

LEGISLATIVE COMMITTEE MINUTES

HB629

Bill as
Introduced

HB 629-FN - AS INTRODUCED

2021 SESSION

21-0021

04/10

HOUSE BILL **629-FN**

AN ACT relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

SPONSORS: Rep. McGuire, Merr. 29; Rep. True, Rock. 4; Rep. Verville, Rock. 2; Rep. T. Lexas, Hills. 37; Rep. Sylvia, Belk. 6; Rep. McWilliams, Merr. 27

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill permits adults to possess up to 3/4 of an ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to cultivate up to 6 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 3/4 of an ounce of cannabis, 5 grams of hashish, or up to 300 mg of cannabis-infused products, or 3 immature plants; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a \$100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to \$750; 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 struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

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

1 1 Statement of Purpose. The general court finds that:

2 I. Since 2012, Canada, the District of Columbia and 9 states, including Maine, Vermont,
3 and the commonwealth of Massachusetts, have legalized possession and limited cultivation of
4 cannabis by adults 21 years of age and older.

5 II. Statewide polls have consistently found that most New Hampshire voters support
6 making cannabis legal for adults 21 years of age and older.

7 III. Cannabis is less harmful than alcohol to the consumer and to society. It is less toxic,
8 less harmful to the body, less addictive, and less likely to contribute to violent or reckless behavior.
9 Adults should not be punished choosing to use cannabis instead of alcohol, if that is what they
10 prefer.

11 IV. Home brewing of alcoholic beverages is legal in New Hampshire and every other state in
12 the nation.

13 V. Allowing adults to cultivate their own limited supply of cannabis will provide them with
14 an alternative to buying cannabis from illicit drug dealers.

15 2 Other Alcohol and Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as
16 follows:

17 265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly
18 having in his or her possession or in any part of the vehicle a controlled drug or controlled drug
19 analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her
20 license shall be revoked or his or her right to drive denied for a period of 60 days and at the
21 discretion of the court for a period not to exceed 2 years. This section shall not apply to the
22 possession of cannabis or hashish as provided in RSA 318-B:2-c ~~or a personal-use amount of a~~
23 ~~regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b)].~~

24 3 Controlled Drug Act; Personal Possession of Cannabis. Amend RSA 318-B:2-c to read as
25 follows:

26 318-B:2-c Personal Possession of ~~[Marijuana]~~ *Cannabis*.

27 I. In this section:

28 (a) ~~["Marijuana"]~~ "*Cannabis*" includes the leaves, stems, flowers, and seeds of all species
29 of the plant genus *cannabis*, but shall not include the resin extracted from any part of such plant and
30 every compound, manufacture, salt, derivative, mixture, or preparation from such resin including

1 hashish, and further, shall not include the mature stalks of such plant, fiber produced from such
 2 stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt,
 3 derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of
 4 such plant which is incapable of germination. Marijuana shall not include hemp grown, processed,
 5 marketed, or sold under RSA 439-A.

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

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

14 (1) **Three-quarters of an ounce of cannabis, excluding hashish, cannabis-**
 15 **infused products, and growing cannabis plants;**

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

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

19 (4) **Six cannabis plants, with 3 or fewer being mature, flowering plants; and**

20 (5) **Any additional cannabis, hashish, or cannabis-infused products**
 21 **produced from the person's cannabis plants, provided that any amount of cannabis in**
 22 **excess of 3/4 of an ounce of cannabis, 5 grams of hashish, and cannabis-infused products**
 23 **containing no more than 300 milligrams of THC shall be possessed in the same location**
 24 **where the plants were cultivated.**

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

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

32 (b) **Transferring 1/4 of an ounce of cannabis, 5 grams of hashish, cannabis-**
 33 **infused products containing no more than 300 milligrams of THC, or 3 immature, non-**
 34 **flowering cannabis plants to a person who is 21 years of age or older without**
 35 **remuneration. For purposes of this subparagraph, a transfer is for remuneration if**
 36 **cannabis is given away contemporaneously with another transaction between the same**
 37 **parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of**

1 *goods or services, or if the gift of cannabis is contingent upon a separate transaction for*
2 *goods or services; and*

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

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

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

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

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

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

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

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

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

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

30 *V. (a) Except as provided in this paragraph, any person 18 years of age or older who is*
31 *convicted of violating paragraph II or III, ~~or any person 21 years of age or older who is convicted of~~*
32 *~~violating paragraph IV~~ shall be subject to a fine of \$100 for a first or second offense under this*
33 *paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any*
34 *person convicted based upon a complaint which alleged that the person had 3 or more prior*
35 *convictions for violations of paragraph [II, III ~~or IV~~] II or III, or under reasonably equivalent*
36 *offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year*
37 *period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall*

1 forfeit the [~~marijuana, regulated marijuana-infused products,~~] *cannabis* or hashish to the state. A
 2 court shall waive the fine for a single conviction within a 3-year period upon proof that person has
 3 completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of
 4 the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court,
 5 which shall schedule the matter for review after 180 days. Should proof of completion of an
 6 assessment be filed by or before that time, the court shall vacate the fine without a hearing unless
 7 requested by a party.

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

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

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

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

18 (d) Any person in possession of an identification card, license, or other form of
 19 identification issued by the state or any state, country, city, or town, or any college or university,
 20 who fails to produce the same upon request of a police officer or who refuses to truthfully provide his
 21 or her name, address, and date of birth to a police officer who has informed the person that he or she
 22 has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of
 23 [~~marijuana, a personal-use amount of a regulated marijuana-infused product,~~] *cannabis* or 5 grams
 24 or less of hashish, may be arrested for a violation of paragraph [~~II, III, or IV~~] *II or III*.

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

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

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

36 *VIII. Nothing in this section shall:*

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

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

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

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

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

17 4 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c) and (d) to read as follows:

18 **(c) In the case of more than 3/4 ounce of [marijuana] cannabis, cannabis-infused**
19 **products containing more than 300 milligrams of THC, or more than 5 grams of hashish,**
20 **including any adulterants or dilutants, the person shall be guilty of a misdemeanor. In the case of**
21 **[marijuana-infused] cannabis-infused products possessed by persons under the age of 21 [~~or~~**
22 **~~marijuana-infused products as defined in RSA 318-B:2-c, other than a personal use amount of a~~**
23 **~~regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a~~**
24 **~~person 21 years of age or older], the person shall be guilty of a misdemeanor.~~**

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

30 5 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after
31 paragraph VIII the following new paragraph:

32 **VIII-a.(a) No person, other than an alternative treatment center approved pursuant to RSA**
33 **126-X, shall perform solvent-based extractions on cannabis using solvents other than water,**
34 **glycerin, propylene glycol, vegetable oil, or food grade ethanol.**

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

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

HB 629-FN - AS INTRODUCED

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1 6 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:4, I to read as follows:

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

5 7 Effective Date. This act shall take effect January 1, 2022.

LBA
21-0021
11/9/20

**HB 629-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

FISCAL IMPACT: State County Local None

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

COUNTY:

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

LOCAL:

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

METHODOLOGY:

This bill permits adults to possess up to 3/4 of an ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to cultivate up to 6 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 3/4 of an ounce of cannabis, 5 grams of hashish, or up to 300 mg of cannabis-infused products, or 3 immature plants; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a \$100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to \$750; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell cannabis accessories to other adults.

The Judicial Branch offers the following information concerning the fiscal impact of this bill:

- The bill, which makes it legal to possess personal-use quantities of cannabis, could reasonably be expected to decrease the number of simple possession cases in the Circuit Courts, thus lowering revenue from fines. However, this bill also creates a number of new violation-level offenses, which could be expected to increase the volume of cases and revenue from fines.
- The Branch assumes the bill is likely to increase the ubiquity and availability of cannabis, while at the same time making it illegal to consume cannabis in public. This is likely increase the number of violation-level offenses and the associated fine revenue.
- Because the bill restricts where and how cannabis can be grown, people who live in rural areas and own their own homes will have conditions favorable for growing their own cannabis plants. These restrictions would likely constrain those living in urban settings from growing cannabis, as they are less likely to have the physical space conditions conducive for growing cannabis. Accordingly, the bill is unlikely to affect the supply and demand for cannabis in urban communities, and is unlikely to increase or decrease the number of marijuana-related charges presently brought in the Circuit and Superior Courts in those areas.
- Since the bill preserves the illegality of possessing cannabis in larger quantities and the illegality of selling or exchanging marijuana, and because it would likely have little effect on the supply and demand in more densely populated areas, it will likely not effect the number of misdemeanor and felony-level criminal cases brought in the Circuit and Superior Court or on the fine revenue from those proceedings.
- Overall it is likely the bill would lead to an increase in the number of violation-level offenses in the Circuit Court and increase fine revenue to the Alcohol Abuse Prevention and Treatment Fund. The increase in workload is likely be able to be absorbed by the Judicial Branch within existing resources.

The Judicial Council indicates the indigent defense system handles very few stand-alone marijuana possession cases, so a decrease in those charges will not impact expenditures. Individuals are not entitled to court-appointed counsel for a violation level offense so representation would not be provided through the indigent defense system for violating this statute.

The Department of Justice would not be involved in the prosecution of these offenses, which would be handled by municipal prosecutors and the county attorneys. Appeals from convictions from such offenses would be handled by the Criminal Justice Bureau and could be done within the current budget. The Attorney General's Drug Task Force investigates street-level crimes that sometimes involve the sale and possession of controlled drugs, including marijuana. If this

bill were to pass, the task force's efforts would be redirected away from marijuana cases to other controlled drugs. The Department assumes the bill would have little impact on its prosecution or investigation tasks. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department would absorb the cost within its existing budget.

