱⁱⁱ NH Rev Stat § 318-B:2-c (2017).

^{iv} 1,494 marijuana possession arrests in 2020 and 2,769 marijuana possession arrests in 2010. See, Federal Bureau of Investigation, Crime Data Explorer, Arrests in New Hampshire by Offense, Drug Possession – Marijuana, 2020, available at <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/arrest> & ACLU, *The War on Marijuana in Black and White*, p. 127, available at <https://www.aclu.org/report/report-war-marijuana-black-and-white>.

^v New Hampshire arrested 1,494 people for marijuana possession in 2020. 1,494 arrests of white people and 125 arrests of Black people. See, Federal Bureau of Investigation, Crime Data Explorer, Arrests in New Hampshire by Offense, Drug Possession – Marijuana, 2020, available at <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/arrest> & U.S. Census Bureau, QuickFacts, New Hampshire, available at https://www.census.gov/quickfacts/fact/table/manchestercitynewhampshire_concordcitynewhampshire/PST045221.

^{vi} Fred Dews, *Charts of the week: Marijuana use by race, Islamist rule in Middle East, climate adaptation savings*, Brookings, Aug. 11, 2017, available at <https://www.brookings.edu/blog/brookings-now/2017/08/11/charts-of-the-week-marijuana-use-by-race/>.

^{vii} ACLU, *The War on Marijuana in Black and White*, p. 127, available at <https://www.aclu.org/report/report-war-marijuana-black-and-white>.

^{viii} Manchester Police Department arrested 26 people for marijuana possession in 2020. 13 arrests of white people and 13 arrests of Black people. See, Federal Bureau of Investigation, Crime Data Explorer, Arrests in New Hampshire by Offense, Drug Possession – Marijuana, 2020, Manchester Police, available at <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/arrest>. U.S. Census Bureau, QuickFacts, Manchester city, New Hampshire, available at https://www.census.gov/quickfacts/fact/table/manchestercitynewhampshire_concordcitynewhampshire/PST045221; Concord Police Department arrested 33 people for marijuana possession in 2020. 26 arrests of white people and 6 arrests of Black people. Concord's population is 43,976. White people comprise percent of the population and Black people comprise percent of the population. See, Federal Bureau of Investigation, Crime Data Explorer, Arrests in New Hampshire by Offense, Drug Possession – Marijuana, 2020, Concord Police, available at <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/arrest>. U.S. Census Bureau, QuickFacts, Concord city, New Hampshire, available at <https://www.census.gov/quickfacts/concordcitynewhampshire>.

^{ix} Ian Lenahan, *Now surrounded by legal weed states, will NH follow suit? Gov. Sununu says 'you never know'*, Portsmouth Herald, Aug 20, 2021, available at <https://www.seacoastonline.com/story/news/local/2021/08/20/new-hampshire-marijuana-laws-weed-is-leg-al-in-surrounding-states-will-nh-follow/8101297002/>.

^x Ian Lenahan, *Now surrounded by legal weed states, will NH follow suit? Gov. Sununu says 'you never know'*, Portsmouth Herald, Aug 20, 2021, available at <https://www.seacoastonline.com/story/news/local/2021/08/20/new-hampshire-marijuana-laws-weed-is-leg-al-in-surrounding-states-will-nh-follow/8101297002/>.

^{xi} See, e.g. Anderson, Mark D., et al., *Association of Marijuana Laws With Teen Marijuana Use New Estimates From the Youth Risk Behavior Surveys*, Journal of the American Medical Association, July 2019 (Recreational marijuana laws were associated with an 8% decrease in the odds of marijuana use and a 9% decrease in the odds of frequent marijuana use.; Healthy Kids Colorado Survey (HKCS) data, available at <https://marijuanahealthinfo.colorado.gov/health-data/healthy-kids-colorado-survey-hkcs-data>; Marijuana Policy Project, *Teen Marijuana Use Does Not Increase Following Marijuana Policy Reforms*, available at <https://www.mpp.org/issues/legalization/teen-marijuana-use-does-not-increase/>.

^{xii} Angela Dills, et. al., *The Effect of State Marijuana Legalizations: 2021 Update*, CATO Institute, Feb. 2, 2021, available at <https://www.cato.org/sites/cato.org/files/2021-01/PA908.pdf>; Greg Rosalsky, *The Data On Legalizing Weed*, Planet Money/NPR, Mar. 16, 2021, available at <https://www.npr.org/sections/money/2021/03/16/976265525/the-data-on-legalizing-weed>.

