

SB 144-FN - AS AMENDED BY THE HOUSE

02/23/2017 0498s  
20Apr2017... 1165h

2017 SESSION

17-0290  
01/04

SENATE BILL

***144-FN***

AN ACT                    relative to qualifying medical conditions for the therapeutic use of cannabis and relative to registry identification cards.

SPONSORS:            Sen. Reagan, Dist 17; Sen. Avar, Dist 12; Sen. Bradley, Dist 3; Sen. Feltes, Dist 15; Sen. Fuller Clark, Dist 21; Sen. Giuda, Dist 2; Sen. Gray, Dist 6; Sen. Hennessey, Dist 5; Sen. Innis, Dist 24; Sen. Lasky, Dist 13; Sen. Watters, Dist 4; Sen. Woodburn, Dist 1; Rep. J. MacKay, Merr. 14; Rep. McGuire, Merr. 29; Rep. M. Moffett, Merr. 9

COMMITTEE:        Health and Human Services

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AMENDED ANALYSIS

This bill clarifies the definition of "qualifying medical condition" to include certain conditions which trigger certain medical symptoms and deletes the requirement that a medical provider document how the injury affects activities of daily living. This bill also clarifies the statements signed by applicants for a registry identification card.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                    relative to qualifying medical conditions for the therapeutic use of cannabis and  
relative to registry identification cards.

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

1            1 Therapeutic Use of Cannabis; Qualifying Medical Conditions. Amend RSA 126-X:1, IX(a)(1)  
2 to read as follows:

3                    (1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired  
4 immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic  
5 lateral sclerosis, muscular dystrophy, Crohn's disease, multiple sclerosis, chronic pancreatitis,  
6 spinal cord injury or disease, traumatic brain injury, epilepsy, lupus, Parkinson's disease,  
7 Alzheimer's disease, ulcerative colitis, or one or more injuries **or conditions** that ~~[significantly~~  
8 ~~interferes with daily activities as documented by the patient's provider]~~ **has resulted in one or**  
9 **more qualifying symptoms under subparagraph (2);** and

10            2 Registry Identification Cards. Amend RSA 126-X:4, I(h) to read as follows:

11                    (h) A statement signed by the applicant, **acknowledging that the applicant has**  
12 **received and read the statement explaining federal law as described in RSA 126-X:4, VI,**  
13 pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this  
14 chapter, and acknowledging that his or her diversion of cannabis is punishable as a class B felony  
15 and **may result in** revocation of his or her registry identification card, in addition to other penalties  
16 for the illegal sale of cannabis.

17            3 Registry Identification Cards. Amend RSA 126-X:4, II(f) to read as follows:

18                    (f) A signed statement from the applicant agreeing to act as the designated caregiver for  
19 the qualifying patient named in the application ~~[and]~~, **acknowledging that the applicant has**  
20 **received and read the statement explaining federal law as described in RSA 126-X:4, VI,**  
21 pledging not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to this  
22 chapter, and acknowledging that the diversion of cannabis is punishable as a class B felony and  
23 **may result in the** revocation of one's registry identification card, in addition to other penalties for  
24 the illegal sale of cannabis.

25            4 Departmental Administration: Registry Identification Cards. Amend RSA 126-X:4, VI to  
26 read as follows:

27                    VI. The department shall provide each **applicant and each** approved qualifying patient  
28 and designated caregiver a statement with the registry identification card explaining **current**  
29 federal law on the possession of cannabis ~~[and]~~, that possession of a state registry identification card

1 does not protect a person from federal criminal penalties, *and that by using cannabis the*  
2 *qualifying patient may be subject to the denial of rights and privileges by federal agencies*  
3 *including, but not limited to, the loss of rights related to employment such as driving a*  
4 *commercial vehicle, the inability to pass a security clearance, and that the qualifying*  
5 *patient will lose the right to own, possess, or purchase a firearm and/or ammunition. The*  
6 *statement shall be updated based on any relevant changes in federal law.*

7       5 Effective Date. This act shall take effect 60 days after its passage.

**SB 144-FN- FISCAL NOTE**  
AS AMENDED BY THE HOUSE (AMENDMENT #2017-1165h)

AN ACT (New Title) relative to qualifying medical conditions for the therapeutic use of cannabis and relative to registry identification cards.

**FISCAL IMPACT:**    ☒ State                    ☐ County                    ☐ Local                    ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2018	FY 2019	FY 2020	FY 2021
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Expenditures</b>	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<b>Funding Source:</b>	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Registry Identification Card and Certificate Fund			

**METHODOLOGY:**

This bill clarifies the definition of a qualifying medical condition and removes the requirement that a medical provider document how a patient's injury interferes with daily activities under RSA 126-X, which regulates use of cannabis for therapeutic purposes. This bill also clarifies the statements signed by applicants for a registry identification card. Licensing fees from the alternative treatment centers and registry identification card application fees fund the Therapeutic Cannabis Program pursuant to RSA 126-X:11. Administrative rule requires registry identification card applicants pay a \$50.00 fee. The Department of Health and Human Services states this bill would increase the number of potentially qualifying patients thereby increasing revenue from applicant fees by an indeterminable amount. Expenditures would also increase by an indeterminable amount due to having to process more applications. The Department states at the conclusion of a fiscal year it will determine whether revenue generated was sufficient to cover the cost of the program. Per the Department, alternative treatment centers will be reimbursed excess revenue or if revenue was insufficient to cover expenses the centers will be required to cover the revenue shortfall in the following fiscal year.

**AGENCIES CONTACTED:**

Department of Health and Human Services