The Department of Safety, Division of State Police, states the fiscal impact of the bill is indeterminable at this time. The Division indicates there will be costs associated with the laboratory analysis necessary for cannabis infused products seized as evidence. This cost is unknown. In addition, there may be savings as less cannabis would be submitted for analysis due to fewer arrests for cannabis possession. However, the amount of such savings cannot be predicted. Fewer possession of cannabis cases may result in a reduction in local law enforcement expenditures, but any such reduction is speculative and therefore indeterminable.

The Department of Health and Human Services, Bureau of Drug and Alcohol Services notes there is considerable uncertainty about the impact that legalizing personal use of marijuana in New Hampshire would have on public budgets including unknowns around potential increases in consumption, treatment utilization, and associated costs. The Department indicates the science is currently divided on the causal effects of marijuana on psychoses, schizophrenia, and drugged driving. The Department is unable to determine if these areas would be impacted or what fiscal impact may result. Any additional fine revenue that would be deposited into the alcohol fund to support treatment and prevention services is also indeterminable. The Division of Public Health Services reviewed this bill and determined that there is no fiscal impact to that program area.

The Department of Corrections indicates it cannot predict the number of people that would be affected by this bill, which makes the fiscal impact indeterminable.

The New Hampshire Municipal Association states legalization of cannabis and hashish is likely to affect municipal expenditures, primarily for law enforcement. There may be a reduction in expenditures related to drug enforcement because sale, possession, and use of these products by adults will no longer be illegal. At the same time, if legalization results in an increase in usage, there may be an increase in expenditures related to impaired driving enforcement, overdose response, and preventing sale to minors. These effects are speculative and not capable of estimate. Therefore, the Association cannot estimate the effect on municipal expenditures. There should be no effect on municipal revenues.

The New Hampshire Association of Counties states it is not able to determine the number of individuals that this bill would impact, and therefore is unable to determine the fiscal impact on the county expenditures and revenue.

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Departments Justice, Safety, Health and Human Services and Corrections, New Hampshire Municipal Association and New Hampshire Association of Counties

Amendments

Sen. Kahn, Dist 10
Sen. French, Dist 7
Sen. Reagan, Dist 17
April 28, 2022
2022-1885s
04/10

Floor Amendment to HB 629-FN

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the possession of cannabis and certain cannabis-infused products.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Other Alcohol and Drug Offenses; Possession of Drugs. Amend RSA 265-A:43 to read as
8 follows:

9 265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly
10 having in his or her possession or in any part of the vehicle a controlled drug or controlled drug
11 analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her
12 license shall be revoked or his or her right to drive denied for a period of 60 days and at the
13 discretion of the court for a period not to exceed 2 years. This section shall not apply to the
14 possession of cannabis or hashish as provided in RSA 318-B:2-c~~[-or a personal-use amount of a~~
15 ~~regulated marijuana-infused product as defined in RSA 318-B:2 c, I(b)].~~

16 2 Controlled Drug Act; Personal Possession of Cannabis. Amend RSA 318-B:2-c to read as
17 follows:

18 318-B:2-c Personal Possession of ~~[Marijuana]~~ **Cannabis**.

19 I. In this section:

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

28 (b) ~~["Personal-use amount of a regulated marijuana-infused product"]~~ **"Cannabis-**
29 **infused product"** means one or more products that is comprised of ~~[marijuana, marijuana]~~
30 **cannabis, cannabis** extracts, or resins and other ingredients and is intended for use or

1 consumption, such as, but not limited to, edible products, ointments, and tinctures~~[- which was~~
2 ~~obtained from a state where marijuana sales to adults are legal and regulated under state law, and~~
3 ~~which is in its original, child-resistant, labeled packaging when it is being stored, and which contains~~
4 ~~a total of no more than 300 milligrams of tetrahydrocannabinol].~~

5 (c) *“Possession limit” means:*

6 (1) *Three-quarters of an ounce of cannabis, excluding hashish, cannabis-*
7 *infused products, and growing cannabis plants;*

8 (2) *Five grams of hashish; and*

9 (3) *Cannabis-infused products containing no more than 300 milligrams of*
10 *tetrahydrocannabinol (THC).*

11 *I-a. Except as provided in paragraph I-b, if undertaken by a person 21 years of age*
12 *or older, the following acts shall not be illegal under New Hampshire law, shall not be a*
13 *criminal or civil offense under New Hampshire law or the law of any political subdivision*
14 *of New Hampshire, and shall not be a basis for seizure or forfeiture of assets under New*
15 *Hampshire law:*

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

18 (b) *Transferring $\frac{3}{4}$ of an ounce of cannabis, 5 grams of hashish, or cannabis-*
19 *infused products containing no more than 300 milligrams of THC, to a person who is 21*
20 *years of age or older without remuneration. For purposes of this subparagraph, a transfer*
21 *is for remuneration if cannabis is given away contemporaneously with another transaction*
22 *between the same parties, if a gift of cannabis is offered or advertised in conjunction with*
23 *an offer for sale of goods or services, or if the gift of cannabis is contingent upon a separate*
24 *transaction for goods or services; and*

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

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

30 II. Except as provided in RSA 126-X, any person *under 21 years of age* who knowingly
31 possesses $\frac{3}{4}$ of an ounce or less of ~~[marijuana]~~ *cannabis*, including adulterants or dilutants, shall
32 be guilty of a violation, and subject to the penalties provided in paragraph [V] IV.

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

36 IV. ~~[Except as provided in RSA 126 X, any person 21 years of age or older possessing a~~
37 ~~personal use amount of a regulated marijuana infused product shall be guilty of a violation, and~~

Floor Amendment to HB 629-FN

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1 subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21
2 years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.

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

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

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

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

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

28 (d) Any person in possession of an identification card, license, or other form of
29 identification issued by the state or any state, country, city, or town, or any college or university,
30 who fails to produce the same upon request of a police officer or who refuses to truthfully provide his
31 or her name, address, and date of birth to a police officer who has informed the person that he or she
32 has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of
33 ~~[marijuana, a personal use amount of a regulated marijuana-infused product,]~~ **cannabis** or 5 grams
34 or less of hashish, may be arrested for a violation of paragraph ~~[II, III, or IV]~~ **II or III**.

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

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

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

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

10 (a) *Be construed to require an employer to permit or accommodate the use,*
11 *consumption, possession, transfer, display, transportation, or sale of cannabis in the*
12 *workplace or to affect the ability of employers to have policies restricting the use of*
13 *cannabis by employees.*

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

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

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

23 3 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c) and (d) to read as follows:

24 (c) In the case of more than 3/4 ounce of ~~[marijuana]~~ **cannabis, cannabis-infused**
25 **products containing more than 300 milligrams of THC**, or more than 5 grams of hashish,
26 including any adulterants or dilutants, the person shall be guilty of a misdemeanor. In the case of
27 ~~[marijuana-infused]~~ **cannabis-infused** products possessed by persons under the age of 21 ~~[or~~
28 ~~marijuana-infused products as defined in RSA 318 B:2 c, other than a personal use amount of a~~
29 ~~regulated marijuana-infused product as defined in RSA 318 B:2 c, I(b), that are possessed by a~~
30 ~~person 21 years of age or older]~~, the person shall be guilty of a misdemeanor.

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

36 4 New Paragraph; Controlled Drug Act; Penalties. Amend RSA 318-B:26 by inserting after
37 paragraph VIII the following new paragraph:

Floor Amendment to HB 629-FN

- Page 5 -

1 VIII-a.(a) No person, other than an alternative treatment center approved pursuant to RSA
2 126-X, shall perform solvent-based extractions on cannabis using solvents other than water,
3 glycerin, propylene glycol, vegetable oil, or food grade ethanol.

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

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

7 5 Model Drug Dealer Liability Act; Definitions. Amend RSA 318-C:4, I to read as follows:

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

11 6 Alcohol or Drug Impairment; Driving or Operating Under Influence of Drugs or Liquor.
12 Amend RSA 265-A:2, I to read as follows:

13 I. No person shall drive or attempt to drive a vehicle upon any way or operate or attempt to
14 operate an OHRV:

15 (a) While such person is under the influence of intoxicating liquor or any controlled
16 drug, prescription drug, over-the-counter drug, or any other chemical substance, natural or
17 synthetic, which impairs a person's ability to drive or any combination of intoxicating liquor and
18 controlled drugs, prescription drugs, over-the-counter drugs, or any other chemical substances,
19 natural or synthetic, which impair a person's ability to drive; or

20 (b) While such person has an alcohol concentration of 0.08 or more or in the case of a
21 person under the age of 21, 0.02 or more; *or*

22 (c) *While such person has a marijuana concentration, as shown by 5 or more*
23 *nanograms per milliliter of blood, of any of the following:*

24 (1) *Delta 9-tetrahydrocannabinol (delta 9-THC).*

25 (2) *11-hydroxy-delta 9-tetrahydrocannabinol (11-OH-THC).*

26 (3) *11-nor-9-carbox-delta 9-tetrahydrocannabinol (THC-COOH).*

27 7 Effective Date. This act shall take effect January 1, 2023.

2022-1885s

AMENDED ANALYSIS

This bill permits adults to possess up to 3/4 of an ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to give cannabis to other adults, provided it is not more than 3/4 of an ounce of cannabis, 5 grams of hashish, or up to 300 mg of cannabis-infused products; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a \$100 fine; penalizes dangerous, volatile extraction; permits adults to possess, make, and sell cannabis accessories to other adults; and adds blood chemical levels indicating the presence of marijuana to the prohibitions on driving or operating under the influence of drugs or liquor.