^{xiii} David A. Makin, et. al., *Marijuana Legalization and Crime Clearance Rates: Testing Proponent Assertions in Colorado and Washington State*, National Institute of Justice, 2019, available at <https://nij.ojp.gov/library/publications/marijuana-legalization-and-crime-clearance-rates-testing-proponent-assertions>.

^{xiv} Greg Rosalsky, *The Data On Legalizing Weed*, Planet Money/NPR, Mar. 16, 2021, available at <https://www.npr.org/sections/money/2021/03/16/976265525/the-data-on-legalizing-weed>; Angela Dills, et. al., *The Effect of State Marijuana Legalizations: 2021 Update*, CATO Institute, Feb. 2, 2021, available at <https://www.cato.org/sites/cato.org/files/2021-01/PA908.pdf>; & Benjamin Hansen, et. al., *Early Evidence on Recreational Marijuana Legalization and Traffic Fatalities*, Mar. 2018, available at https://www.nber.org/papers/w24417?utm_source=npr_newsletter&utm_medium=email&utm_content=20210311&utm_term=5237211&utm_campaign=money&utm_id=7043805&orgid=305&utm_att1=money.

^{xv} Greta Hsu & Balázs Kovács, *Association between county level cannabis dispensary counts and opioid related mortality rates in the United States: panel data study*, BMJ, Jan. 27, 2021, available at <https://www.bmj.com/content/372/bmj.m4957>; Greg Rosalsky, *The Data On Legalizing Weed*, Planet Money/NPR, Mar. 16, 2021, available at <https://www.npr.org/sections/money/2021/03/16/976265525/the-data-on-legalizing-weed>.

**To members of the Criminal Justice and Public Safety
committee**

HB 1598, HB 1306, HB 1348, CACR 20, CACR 34

NOT IN SUPPORT

**Reasons PRO and CON for legalizing marijuana, etc.
Representative Linda Gould, District 7, Hillsborough**

REASONS FOR NOT LEGALIZING MARIJUANA

1. National Academy of Medicine, 2017 “cannabis use is **likely to increase THE RISK OF DEVELOPING SCHIZOPHRENIA AND OTHER PSYCHOSES**; the higher the use, the greater the risk”
2. One in 15 drinkers consumed alcohol daily; about one in five marijuana users used cannabis that often
3. Marijuana routinely contains 20 to 25 percent THC – in the ‘70’s it contained less than 2 percent.
4. In a Bedford survey, students have tried marijuana before age 13. (“ 68 students in Bedford tried pot at age 12 or earlier”)
5. As to **marijuana being a gateway drug**: same concern such as with e-cigarettes- and a person saying” I will not allow a generation of children to become addicted to nicotine through e-cigarettes”
6. Children don’t have sense to make good decisions so they get hooked on drugs- just as people get hooked on pain killers and go onto stronger drugs. It will hurt our youth. It is a gateway drug.
7. It will degrade our communities.
8. **There is significant evidence that there is permanent brain damage from marijuana use under the age of 25(like lead poisoning)**
8. It will affect our work force.
9. Statistics show highway death rates related to marijuana have increased in other states since legalization and commercialization. (35 in Colorado in 2017, up from 19 in 2014) What if that were your child who died?
10. According to the national Highway Traffic Safety Administration, 12.6 percent of weekend nighttime drivers tested positive for THC in 2013-14 compared to 8.6 percent in 2007. There is no accepted roadside test or level of THC in the blood to determine impairment.
11. More than 50,000 people died from opioid overdoses in 2017- do we want to start people on this path? (From Prevent Opioid Abuse organization) . This is more deaths than in some wars.
12. New Hampshire has one of the highest rates of binge drinking and substance misuse in young people, as well as the nation’s lowest perception of harm from marijuana. Children are not aware of the problems with it. (from New Futures)
- 13.”The Study: Marijuana use by middle-aged and older adults in the united States 2015-2016” in the journal Drug and Alcohol Dependence: Study says there is a danger to older people who may use alcohol and marijuana simultaneously.

14. Celeste Clark of Raymond Coalition for Youth says her coalition has identified marijuana use, vaping, and underage drinking as the most important issues to address.