Committee Minutes

SENATE CALENDAR NOTICE

Judiciary

Sen Sharon Carson, Chair
 Sen Bill Gannon, Vice Chair
 Sen Harold French, Member
 Sen Rebecca Whitley, Member
 Sen Jay Kahn, Member

Date: March 30, 2022

HEARINGS

Thursday

04/07/2022

	(Day)		(Date)	
Judiciary		State House 100		9:00 a.m.
(Name of Committee)		(Place)		(Time)
9:00 a.m.	HB 629-FN			relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.
9:30 a.m.	HB 1677-FN			relative to the administration and settlement of claims of abuse at the youth development center and making an appropriation therefor.
10:00 a.m.	HB 1673-FN			relative to the scope of the fetal life protection act.
1:00 p.m.	HB 1346			establishing a commission to study the New Hampshire family court system.
1:15 p.m.	HB 1325			relative to release of confidential records of a person appointed a guardian.
1:30 p.m.	HB 1515			relative to the guardian ad litem report requirements.
1:45 p.m.	HB 1520			relative to procedures for guardians ad litem.
2:00 p.m.	HB 254			relative to the placement of minors in secure settings.
2:15 p.m.	HB 1265			relative to the waiver of rules in family court proceedings and requiring the establishment of a family division rule waiver database.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 629-FN

Rep. McGuire
 Rep. Sylvia

Rep. True
 Rep. McWilliams

Rep. Verville

Rep. T. Lekas

HB 1677-FN

Rep. UMBERGER
 Sen. Bradley

Rep. Wallner

Rep. Rice

Rep. Long

HB 1673-FN

Rep. M. Smith
 Rep. Kenney
 Sen. Rosenwald

Rep. Simpson
 Rep. Amanda Bouldin
 Sen. Whitley

Rep. Altschiller
 Rep. Rogers
 Sen. Sherman

Rep. Toll
 Rep. K. Murray

HB 1346

Rep. Gay
 Rep. Harley
 Rep. Homola

Rep. Stapleton
 Rep. Bernardy
 Rep. Woods

Rep. Rung
 Rep. Wuelper

Rep. McWilliams
 Rep. Greeson

HB 1325

Rep. P. Schmidt

HB 1515

Rep. Gay

Rep. Kofalt

Rep. Post

HB 1520

Rep. Belanger

Rep. Andrew Bouldin

Rep. B. Boyd

Sen. Bradley

HB 254

Rep. Rice

Sen. Carson

HB 1265

Rep. Gay

Rep. Bernardy

Rep. DiLorenzo

Rep. Stapleton

Rep. Cali-Pitts

Rep. Long

Rep. Moran

Rep. Prout

Rep. Long

Sen. Hennessey

Rep. Stapleton

Rep. Greeson

Rep. Post

Rep. Langley

Rep. Bernardy

Rep. M. Pearson

Rep. McGuire

Sen. Gannon

Rep. Wallner

Sen. Rosenwald

Rep. Rung

Rep. Langley

Sen. Reagan

Rep. Booras

Rep. McWilliams

Rep. Amanda Bouldin

Rep. Johnson

Sen. Watters

Rep. M. Smith

Rep. Harley

Rep. Kofalt

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee

Sonja Caldwell 271-2117

HB 629-FN, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

Hearing Date: April 7, 2022

Members of the Committee Present: Senators Carson, Gannon, French, Whitley and Kahn

Members of the Committee Absent : None

Bill Analysis: This bill permits adults to possess up to 3/4 of an ounce of cannabis, 5 grams of hashish, and certain cannabis-infused products; permits adults to cultivate up to 6 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 3/4 of an ounce of cannabis, 5 grams of hashish, or up to 300 mg of cannabis-infused products, or 3 immature plants; provides that smoking or vaporizing cannabis in public by an adult would be punishable by a \$100 fine; provides that violations of the restrictions on cultivation would be a violation punishable by fine of up to \$750; penalizes dangerous, volatile extraction; and permits adults to possess, make, and sell cannabis accessories to other adults.

Sponsors:

Rep. McGuire

Rep. True

Rep. Verville

Rep. T. Lekas

Rep. Sylvia

Rep. McWilliams

Who supports the bill: 175 individuals in support. Sign in sheets available upon request.

Who opposes the bill: 35 individuals opposed. Sign in sheets available upon request.

Who is neutral on the bill: No one

Summary of testimony presented:

Rep. McGuire

- This is a simple bill to legalize personal use and ownership of cannabis. It also allows for a limited amount of home growth, but it does not allow for any commercial sales of any sort.
- It maintains the existing crimes of driving under the influence, possession with the intent to sell, and providing cannabis to children.
- There are no taxes or fees involved because there is no state regulation.

- There are no retail sales specified or allowed, therefore the state does not need to get involved.
- There might be some light rulemaking.
- There might be a decrease in police efforts and court efforts to penalize simple possession.

Sen. French noted that the bill references $\frac{3}{4}$ of an ounce. He asked how many plants.

Rep. McGuire said six.

Sen. French asked if that meant six mature plants.

Rep. McGuire said six plants with three or fewer being mature. $\frac{3}{4}$ of an ounce excludes growing plants.

Rep. Eric Gallagher

- Supports this bill.
- Received contact from constituents indicating this is important to them.
- Wants to represent their will and relay the level of support he has seen from this from his constituency.

Currie Myers - AFP

- Retired Sheriff from Johnson County Kansas. AFP policy advisor. College professor.
- He had 750 deputies and served a population of 650,000.
- He investigated major drug cases and homicides. He was a state trooper.
- He wants to focus law enforcement efforts on violent crime and away from smaller crimes.
- The clearance rate for murder is 54% in the US. Rape is 30%. Burglaries are down around 15%. These are major offenses. It's frustrating to not have clearances of those cases with respect to law enforcement resources.
- Law enforcement is suffering from recruitment issues.
- It takes resources away when dedicating them to minor cannabis violations.
- The states that already have cannabis use have not seen an increase in crime directly related to cannabis use.
- The Manchester police chief said they have had a reduction in violent crime.
- Not seeing a causal increase in crime related to cannabis.
- Impaired driving is another issue of concern for law enforcement. Law enforcement stops someone because they see them doing something illegal such as speeding or failure to maintain a single lane of traffic. The reason you're stopping someone is you think they may be under the influence based on traffic patterns. Once the stop is made, the officer will do an assessment to see if they are under the influence. Marijuana is no different than alcohol when it comes to motor skills. They will fail the same field tests, however you won't get a BAC.
- We need more officers trained in drug recognition; that can be done to make sure they understand the growing use of cannabis across the country.
- Many states have developed regulations related to cannabis. If you overregulate or overtax cannabis it causes the black market to occur, like California has done. You can also underregulate it.
- Law enforcement wants standards and quality control.
- When you buy illegally on the street you have no idea what you are buying.
- Most law enforcement are ok with some sort of marijuana reform.
- Law enforcement is in a position to advise and counsel the legislature.

Ross Connolly – AFP

- Supports the bill.
- NH is surrounded currently by three states and one nation that decided to legalize recreational use of cannabis.
- This bill avoids controversy by excluding the creation of a regulatory market and retail sales.
- Over 100,000 granite stater are currently using cannabis.
- This bill completes the work that decriminalization began, which is to stop treating cannabis users as criminals and avoiding the consequences that come with prohibition.
- Some of those consequences have resulted in massive damage to families, communities, the economy, and the public trust in our criminal justice system.
- This bill will go a long way toward improving public trust with law enforcement. Over 70% of granite stater support legalizing recreational cannabis for adults.
- They are not saying cannabis is good for you, but the consequences of prohibition are far worse than legalizing cannabis for adult possession.
- It does not set up a commercial market. It takes a sensible step to remove penalties.
- It also allows for home cultivation of three mature plants and three seedlings. They understand this part of the bill is controversial for this body. They hope the Senate will at least legalize possession for adults.
- The most immediate problem is over 1,500 individuals have been arrested and prosecuted for cannabis possession in 2020. One can lose student loan funding or housing.
- He suggests legalizing possession for up to 2 ounces, which is what the sales in Massachusetts are.

Sen. French asked if he said there were 1,500 arrests in 2020 and if that was for possession of over $\frac{3}{4}$ of an ounce.

Mr. Connolly said yes 1,500 arrests in excess of the decriminalized limit.

Sen. French asked what the charges were.

Mr. Connolly said if you are over the decriminalized limit, it would be a class A misdemeanor.

Sen. French said he understands that if you're convicted of a misdemeanor in the US, you are prohibited from ever visiting Canada.

Mr. Connolly did not know if that was the case but said he would follow up.

Matt Simon – Prime Alternative Treatment Center

- Therapeutic cannabis treatment center.
- Longtime advocate for cannabis legalization.
- One issue is legalizing possession, and one is setting up a regulated market.
- This bill only deals with the first of those two issues.
- This bill puts NH cannabis possession and cultivation policies in line with neighboring jurisdictions and is the least that we should be doing.
- Three reasons to support this bill: many granite stater and visitors bring cannabis they purchased in other states, and it is inhospitable to fine or arrest them; home cultivation is a felony in NH, and this should be a legal option for adults and the patients they serve; it is clear that fining and arresting adults is not a legitimate function of government and should not be done.

Daryl Eames - Founder NH Cannabis Association

- They are focused on jobs, investment, and entrepreneurship. They understand this bill addresses none of that but are still in support of it.
- No one cares how much beer or alcohol you have at your house.
- They see this bill as a minimum that should be done this year.
- This bill is conservative and almost inconsequential in his opinion.
- It allows for a minimum amount of possession so we can stop arresting people and be more hospitable.
- It is not easy to grow a cannabis plant. People who grow it are enthusiasts, conscious about what they are ingesting, or are a medical patient.
- 78% of people want legalization in NH.

Clay Clarkson – NH Cannabis Association

- Founder of a company called Cannabis and Honey, which is indigenous and black-owned.
- Supports the bill.
- Allows cannabis consumers to be part of NH's workforce.
- He is a young entrepreneur that harbors technology that advances the cannabis culinary market. His technology helps create more high-end tech jobs in NH.
- He invented thermally stable products that enable a way to cook with cannabis without the worry of boiling off its active components.
- His company's products include cooking oils, flours, and seasonings.
- Hopes to see restaurants and grocery stores selling these products one day.
- Cannabis culinary ingredients should be treated just like alcohol.
- Cannabis businesses need to follow high quality and scientific standards to ensure accurate labeling and high-quality control.

Heather Marie Brown - Co-Chair NH Therapeutic Medical Cannabis Oversight Board

- Is on her own to support this bill in its entirety.
- Will allow for necessary changes that need to be made to the therapeutic cannabis program to address accessibility and affordability.
- Because of dispensary costs associated with production, manufacturing, and regulations, the cannabis produced is not affordable to all patients. Allowing home grow will create the avenue needed to include medical patients. Not every patient will attempt this, but it will make a difference for those who really need it.
- This bill is an important first step forward for every NH citizen and also the medical cannabis program.
- She agrees that the bill is conservative in nature.
- These are simple requests and minor changes, but they can have such a meaningful impact and relieve stress and pressure at the state and law enforcement level.
- She discovered that Police Standards and Training does not train officers related to cannabis users. There is a disconnect. This bill would alleviate a lot of those issues.
- She would change the amount a person is allowed to possess because no one goes out and gets $\frac{3}{4}$ of an ounce, most people get one ounce.
- She thinks we should fall in line with the states around us.
- She went to a new dispensary in Lebanon, Maine. Out of 25 cars in the parking lot, 22 had NH plates. We should not encourage NH residents to travel across state lines. We should keep them here and safer.

- This would allow the time needed after passage to tackle the issue of sales and distribution throughout the state. We need the time to figure that structure out.

Sen. French asked if therapeutic cannabis patients can buy an ounce or more at a time.

Ms. Brown said yes, they are allowed to purchase up to two ounces every ten days. In a month, they could purchase six ounces of cannabis. They are not allowed to possess any more than two ounces of cannabis.

Sen. French asked if passage of this bill would end the need for therapeutic cannabis.

Ms. Brown said no. The therapeutic cannabis program is needed. Individuals that access this program need the education, information and protections provided by the program. It is a small number of people that would possibly jump ship. Others need the counseling and need to go into a medical facility. That knowledge isn't common to everyone. Patients need and want that. They also want to increase accessibility and affordability. This would also allow patients or citizens to use their labs that are testing therapeutic cannabis so they can test their own cannabis that they are producing for safety and peace of mind. Currently no one other than the dispensaries can use that lab.

Sen. Gannon asked if the 1,500 arrests included impaired drivers or just possession.

Ms. Brown stated that as a citizen it is not easy for her to get information on that.

Sen. Gannon said if he or someone he knew had cancer, he would be happy sending them to Matt Simon's therapeutic place because he knows he will treat it like a medicine and know the strength of what he is prescribing. He is confident in that process. He asked if she is worried people will use what they grow as a medication and not get a product that is there to help them. He also asked if it would water down the therapeutic industry.

Ms. Brown said no. This bill opens the door for a collaborative relationship. There could be changes made to the system to allow dispensaries to go into the retail system where they could provide seeds or educational classes. If you give people the tools, they will use them.

Sen. Carson said she didn't see anything that dealt with how a person will get a plant or seeds. She asked how someone gets the material.

Ms. Brown said seeds are available everywhere. You can order them online. You can get genetics across the border. On a previous home-grow bill she did the math and she said it would have cost \$150 to buy the supplies needed to produce enough cannabis to support her medical needs for six months, which would have been a savings of over \$8,000. She would be comfortable working with her dispensary to pick out the seeds and strains that would be most beneficial to her.

Sen. Gannon asked if she is concerned about having cannabis in a house with children.

Ms. Brown said she is a mother of three and has never hidden the fact that she is a cannabis user from them. She doesn't want her children to be ashamed of the choices she made to be able to participate in their lives as a functioning member of society. She has a 9-year-old. Everything she has had in her home she does not use in front of her children. It is kept secure under lock and key. Kids do find things. The more you keep it taboo without education or explanation that's where problems arise. Passing this bill will decrease the stigma of cannabis use in the state and allow parents to have conversations with their children. Her 25-year-old does not use any form of substance. If she had kept it a secret, it would have created more of an allure.

Sen. Gannon said that if we legalize cannabis, they will be selling it at grocery stores and kids will see it.

Ms. Brown said this bill does not allow for that currently. She added that with the number of deaths and injuries associated with misuse of alcohol we still have it on shelves in visual proximity to children.

Sen. Gannon asked about DUIs.

Ms. Brown said that can occur with overuse and abuse.

Frank Knaack - ACLUNH

- Multiple studies have found no increase in youth use in states that have legalized.
- A Journal of the American Medical Association study from 2019 found that recreational marijuana laws were associated with an 8% decrease in the odds of marijuana use and 9% decrease in frequent marijuana use by youth.
- If you are a student arrested and convicted of marijuana, use you lose financial aid. It can impact housing, employment and child custody decisions.
- They did an economic analysis of costs associated with a marijuana arrest and found the time involved with the marijuana arrests from 2010 cost NH taxpayers \$6.5 million annually.
- Spending \$3.25 million a year enforcing possession.
- The 1,500 arrests mentioned previously were just possession, not DUI.
- Black and white people use marijuana at roughly the same rate, yet in NH, Black people are 4.8 times more likely to be arrested for marijuana possession. That is up from 2.6 times more likely in 2010. In 2020 data in cities like Manchester they are 13 times more likely.
- One of the concerns they've heard is that this might have a negative effect on the opioid problem, however, evidence suggests marijuana legalization is related to a reduction in opioid related deaths.

Sen. Gannon mentioned causality in minorities. He suggested that the arrests are higher in cities because people are more visible and there is a higher minority rate living in cities.

Mr. Knaack said that could possibly be true if there weren't such consistency everywhere on this issue; there is disproportionality everywhere.

Joe Hannon

- Former state representative who was on the study committee about legalization.
- With regard to prohibition and its effects, the 18th amendment didn't prohibit possession or consumption of alcohol, unlike cannabis currently.
- Prohibition results in more substances being in the hands of criminal gangs.
- Being able to grow medicine at home and not have to pay insurance or a pharmacy is possible under this bill.
- Our state constitution says that all penalties ought to be in proportion to the offense. Possession of over 5 grams is a felony punishable by up to 7 years and a \$100,000 fine. A second offense is punishable by 15 years and a \$200,000 fine. Sexual assault is punishable by 7 years and a \$4,000 fine. That's not just or proportioned.
- We already have home brew for alcohol and wine. RSA175:5-b allows 100,000 gallons a year for family use. We're talking about a few plants for an individual.

Heather Stockwell – Rights and Democracy

- Humans have used substances from the beginning of time for various reasons. We as a society can be more accepting and forgiving.
- Prefers this bill over HB1598 for legalization. Sale and legalization should not be tied together.

- This brings freedom, liberty, and equity.
- This bill has reasonable requirements and limitations for adult use.
- It takes into account other state laws.
- This brings financial equity to people in lower income brackets who might not want to get a medical card. They can be out of reach financially for many people.
- Using cannabis is a form of harm reduction as it can be used in place of more harmful substances to help overcome addiction to opioids and alcohol.
- No one has ever overdosed from cannabis.

Sen. Gannon asked how long it takes for a plant to 'get mature and how many ounces one can get from a plant.

Ms. Stockwell said it depends on how good you are at it. It is very dependent on a lot of things.

Jodi Newell – Keene.

- Supports bill.
- Logical to legalize cannabis use.
- Cannabis has been vilified for too long in spite of proven medical benefits.
- Cannabis can be used in substance use recovery.
- She lost her fiancé, the father of her kids, to an opioid overdose.
- Many have used cannabis to maintain sobriety. It carries no risk of addiction and has claimed zero lives.
- Cannabis should be legalized, normalized and destigmatized.

Frank Douglas

- NH residents pride themselves with freedom.
- Without legalization of marijuana, NH is at a disadvantage.
- This will bring middle-class people to NH because they can feel comfortable growing marijuana.
- He is from MA but moved to NH because he likes the feeling of freedom and the laid-back atmosphere of NH.
- Just decriminalization actually targets the poor because fines accumulate and people that don't have the money to pay those fines or get therapeutic use are behind the eight ball.
- Being able to access cannabis for pain and mental health will save lives.
- His friend who suffered from mental health issues couldn't get marijuana and turned to meth and is in jail now.

Sen. Gannon said Foss Industries makes dashboards for cars and plastic bins for airplanes and they deal with hot, molten substances, and if you can't pass a drug test, you can't work there. He asked if he was concerned about limiting people's futures.

Mr. Douglas said that's a choice of the company itself. That's something people need to know when they apply. That's their responsibility. That is the risk the person takes.

Speakers

Senate Judiciary Committee SIGN-IN SHEET

Date: 04/07/2022 Time: 9:00 a.m.