15." The legalization of recreational marijuana has sent a message to our youth that it's safe to use. Parents of 10 year olds have come to our group because their child is using" (Dear Abby / BILY resource group)

16. NH Police Association of Police chiefs oppose the legalization of marijuana.

17. Colorado has seen a dramatic increase in opioid overdose deaths since recreational use of marijuana was legalized.

18. Maternal cannabis smoking is associated with lower birth weight of offspring and in utero impaired brain development.

19. **The developing brain of a young person is particularly sensitive to damage from exposure to marijuana.** Frequent or long term Marijuana use is linked to school dropout and lower educational achievement. And we need good workers in NH!

20." Businesses are struggling to adequately staff due to low unemployment in NH. Releasing marijuana for recreational use would add to their difficulty. As is happening in Colorado, many of our businesses will be challenged to find employees who can pass a pre-employment drug screen, especially those in construction, transportation, and those doing business with the federal government. In Colorado there are nearly as many businesses selling marijuana as the combined number of McDonald's and Starbucks- is this what we want for our communities?" (Dr. William Goodman , CMC)

21. BE Bold of Bedford, NH has had presentations of young people who talk about the dangers of being in a drug culture. Be Bold does not favor legalization.

22. Marijuana can be laced with other drugs including Fentanyl, which can kill you the first time you try it.

23." Today's heroin addicts were last year's teenage marijuana users, who, if they were screened, maybe would have had a different outcome" Tym Rourke – NHCE

24. People say the smell of marijuana coming from apartments and homes is a nuisance, affects their enjoyment of the outdoors and even inside their homes. It also can affect property values. People complain about the smell of weed.

25. In JAMA 2012-2013, nearly 30 percent of users had marijuana use disorder/MUD. Symptoms include problem with normal functioning, cravings and withdrawal symptom, such as inability to sleep, restlessness, nervousness, anger or depression within a week of ceasing heavy use.

26. Initiatives that have legalized marijuana for medical or recreational use in many states appear to be a factor behind its rising popularity among teens.

27. 4/17- US Data : drivers killed in crashes were more likely to be on drugs than drunk, with marijuana involved in more than a third of fatal accidents in 2015. Forty- three percent of drivers tested in fatal crashes around the country in 2015 had used a legal or illegal drug, topping the 37% who showed alcohol levels above the legal limit. 36.5 % had used marijuana.

28. “ He doesn’t wake up anymore and need a drink or use drugs; but he knows the danger an addict has over even one sip of beer or quick hit of marijuana. There is no gray area” 25 year old Jake Howard/ Union Leader 12/18/17

29. AAA research shows that in a five year period before legalized pot, fewer than nine percent of Washington drivers in fatal crashes had THC, the potent pot component, in their system- an average of 56 drivers annually. Since 2012, and for the next 5 years, the rate doubled to 18 percent, an average of 130 a year.

30. Dr. Oz and Roizen,” People 21 to 25 are most likely to smoke and drive; those 16 to 20 are second most likely- and they are at greatest risk for accidents anyway. Many folks don’t realize that the impairing effects of marijuana can last for hours or more, or that, according to AAA, today’s pot is 10 times more powerful than the weed from the 70’s.” January 21, 2020

31. Drs. Oz and Roizen:” these days there are marijuana cookies, gummies, hard candies, pizza, chips, trail mix, ice creams, sodas, coffees, teas, energy drinks and condiments.” Effects can last for hours and pets and children can consume with deleterious effects.

32. Dr. Oz February 12, 2020: “ Researchers from MacLean Hospital’s Cognitive and Clinical Neuroimaging Core and the Marijuana Investigations for Neuroscientific Discovery (MIND) program published a study in Drug and Alcohol Dependence that looked at chronic users’ driving skills. Those were folks who had used in five or more of the past seven days, reported using at least 1,500 times in their life, and then abstained for at least 12 hours before participating in the study. The results clearly showed that chronic users have more accidents, drive faster and drive through more red lights than nonusers. Folks who started smoking weed regularly as young teens have the worst driving skills.