HB 629- AN ACT relative to the home cultivation of cannabis plants and the
FN possession of certain cannabis-infused products.

Name/Representing (please print neatly)

	Support	Oppose	Speaking?	Yes	No
Ross Connolly AFP-NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Eliza Zarka - Gov's office	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Rep Mike Sylve Belknap Co	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sponsor Rep Carol McGuire	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Matt Snow/Prime ATC	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Daryl Eames/NH Cannabis Association	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Michael Saltzman/NH Cannabis Association	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Clay Clarkson/NH Cannabis Association	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Lt. Bill Bright/NH State Police	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
SHERIFF (RET) Lucie Myers AFP-NAT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FRANK KNAACK / ALLU of NH	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Elizabeth Sargent, NH Assoc of Chiefs of Police	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Heather Marie Brown (co-chair TCMOB)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ERIC GALLAGHER - Rep. Concord Ward 6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Speaking?	<input type="checkbox"/>	<input type="checkbox"/>

6:17 PM

Senate Remote Testify

Judiciary Committee Testify List for Bill HB629 on 2022-04-07

Support: 160 Oppose: 32

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Craig, Kevin	An Elected Official	Coös-4	Support
Howland, Curtis	A Member of the Public	Myself	Support
Medeiros, Jesse	A Member of the Public	Myself	Support
SKIDMORE, CLARENCE	A Member of the Public	Myself	Oppose
Carignan, Marc	A Member of the Public	Myself	Support
Alleman, Bill	A Member of the Public	Myself	Support
Doyon, Katherine	A Member of the Public	Myself	Support
Doyon, Steve	A Member of the Public	Myself	Support
topping, kimberly	A Member of the Public	Myself	Support
DeCicco, Frederick	A Member of the Public	Myself	Support
Newell, Lisa	A Member of the Public	Myself	Support
hurley, joshua	A Member of the Public	Myself	Support
Herget, Makena	A Member of the Public	Myself	Support
bernard, keith	A Member of the Public	Myself	Support
Brown, Kathleen	A Member of the Public	Myself	Support
Brown, Roger	A Member of the Public	Myself	Support
COTE, CASSANDRA	A Member of the Public	Myself	Support
Ross, Kyle	A Member of the Public	Myself	Support
Kelly, Jamie	A Member of the Public	Myself	Support
Kendall, Ayla	A Member of the Public	Myself	Support
Judkins, Karen	A Member of the Public	Myself	Support
Green, Jenny	A Member of the Public	Myself	Support
James, Jax	A Member of the Public	National Organization for the Reform of Marijuana Laws (NORML)	Support
McMath, Paul	A Member of the Public	Myself	Support
Skuse, George	A Member of the Public	Myself	Support
M Jarvis, Joseph	A Member of the Public	Myself	Support
Nelson, Elizabeth	A Member of the Public	Myself	Support
Johnston, Christopher	A Member of the Public	Myself	Support
Wetherbee, Wendy	A Member of the Public	Myself	Support
Davis, Melissa	A Member of the Public	Myself	Support
Matos, Tony	A Member of the Public	Myself	Support
weinberg, rick	A Member of the Public	Myself	Support
Young, Michael	A Member of the Public	Myself	Support
Veilleux, Lisa	A Member of the Public	Myself	Support
ewing, mark	A Member of the Public	Myself	Support
ewing, margaret	A Member of the Public	Myself	Support
Favazza, Aimee	A Member of the Public	Myself	Support
Johnson, Scott	A Member of the Public	Myself	Support
Savitch, Joe	A Member of the Public	Myself	Support
Parker-Roberge, Alyssa	A Member of the Public	Myself	Support
Gerald, Claire	A Member of the Public	Myself	Support
Harris, Richard	A Member of the Public	Myself	Support
Ishaya, Savitr	A Member of the Public	Myself	Support
Scott-Martinet, Karen	A Member of the Public	Myself	Support
Lafaso, John	A Member of the Public	Myself	Support
Hughes, Debra	A Member of the Public	Myself	Support
Pawlowski, Lyn Richards	A Member of the Public	Myself	Support

Share, Aaron	A Member of the Public	Myself	Support
Cashman, Brian	A Member of the Public	Myself	Support
Hanson, Nicole	A Member of the Public	Myself	Support
Cashman, Madeline	A Member of the Public	Myself	Support
Watts, Christopher	A Member of the Public	Myself	Support
Adams, Luanne	A Member of the Public	Myself	Support
Cooper, Matthew	A Member of the Public	Myself	Support
Harris, Laurie	A Member of the Public	Myself	Support
Pouliot, Bruce	A Member of the Public	Myself	Support
Feole, Stephen	A Member of the Public	Myself	Support
benner, gina	A Member of the Public	Myself	Support
Brown, Timothy	A Member of the Public	Myself	Support
Ullery, Hollis	A Member of the Public	Myself	Support
Rito, Julie	A Member of the Public	Myself	Support
Harris, Cynthia Gale	A Member of the Public	Myself	Support
Hilley, Patricia	A Member of the Public	Myself	Support
Norris, Jessica	A Member of the Public	Myself	Support
Norris, John	A Member of the Public	Myself	Support
Stockwell, Daniel	A Member of the Public	Myself	Support
Allore, William	A Member of the Public	Myself	Support
Larochelle, Virginia	A Member of the Public	Myself	Support
O'Rourke, Colleen	A Member of the Public	Myself	Support
McLoughlin, Pamela	A Member of the Public	Myself	Support
Ramirez Rios, Christopher	A Member of the Public	Myself	Support
Millard, Joshua	A Member of the Public	Myself	Support
Murphy, Alijah	A Member of the Public	Myself	Support
A Ruskey, Lisa	A Member of the Public	Myself	Support
Poulin, Amy	A Member of the Public	Myself	Support
Crooker, Leah	A Member of the Public	Myself	Support
Pucci, Ellen	A Member of the Public	Myself	Support
Somogyi, Stacey	A Member of the Public	Myself	Support
Krueger, Jim	A Member of the Public	Myself	Support
Lyman, Cara	A Member of the Public	Myself	Support
Pariseau, Dharma	A Member of the Public	Myself	Support
Smith, Jennifer	A Member of the Public	Myself	Support
Hubbard, Sarah	A Member of the Public	Myself	Support
Haddad, Ericka	A Member of the Public	Myself	Support
Muise, joey	A Member of the Public	Myself	Support
Sims, Julie	A Member of the Public	Myself	Oppose
Sims, Roy	A Member of the Public	Myself	Oppose
Biron, Christopher	A Member of the Public	Myself	Support
Presby, A.	A Member of the Public	Myself	Support
Tuz, Devin	A Member of the Public	Myself	Support
Lehman, Brenda	A Member of the Public	Myself	Support
Campisi, Sandra	A Member of the Public	Myself	Support
Davis, Justin	A Member of the Public	Myself	Support
McGuinness, Martha	A Member of the Public	Myself	Support
Faulkner, Mark	A Member of the Public	Myself	Support
Madison, Benjamin	A Member of the Public	Myself	Support
Wheeler, Jeffrey	A Member of the Public	Myself	Support
Swiger, Jerry	A Member of the Public	Myself	Support
Skenandore, Anthony	A Member of the Public	Myself	Support
Wikstrom, Kathleen	A Member of the Public	Myself	Support
Ford, David Conor	A Member of the Public	Myself	Support
Petrin, Daniel	A Member of the Public	Myself	Oppose
Labrie, Manny	A Member of the Public	Myself	Support

Trainor, Amber	A Member of the Public	Myself	Support
Tremblay, Corey	A Member of the Public	Myself	Support
Brodeur, Judy	A Member of the Public	Myself	Support
LaFleur, Griffin	A Member of the Public	Myself	Support
gingras, Heidi	A Member of the Public	Myself	Support
Ferrier, Jamie	A Member of the Public	Myself	Support
Poltila, Klaus	A Member of the Public	Myself	Support
Sadowski, Kevin	A Member of the Public	Myself	Support
Fiset, John	A Member of the Public	Myself	Support
Lally, Joseph	A Member of the Public	Myself	Support
Sicard, Catherine	A Member of the Public	Myself	Support
Mehaffey, Marshall	A Member of the Public	Myself	Support
Boutin, Michael	A Member of the Public	Myself	Support
HASTINGS, JUDITH	A Member of the Public	Myself	Support
Bridge, Deirdre	A Member of the Public	Myself	Support
Llewellyn, Kaitlyn	A Member of the Public	Myself	Support
Stetson, Nancy	A Member of the Public	Myself	Support
Stetson, Bruce	A Member of the Public	Myself	Support
McCalf, Brian	A Member of the Public	Myself	Support
Doughty, Aftin	A Member of the Public	Myself	Support
Normandin, Joanne	A Member of the Public	Myself	Support
glidden, deborah	A Member of the Public	Myself	Support
Williams, Zach	A Member of the Public	Myself	Support
Beyersdorfer, Audrey	A Member of the Public	Myself	Support
Obrey, Deanna	A Member of the Public	Myself	Support
Spiliotis, Charles	A Member of the Public	Myself	Support
LaFauci, Ami	A Member of the Public	Myself	Support
Putallaz, Louis	A Member of the Public	Myself	Support
CACAVAS, ZOE	A Member of the Public	Myself	Support
Dilger, George	A Member of the Public	Myself	Support
Goddard, Carolyn	A Member of the Public	Myself	Support
Giorlando, Cheryl	A Member of the Public	Myself	Support
Giorlando, Louis	A Member of the Public	Myself	Support
Poisson, Michael	A Member of the Public	Myself	Support
Chiesa, Eva	A Member of the Public	Myself	Support
Krusen, John	A Member of the Public	Myself	Support
Homer, Brian	A Member of the Public	Myself	Support
Mallory, Krystle	A Member of the Public	Myself	Support
Egan, Timothy	An Elected Official	Grafton #2	Support
Gallager, Eric	An Elected Official	Myself (Merrimack County District 15, i.e. Concord Ward 6)	Support
Konze, Margaret	A Member of the Public	Myself	Support
Vail, Suzanne	An Elected Official	Hillsborough County 30	Support
McEachern, Peter	A Member of the Public	Myself	Support
Baltzer, Charles	A Member of the Public	Myself	Support
Share, Jennifer	A Member of the Public	Myself	Support
Sterling, George	A Member of the Public	Myself	Support
Evans, Elizabeth	A Member of the Public	Myself	Support
Dunn, Robert	A Lobbyist	Roman Catholic Bishop of Manchester	Oppose
Brown, Jayma	A Member of the Public	Myself	Support
Hoebeke, Joseph	A Member of the Public	NH Association of Chiefs of Police	Oppose
Levesque, Brian	A Member of the Public	Myself	Oppose
Lord, Brian	A Member of the Public	Myself	Oppose
Duncan, Nicholas	A Member of the Public	Myself	Support
Dontonville, Roger	An Elected Official	Myself	Support
Stiegler, Jeff	An Elected Official	Myself	Oppose
Aldenberg, Chief Allen	A Member of the Public	Myself	Oppose

Baiocchetti, Vinnie	A Member of the Public	Myself	Oppose
Golfstein, David	A Member of the Public	Myself	Oppose
Drury, John	A Member of the Public	Myself	Oppose
Dionne, Tad	A Member of the Public	Myself	Oppose
Shagoury, Andrew	A Member of the Public	Myself	Oppose
Dolan, Joel	A Member of the Public	Myself	Oppose
McGillen, Michael	A Member of the Public	Myself	Oppose
Crowley, Timothy	A Member of the Public	Myself	Oppose
Monier, Stephen	A Member of the Public	Myself	Oppose
Bashaw, Christopher	A Member of the Public	Myself	Oppose
Smith, Bryan	A Member of the Public	Myself	Oppose
Frank, Sam	A Member of the Public	Myself	Oppose
Osgood, Bradley	A Member of the Public	Myself	Oppose
Gernat, Penny	A Member of the Public	Myself	Support
Portinari, Carrie	A Member of the Public	Myself	Support
Marquis, Eric	A Member of the Public	Myself	Oppose
Connelly, Christopher	An Elected Official	Myself	Oppose
Fisher, Gary	A Member of the Public	Myself	Oppose
Miller, Ken	A Member of the Public	Myself	Oppose
Rataj, Charles	A Member of the Public	Myself	Oppose
Laurent, Tara	A Member of the Public	NH Chiefs Association & Greenland Police Department	Oppose
Richard, Domenic	An Elected Official	Myself	Oppose
Wright, Bill	An Elected Official	Belknap County Sheriff's Office	Oppose
McWilliams, Rebecca	An Elected Official	Merrimack 27	Support
Jordan, Sarah	A Member of the Public	Myself	Support
Brosseau, David	A Member of the Public	Myself	Support
wells, george	A Member of the Public	Myself	Support
Phillips, Jonathan	A Member of the Public	Myself	Support
Sherman, Senator	An Elected Official	SD24	Support
LaBrecque, Joseph	A Member of the Public	Myself	Support
Bernard, Brian	A Member of the Public	Myself	Support
Perry, Darryl	A Lobbyist	New Hampshire Libertas	Support
Pauer, Eric	A Member of the Public	Myself	Oppose

Testimony

Jennifer Horgan

From: Kevin Craig
Sent: Friday, April 1, 2022 8:55 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: I support HB629, relating to cannabis

I support House Bill 629, which allows legal home grow and possession of cannabis, by adults. It does not allow selling cannabis products.

This is overwhelmingly supported by the citizens of New Hampshire, especially those who use therapeutic cannabis, but cannot afford or easily access the Alternative Treatment Centers. This is an issue for the North Country, since the nearest ATCs are in Plymouth and North Conway.

The Senate will also be receiving HB1598, which puts the NH Liquor Commission in charge of retail sales of cannabis.

Why not both? Some people might prefer the convenience and known quality control of state-managed retail stores, while others will be willing to grow their own.

Kevin Craig
Representative for Coös County District 4 Kevin.Craig@leg.state.nh.us



Working to Reform Marijuana Laws

New Hampshire (2022): House Bill 629, Testimony in support of marijuana depenalization and efforts to allow for home cultivation

My name is Jax James and I serve as the State Policy Manager for the National Organization for the Reform of Marijuana Laws (NORML). I would like to thank the Senate Judiciary for considering House Bill 629. NORML is supportive of legislative efforts to legalize home cultivation and personal possession of cannabis.

House Bill 629 seeks to remove all criminal and civil penalties for the use, possession, and cultivation of marijuana by adults. This bill would permit adults 21 and over to possess up to 3/4 ounce of marijuana and five grams of hashish, and to grow up to six marijuana plants (up to three mature, three immature).

Permitting limited home cultivation permits the ability for adults to have reliable, affordable, and consistent access to cannabis, many of whom would use it medicinally. Adults deserve the option to legally grow a botanical product that is objectively safer than the litany of pharmaceutical drugs it could replace, including those that may not be able to afford or do not live within a reasonable distance from a retail outlet.

Never in modern history has there existed greater public support for repealing the nation's nearly century-long experiment with marijuana prohibition. Statewide polling data shows that 68 percent of New Hampshire adults support "legalizing [the] possession of small amounts of marijuana for personal recreational use."

The ongoing prohibition of marijuana financially burdens taxpayers, encroaches upon civil liberties, engenders disrespect for the law, impedes legitimate scientific research into the plant's medicinal properties, and disproportionately impacts communities of color.

Lastly, the growing and possessing cannabis is legal in all three states that neighbor New Hampshire, and it should be legal for New Hampshire as well.

For these reasons, NORML urges New Hampshire lawmakers to thoughtfully consider and pass HB 629.



Jennifer Horgan

From: Dawn Rezendes <rezendes116@gmail.com>
Sent: Tuesday, April 5, 2022 5:49 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: Cannabis

Dear Senator

My name is Dawn Rezendes and I live in Fremont. I'm writing to ask that you vote in favor of HB 629, which would legalize possession and home cultivation of cannabis for adults 21 and older. Growing and possessing cannabis is legal in all three neighboring states, and it should be legal here as well.

Home cultivation is especially important for patients who rely on therapeutic cannabis. Taking care of your own medical needs shouldn't be a crime.

Thank you for your time.

Sincerely,

Dawn Rezendes

Jennifer Horgan

From: Brian Metcalf <bjamesmetcalf@gmail.com>
Sent: Wednesday, April 6, 2022 2:45 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: HB 629

Dear Honorable Members,

I write in support of HB 629. I currently utilize medical cannabis for relief from chronic pain due to a traumatic brain injury. The cultivation aspects of this bill would improve my quality of life through lower cost and more convenient access.

I encourage your support for passage of this bill out of committee.

Sincerely,
Brian Metcalf
27 Highview Circle
Manchester, NH 03104
603-486-1473

Jennifer Horgan

From: Matt Simon <matt.simon@primeatc.com>
Sent: Thursday, April 7, 2022 1:44 PM
To: Sharon Carson; William Gannon; Harold French; Becky Whitley; Jay Kahn; Jennifer Horgan
Subject: follow-up re: cannabis legalization bill (HB 629)

Dear Members of the Senate Judiciary Committee,

Thank you for your time and attention at the hearing on HB 629 this morning. I'm writing to follow up regarding two questions that were raised and to respond to two comments:

1. Sen. French asked what would happen under HB 629 if a person harvested more than 3/4 ounces of cannabis – wouldn't that subject them to criminal penalties for exceeding the possession limit? This is a good question, and it is answered on Page 2, lines 20-24 of the bill. That paragraph clarifies that cannabis and cannabis products in excess of 3/4 ounces may be possessed legally if the cannabis or products were "produced from the person's cannabis plants" and if they are "possessed in the same location where the plants were cultivated." In other words, people would be able to harvest and process more than 3/4 ounces as long as they do not take it somewhere other than their cultivation location.
2. Ross Connolly from Americans for Prosperity suggested increasing the possession limit in the bill. I agree that doing so would improve the bill and prevent people from being arrested for inadvertently exceeding the unusual 3/4 ounce possession limit (which is not well known or understood by cannabis consumers, especially visitors to NH).
3. Mr. Connolly also suggested that removing home cultivation from the bill might improve its chances of passing. I agree that legalizing possession but not home cultivation would be a significant improvement over the status quo. If there is interest in pursuing this sort of compromise, I would prefer to see the Senate amend HB 629 so it only allows home cultivation for registered patients and caregivers, while legalizing possession for all adults 21 and older. This could be achieved by deleting the home cultivation language from HB 629 and adding the language of a 2019 bill that passed both chambers of the legislature (HB 364).
4. Finally, Sen. Carson asked how people would obtain seeds if home cultivation became legal. I happened to notice [an article on this subject just this morning](#) – apparently the DEA has recently clarified that any cannabis "seed that has a delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis meets the definition of 'hemp' and thus is not controlled under the CSA." (My understanding is that cannabis seeds typically contain only miniscule amounts of THC, well under this limit.)

One other thing I will add because nobody mentioned it today: HB 629 passed the House overwhelmingly in a vote of **241-113**. I hope the Senate will also decide to pass this bill, either as-is or with a reasonable amendment.