33. It is a danger to seniors who mix with prescriptions such as blood thinners.

34. “Marijuana can have serious interactions with 21+ different drugs and moderate interactions with 286+, say RxList.com. It can also trigger anxiety and paranoia, according to a study published in the Journal of Cannabis Research..... also Lab based research shows THC keeps fertilized eggs from maturing by interfering with gene expression. And yes, smoking pot does increase the risk of serious infection with Covid-19.” From Dr. Oz April 2020

35. “ Parents and school officials are voicing concerns about a survey showing that more Bedford teens are experimenting with heroin, methamphetamines and ecstasy than the state average.” Union Leader September 22 , 2020. And what about marijuana??

36. SAM sent a report to Legislators this year with information about the issue of drugs also. Please refer to it.

REASONS FOR LEGALIZING MARIJUANA

Follow the money:

1. Legitimization of the drug has gathered pace at an astonishing speed, with traditional consumer and pharmaceutical companies ranging from Constellation Brands and Anheuser - Busch-In Bev to Altria Group and Novartis investing in or partnering with pot firms. (Union Leader January 8,2019)
- 2.In Canada: the number of cannabis listings has soared with at least 149 companies worth at least C\$ 54.7 billion trading on Canadian stock exchanges as of January 2. A growing number of those are U.S. firms with market values above C \$ 1 billion . (Union Leader January 8,2019)
3. According to the Denver Post, marijuana sales in Colorado had already reached \$1 billion by August of this year. This resulted in \$200 million in tax revenue for the state. Colorado is on track to surpass last year's total of \$1.5 billion in marijuana sales. An expanding market and the popularity of edible products are credited for the increase in sales.

Is it worth it??

HB 1348-FN - AS INTRODUCED

2022 SESSION

22-2608

04/08

HOUSE BILL ***1348-FN***

AN ACT relative to the legalization of a certain amount of cannabis.

SPONSORS: Rep. Egan, Graf. 2; Rep. Adjutant, Graf. 17; Rep. McGuire, Merr. 29; Rep. Klein-Knight, Hills. 11; Rep. Weston, Graf. 8; Rep. Knirk, Carr. 3; Rep. Toll, Ches. 16

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill permits adults to possess up to one ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to cultivate up to 2 mature cannabis plants at home in a secure location that is not visible from other properties, and to possess and process the cannabis produced from their plants at the same location; permits adults to give cannabis to other adults, provided it is not more than one ounce of cannabis, 5 grams of hashish; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell cannabis accessories to other adults.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the legalization of a certain amount of cannabis.

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

1 1 Controlled Drug Act; Personal Possession of Cannabis. Amend RSA 318-B:2-c to read as
2 follows:

3 318-B:2-c Personal Possession of ~~[Marijuana]~~ **Cannabis**.

4 I. In this section:

5 (a) ~~["Marijuana"]~~ **"Cannabis"** includes the leaves, stems, flowers, and seeds of all
6 species of the plant genus cannabis, but shall not include the resin extracted from any part of such
7 plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin
8 including hashish, and further, shall not include the mature stalks of such plant, fiber produced
9 from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture,
10 salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized
11 seed of such plant which is incapable of germination. Marijuana shall not include hemp grown,
12 processed, marketed, or sold under RSA 439-A.

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

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

21 (1) **One ounce of cannabis, excluding hashish, cannabis-infused products,**
22 **and growing cannabis plants;**

23 (2) **Five grams of hashish;**

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

26 (4) **Six cannabis plants, provided not more than 2 are mature, flowering**
27 **plants; and**

28 (5) **Any additional cannabis, hashish, or cannabis-infused products**
29 **produced from the person's cannabis plants, provided that any amount of cannabis in**
30 **excess of one ounce of cannabis, 5 grams of hashish, and cannabis-infused products**

1 *containing no more than 300 milligrams of THC shall be possessed in the same location*
2 *where the plants were cultivated.*

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

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

10 *(b) Transferring one ounce of cannabis, 5 grams of hashish, cannabis-infused*
11 *products containing no more than 300 milligrams of THC, or up to 4 immature, non-*
12 *flowering cannabis plants to a person who is 21 years of age or older without*
13 *remuneration. For purposes of this subparagraph, a transfer is for remuneration if*
14 *cannabis is given away contemporaneously with another transaction between the same*
15 *parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of*
16 *goods or services, or if the gift of cannabis is contingent upon a separate transaction for*
17 *goods or services; and*