If you have any additional questions regarding this bill or any aspect of cannabis policy, feel free to reach out to me at any time.

Best Regards,

Matt

—
Matt Simon
Director of Public and Government Relations
Prime Alternative Treatment Centers of NH
Email: matt.simon@primeatc.com
Mobile: 603-391-7450



Jennifer Horgan

From: William Gannon
Sent: Friday, April 8, 2022 7:20 PM
To: Jennifer Horgan; ~Senate Judiciary Committee
Subject: Re: Hb 629

Julie
I have 4 kids this Bill is DOA
Senator
Bill Gannon
Sandown

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From: Jennifer Horgan <jennifer.horgan@leg.state.nh.us>
Sent: Friday, April 8, 2022 4:17:24 PM
To: ~Senate Judiciary Committee <SenateJudiciaryCommittee@leg.state.nh.us>
Subject: FW: Hb 629

From: Julie <jpmom39@gmail.com>
Sent: Thursday, April 7, 2022 9:38 AM
To: Jennifer Horgan <jennifer.horgan@leg.state.nh.us>
Subject: Hb 629

Hello,

Please Vote NO on this bill it will only open up doors for more drugs into our state. We already have a problem in our state don't put this in our state now.

Thank you concerned Parent

Julie Sims

Senate Judiciary Committee

Testimony

HB 629-FN - Relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

Dear Senator Carson and Members of the Committee:

My name is Andrew Shagoury; I am the police chief in Tuftonboro, NH, and I submit this testimony in **OPPOSITION** to HB 629 on behalf of myself and the NH Association of Chiefs of Police.

I was able to see some of the testimony that was provided to your committee. Many of the same claims made by proponents were made in other states and have been proven false and some were misleading. For example, Currie Myers implied tests for impaired drivers were ineffective because marijuana remains in the system for thirty days after use. That is misleading by omission. It is only part of the story. Blood tests can show recent use. THC aka Delta-9-THC (psychoactive cannabinoid) decreases dramatically after an hour or so after use. It is detectable in blood for 3-4 hours. Other tests such as urine tests will show non-psychoactive metabolites such as THC-COOH (non-psychoactive and not impairing) many days later. **Blood tests can reliably show recent use and we regularly get test results showing the amount THC and metabolites.** He also mentioned eliminating the black market which has increased in other states after legalization and cartels have used the laws as cover for their operations.

As for saving law enforcement time to conduct other investigations, that too is false. Drug investigations involving cannabis become dramatically more labor and resource consuming. We will need to prove amounts and ownership of plants and materials to determine if the amounts are within the limits of the law. Currently a plant is illegal unless at a facility licensed under RSA 126-X. States that allowed home grow have seen seizures go from ounces to pounds and plant seizures increased. I do not believe the NH State Lab can currently test for THC in edibles.

Others including AFP cited New Hampshire being unlike our neighboring states as they have legalized it in some fashion. That is a poor argument because that logic says we should also have sales and income taxes. Several of them also have restrictions on possession of open containers in vehicles. There is nothing in this bill about that or a prima facie limit of THC in blood like some other states have.

NHACLU points out disparate impact. However adverse impacts increased in states after legalization.

More honestly others pointed out this is intended to be a step towards full commercialization. Which like our medical program is dominated by huge multinational corporations: Altria, Acreage Holdings (owns Prime brand), Canopy Growth.

There are many issues with this bill:

Marijuana aka cannabis today is not what it was 20, 15, or even 10 years ago. Through advanced genetics and chemistry, it has changed. In the 80's and 90's it was around 5% delta-9-THC and a similar amount of cannabidiol (CBD). Now it is regularly 15-20% or more THC with low CBD. There are now feminized plants, chemically altered extracts, and additives being used to modify the products and

plants. Many studies tie the new high THC/low CBD cannabis to mental health issues such as cannabis induced-psychosis, hyperemesis, cannabis use disorder, and other health issues. NO STUDIES SHOW HIGH THC CANNABIS IS SAFE. Many places have tried to limit THC to 15%. Vermont medical society recommended that limit. Uruguay has that limit.

Cannabis-infused products: There is no way to measure the amount of THC in the products.

THC: The law does not specifically define THC. Currently there are several isomers of tetrahydrocannabinol which fall under different regulations and are sold to NH residents.

- Commonly used to refer to delta-9-tetrahydrocannabinol
- Delta-8, Delta-10, THC-0 are different isomers with the double carbon bond moved by chemical reactions.
 - Heat and acid like sulfuric acid can be used to make Delta-8 and Delta-10
 - Fire retardant chemical was originally found to make Delta-10 in plants
 - This is done to CBD concentrates already extracted
- All have psychoactive properties
- 2018 Farm Bill allowed products derived from industrial hemp to be sold if delta-9 THC is under certain limits by dry weight. Difficult to determine with extracts such as liquids.
- Delta-8, Delta-9, Delta-10, and THC-0 available as reportedly derived from hemp extracts which are chemically altered.
- This bill bans certain forms of extraction but not conversion of extracts to other products
- Currently state lab has no way to measure THC types or quantity.

Plants: Six plants can yield over Six pounds of marijuana. That is far more than one person could use in one year. What is a "primary" residence?

Enforcement: It will be a dream for black market growers and dealers.

- Other states routinely see more than legal limit being grown
- No way to distinguish from legal limits
- It contains loopholes exploited in other states
 - Clubs
 - Entry fees

Employers: There is no protection for employers since *SCOTT PAINE v. RIDE-AWAY, INC. (2022)*.

- 2022 NH case which struck down employer protection from having to make accommodations for use.
- Error in decision claiming doctor gave prescription
 - NH 126-X does not allow doctors to do that.
 - Doctors only claim person has a medical condition.
 - Patients self-select cannabis and dosage for treatment

Health:

- Admissions to emergency departments for cannabis induced mental and physical health issues have increased in recent years.

- Calls to poison control centers have increased.
- Admissions to drug use treatment for cannabis use disorder have increased dramatically.

Public safety: Other states and seen dramatic increases in marijuana impaired driving and fatal accidents.

- There needs to be a prima facie limit for THC in drivers. Many states have that.
- The bill needs to have restrictions on possession of open packages in vehicles. Just like alcohol, Vermont and Massachusetts prohibit open containers and thereby, through an enforceable law, limit use by drivers.
- Police evidence rooms may need more space for seized cannabis. Colorado went from seizures of less than a pound to multiple pound seizures.
- We will need to prove the number of plants which requires roots be left attached and dried.
- Other states saw many lawsuits against police for how plants are counted

NH does not always do what other states do. Advocates point to our neighboring states as examples to follow. These states also have sales and income taxes. Should we really follow their examples?

HB629- Testimony

1. Preamble-

- a. **Humans have used substances** since the beginning of time and for various reasons, some medicinal, religious, spiritual, ritual and some even transformational.
 - i. *Knowing this*, I'd like to think that we as a society could be more accepting and forgiving of people who use drugs instead of condemning and persecuting people as this has shown not to work and to actually be harmful to those struggling with chaotic drug use
 - ii. *Knowing this*, The use of substances is likely to continue- although I'd like to think we can change our attitude towards people who use drugs
 - iii. *Knowing this*, we should also understand that many prescription drugs are derived from plants and that cannabis is a plant which has many uses depending on how it is grown and what it is being grown for.
- b. **Why I prefer this legislation** for legalizing cannabis over 1598 and would like the sale and legalization not to be tied together in the same bill.
- c. This should be our legalization bill and 1598 should refer to this bill

2. **Freedom, Liberty & Equity (and the pursuit of happiness)** should include the right to not only possess but to also grow your your own cannabis for personal adult use
 - a. Processing the plant into flower, edibles, or other forms of ingestion
3. Legislation has **reasonable requirements and limitations for adult use**
4. **This bill is well thought out.** It takes into consideration other **NH state laws** which exist already including decriminalization, transportation in possession of and the growing of hemp by licensure with the **federal government**
5. **Racial Equity-** it is clear that POC have been targeted more often for drug possession in our history through various attempts of our War on Drugs.
 - a. I'd say it was more of a War on People. People who use drugs.
6. **Financial Equity-** for people in lower income brackets who could benefit from using cannabis but may not want to get a medical card for multiple reasons
 - a. Retail & medicinal shops can be expensive and out of reach financially
7. **Harm Reduction for SUD's- in terms of our our overdose crisis**
 - a. Because we know that cannabis is less harmful than many other substances
 - b. Cannabis can be used in replacement of more harmful or deadly substances
 - c. Many people struggling with SUD's report that they have reduced harm for themselves by using cannabis to overcome their addictions to more harmful substances such as opioids, alcohol which could result in death
 - d. While there are some risks with using cannabis products, we know that nobody has ever overdosed on cannabis and therefore is a reduction of harm
8. **Chronic pain sufferers** may not be able to afford what they need
 - a. Some chronic pain patients report that they have struggled in the past with opioid use to manage their pain and may not want to take them for their pain symptoms
 - b. Most pain management programs offered through hospitals periodically test their patients to check for substances they have in the bloodstream
 - c. They may be checking to see that patients are using their meds and not selling them, but also checking levels and for other substances
 - d. Patients using cannabis are then no longer eligible for the program
 - e. People need other options if the healthcare system is failing to meet their needs.

Support HB 629 – End New Hampshire’s Unnecessary and Harmful War on Marijuana

Bill Summary: HB 629 would legalize the possession and use of marijuana by a person 21 years of age or older. Specifically, the bill would:

- Permit adults to possess up to 3/4 of an ounce of marijuana, five grams of hashish, cannabis-infused products with up to 300 milligrams of THC, and cultivate up to six marijuana plants at home in a secure location that is not visible from other properties.
- Permit adults to give other adults (without remuneration) 3/4 of an ounce of marijuana, five grams of hashish, cannabis-infused products with up to 300 milligrams of THC, or 3 immature, non-flowering cannabis marijuana plants.
- Prohibit smoking or vaporizing marijuana in public (up to a \$100 fine).
- Place restrictions on cultivation, including:
 - Prohibit cultivation in a place subject to public view.
 - Require “reasonable” precautions to ensure plants are secure (e.g. placing in enclosed, locked spaces).
 - Limit cultivation to the individual’s primary residence.
 - Create a fine of up to \$750 for a violation of this section.
- Maintain the existing prohibitions and penalties connected with the possession of marijuana by people under 21.

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 affect 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-four 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 629 – 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, 1,332 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} University of New Hampshire, The Survey Center, *Bipartisan Support for NH Marijuana Legislation; Most Consider Legislature’s Redistricting Maps Unfair*, Feb. 25, 2022, available at https://scholars.unh.edu/cgi/viewcontent.cgi?article=1688&context=survey_center_polls.

^x *Id.*

^{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>.



**AMERICANS FOR
PROSPERITY**
NEW HAMPSHIRE

**ACLU
NH**



Dear Legislators,

We represent a diverse group of stakeholders who agree that the New Hampshire legislature should end our state's prohibition on the possession and use of cannabis by a person 21 years of age or older. A regulated market will more effectively achieve our state's public safety and public health goals.

New Hampshire decriminalized cannabis possession in 2017.ⁱ Despite this reform, New Hampshire law enforcement still arrested 1,494 people in 2020 for cannabis offenses.ⁱⁱ Many of these folks still face the threat of incarceration and even those in possession of 3/4 ounce or less of cannabis or 5 grams or less of hashish still face significant fines (ranging from \$100 to \$1,200).ⁱⁱⁱ

In addition, New Hampshire continues to enforce its cannabis laws with a staggering racial bias. Overall, Black people are 4.8 times more likely to be arrested for cannabis possession when compared with whites,^{iv} despite both groups using cannabis at roughly the same rate.^v And, this disparity is on the rise, up from 2.6 times more likely to be arrested in 2010 – a 46 percent increase.^{vi} 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.^{vii}

While fewer people are now incarcerated in New Hampshire for cannabis possession, a single cannabis arrest and conviction can ruin lives, as it can negatively affect 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.

New Hampshire's war on cannabis is also a monumental waste of tax dollars. Each of the 1,494 cannabis arrests in 2020 required a judge, a clerk, law enforcement officers, prosecutor, and others to process the case.^{viii} These laws are costing the state an estimated \$3.25 million each year.^{ix}

The outcome? Cannabis use has not declined, and the black market continues thrive.^x The return on investment is non-existent.

The vast majority of Granite Staters support cannabis legalization. Seventy-four percent of Granite Staters support cannabis legalization, including majorities of Democrats, Independents, and Republicans.^{xi} And, support for cannabis legalization has greatly increased since 2013, when it was just 49 percent.^{xii} It is past time for New Hampshire's lawmakers to listen to the people.

We urge you to legalize the possession and use of cannabis by a person 21 years of age or older.

Thank you,

Ross Connolly
Deputy State Director
Americans for Prosperity-New Hampshire

Frank Knaack
Policy Director
American Civil Liberties Union of New Hampshire

Daryl Eames
Founder
New Hampshire Cannabis Association



**AMERICANS FOR
PROSPERITY**
NEW HAMPSHIRE

**ACLU
NH**



ⁱ NH Rev Stat § 318-B:2-c (2022).

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

ⁱⁱⁱ NH Rev Stat § 318-B:2-c; § 318-B:26 (2022).

^{iv} New Hampshire arrested 1,494 people for cannabis possession in 2020. 1,332 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 – Cannabis, 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>.

^v Fred Dews, *Charts of the week: Cannabis 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-cannabis-use-by-race/>.

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

^{vii} Manchester Police Department arrested 26 people for cannabis 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 – Cannabis, 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 cannabis 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 – Cannabis, 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>.

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

^{ix} An economic analysis published in 2013 by the ACLU found that the state's 2,769 cannabis possession arrests in 2010 cost New Hampshire taxpayers \$6,526,364. The current estimate is based on the 1,494 cannabis possession arrests in 2020. See Federal Bureau of Investigation, Crime Data Explorer, Arrests in New Hampshire by Offense, Drug Possession – Cannabis, 2020, available at <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/arrest> & ACLU, *The War on Cannabis in Black and White*, p. 127, available at <https://www.aclu.org/report/report-war-cannabis-black-and-white>.

^x John E. Schulenberg, *Monitoring the Future: National Survey Results on Drug Use, 1975-2020*, The University of Michigan Institute for Social Research (2021), available at <https://nida.nih.gov/drug-topics/trends-statistics/monitoring-future>.

^{xi} University of New Hampshire, The Survey Center, *Bipartisan Support for NH Cannabis Legislation; Most Consider Legislature's Redistricting Maps Unfair*, Feb. 25, 2022, available at https://scholars.unh.edu/cgi/viewcontent.cgi?article=1688&context=survey_center_polls.

^{xii} *Id.*

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # HB629

Hearing date: _____

Executive Session date: _____

Motion of: OTP Vote: 3-2

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

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, 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. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, 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. French	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Kahn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Whitley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Whitley

Notes: learned a lot from war on drugs
war on drugs does not keep safe, waste
tax payer dollars, ruin lives,
even w/ the therapeutic market the expense
is not getting them to the therapy
dispensaries are supportive
states surrounding us: island

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Thursday, April 14, 2022

THE COMMITTEE ON Judiciary

to which was referred **HB 629-FN**

AN ACT

relative to the home cultivation of cannabis plants
and the possession of certain cannabis-infused
products.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 3-2

Senator Rebecca Whitley
For the Committee

Jennifer Horgan 271-7875

JUDICIARY

HB 629-FN, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

Ought to Pass, Vote 3-2.

Senator Rebecca Whitley for the committee.

HB629-FN

Bill Details

Title: relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

Sponsors: *(Prime)* [McGuire \(R\)](#), [True \(R\)](#), [Verville \(R\)](#), [Tony Lekas \(R\)](#), [Sylvia \(R\)](#), [McWilliams \(D\)](#)

LSR Number: **21-0021**

General Status: **SENATE**

House:

Committee: Criminal Justice and Public Safety

Due Out: 4/1/2021

Status: PASSED/ADOPTED

Senate:

Committee: Judiciary

Floor Date: 4/28/2022

Status: INEXPEDIENT TO LEGISLATE

Bill Docket

<i>Body</i>	<i>Description</i>
<i>H</i>	<i>Introduced (in recess of) 01/06/2021 and referred to Criminal Justice and Public Safety HJ 2 P. 57</i>
<i>H</i>	<i>Public Hearing: 01/27/2021 11:00 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/91386255102 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.</i>
<i>H</i>	<i>Retained in Committee</i>
<i>H</i>	<i>Subcommittee Work Session: 09/28/2021 01:00 pm LOB 201-203</i>
<i>H</i>	<i>Full Committee Work Session: 10/05/2021 11:00 am LOB 201-203</i>
<i>H</i>	<i>Executive Session: 10/20/2021 11:00 am LOB 201-203</i>
<i>H</i>	<i>Majority Committee Report: Refer for Interim Study HB629-FN 10/20/2021 (Vote 11-9; RC) HC 48 P. 25</i>
<i>H</i>	<i>Minority Committee Report: Ought to Pass</i>
<i>H</i>	<i>Lay on Table (Rep. Abbas): MF DV 144-210 01/06/2022 HJ 1</i>
<i>H</i>	<i>Refer for Interim Study: MF DV 122-231 01/06/2022 HJ 1</i>
<i>H</i>	<i>Ought to Pass: MA DV 241-113 01/06/2022 HJ 1</i>
<i>H</i>	<i>Reconsider (Rep. Somssich): MF VV 01/06/2022 HJ 1</i>
<i>S</i>	<i>Introduced 01/05/2022 and Referred to Judiciary: SJ 2</i>
<i>S</i>	<i>Hearing: 04/07/2022, Room 100, SH, 09:00 am: SC 14</i>
<i>S</i>	<i>Committee Report: Ought to Pass, 04/21/2022: SC 16</i>
<i>S</i>	<i>Special Order to the end of today's Calendar, Without Objection, MA; 04/21/2022: SJ 9</i>
<i>S</i>	<i>Special Order to the next Session, Without Objection, MA; 04/21/2022: SJ 9</i>
<i>S</i>	<i>Committee Report: Ought to Pass, 04/28/2022: SC 17</i>
<i>S</i>	<i>Special Order to after lunch, Without Objection, MA; 04/28/2022: SJ 10</i>
<i>S</i>	<i>Sen. Kahn Floor Amendment # 2022-1885s, RC 11Y-13N, AF; 04/28/2022: SJ 10</i>
<i>S</i>	<i>Ought to Pass: RC gY-15N, MF; 04/28/2022: SJ 10</i>
<i>S</i>	<i>Sen. Bradley Moved Inexpedient to Legislate; 04/28/2022: SJ 10</i>
<i>S</i>	<i>Inexpedient to Legislate, RC 15Y-9N, MA --- BILL KILLED ---; 04/28/2022: SJ 10</i>

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB629

Senate Committee: Judiciary

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 # 1885 ___ - 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:

Jennifer Hoyle
Committee Aide

8/12/22
Date

Senate Clerk's Office AK