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

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

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

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

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

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

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

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

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

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

8 ~~V.]~~(a) Except as provided in this paragraph, any person 18 years of age or older who is
9 convicted of violating paragraph II or III~~[, or any person 21 years of age or older who is convicted of~~
10 ~~violating paragraph IV]~~ shall be subject to a fine of \$100 for a first or second offense under this
11 paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any
12 person convicted based upon a complaint which alleged that the person had 3 or more prior
13 convictions for violations of paragraph ~~[II, III, or IV]~~ **II or III**, or under reasonably equivalent
14 offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year
15 period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall
16 forfeit the ~~[marijuana, regulated marijuana-infused products,]~~ **cannabis** or hashish to the state. A
17 court shall waive the fine for a single conviction within a 3-year period upon proof that person has
18 completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of
19 the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court,
20 which shall schedule the matter for review after 180 days. Should proof of completion of an
21 assessment be filed by or before that time, the court shall vacate the fine without a hearing unless
22 requested by a party.

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

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

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

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

33 (d) Any person in possession of an identification card, license, or other form of
34 identification issued by the state or any state, country, city, or town, or any college or university,
35 who fails to produce the same upon request of a police officer or who refuses to truthfully provide his
36 or her name, address, and date of birth to a police officer who has informed the person that he or she
37 has been found to be in possession of what appears to the officer to be ~~[3/4 of an]~~ **one** ounce or less of

1 [~~marijuana, a personal-use amount of a regulated marijuana-infused product,~~] **cannabis** or 5 grams
2 or less of hashish, may be arrested for a violation of paragraph [~~II, III, or IV~~] **II or III**.

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

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

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

14 **VIII. Nothing in this section shall:**

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

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

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

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

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

31 2 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c) and (d) to read as follows:

32 (c) In the case of more than [~~3/4~~] **one** ounce of [~~marijuana~~] **cannabis, cannabis-**
33 **infused products containing more than 300 milligrams of THC**, or more than 5 grams of
34 hashish, including any adulterants or dilutants, the person shall be guilty of a misdemeanor. In the
35 case of [~~marijuana-infused~~] **cannabis-infused** products possessed by persons under the age of 21 [~~or~~
36 ~~marijuana-infused products as defined in RSA 318-B:2-e, other than a personal-use amount of a~~

HB 1348-FN - AS INTRODUCED

- Page 5 -

1 ~~regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a~~
2 ~~person 21 years of age or older], the person shall be guilty of a misdemeanor.~~

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

8 3 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after
9 paragraph VIII the following new paragraph:

10 VIII-a.(a) No person, other than an alternative treatment center approved pursuant to RSA
11 126-X, shall perform solvent-based extractions on cannabis using solvents other than water,
12 glycerin, propylene glycol, vegetable oil, or food grade ethanol.

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

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

16 4 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:4, I to read as follows:

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

20 5 Effective Date. This act shall take effect January 1, 2023.

**HB 1348-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the legalization of a certain amount of cannabis.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

COUNTY:

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

METHODOLOGY:

This bill permits adults to possess up to one ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to cultivate up to 2 mature cannabis plants at home in a secure location that is not visible from other properties, and to possess and process the cannabis produced from their plants at the same location; permits adults to give cannabis to other adults, provided it is not more than one ounce of cannabis, 5 grams of hashish; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell cannabis accessories to other adults.

This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many fewer charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

	FY 2022	FY 2023
Judicial Council		
Public Defender Program	Has contract with State to provide services.	Has contract with State to provide services.

Contract Attorney – Misdemeanor	\$300/Case	\$300/Case
Assigned Counsel – Misdemeanor	\$60/Hour up to \$1,400	\$60/Hour up to \$1,400
It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake to new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments.		
NH Association of Counties	FY 2022	FY 2023
County Prosecution Costs	Indeterminable	Indeterminable
Estimated Average Daily Cost of Incarcerating an Individual	\$105 to \$125	\$105 to \$125

This bill contains penalties that will have an indeterminable impact on the Judicial Branch system. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. In the past the Judicial Branch has used averaged caseload data based on time studies to estimate the fiscal impact of proposed legislation. The per case data on costs for routine criminal cases currently available to the Judicial Branch are based on studies of judicial and clerical weighted caseload times for processing average routine criminal cases that are more than fifteen years old so the data does not have current validity. A new case study is being conducted and updated estimates will be available in the future.

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

AGENCIES CONTACTED:

Judicial Branch, Department of Justice, Judicial Council, and New Hampshire Association of Counties