

Senate Health and Human Services Committee

Kirsten Koch 271-3266

HB 240, relative to identification of cannabis strain for therapeutic cannabis.

Hearing Date: March 17, 2021

Time Opened: 9:24 a.m.

Time Closed: 9:58 a.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill requires an alternative treatment center to list the commercial strain name of the cannabis on the label of the packaging and permits the alternative treatment center to list the commercial strain names of the cannabis available to be dispensed on its public Internet website.

Sponsors:

Rep. Conley

Rep. Dontonville

Who supports the bill: Rep. Casey Conley, Strafford 13; Robin Vogt; Teresa Rosenberger, Temescal Wellness; Michele Peters; Aubrey Duplease; Christy Rivera; Ricardo Rivera; David Landry; Logan Snyder; Amanda Little; Sian Leininger, Temescal Wellness; Joshua Beecher; Helina Josephson; Keenan Blum, Prime ATC; Tim Josephson; Lee Cooper, Sanctuary ATC.

Who opposes the bill: None.

Who is neutral on the bill: Michael Holt, TCP/DHHS; James Norris, NH State Police.

Summary of Testimony Presented:

Representative Casey Conley, Strafford 13

- Rep. Conley introduced the bill and testified in support of the bill.
- Rep. Conley said, this bill allows dispensaries to use the commercial names of the strains on packaging and for displaying inventory on websites.
- Rep. Conley said this bill addresses a rule that prohibits the use of the commercial names of strains. Currently initials or short-hand must be used to identify the strains.
- Rep. Conley said, the current system is needlessly confusing for users. Using the standardized industry names will allow for people to recognize the strains. People need different strains for different relief. Patients are confused. They could accidentally buy the wrong strain and not get the right medicine that they need.
- Rep. Conley said many other states already allow for the use of commercial names.

Hon. Tim Josephson

- Mr. Josephson said he is a card-carrying caregiver for three people.
- This bill seeks to allow the full commercial name of cannabis to be printed.
- Mr. Josephson said, cannabis is an agricultural product with different lineages.
- Mr. Josephson recommended leafly.com to explain differences of strains.
- Mr. Josephson said, “Sativa LH” is different than “Sativa SC.” Just the initials listed can lead to a mix up. The wrong will not provide the right results for the medication necessary for a patient’s needs.
- Mr. Josephson told an anecdote about his mother struggling with identifying various strains by initials. He said, elderly patients feel like they are talking in code and it feels wrong and illegal.
- Mr. Josephson said, all other medications have names. What if “Claritin” was just labeled “CL?” It would be hard.
- Mr. Josephson said, there are arguments that strains with unique names may be tempting to children. The department did not make up these strain names, they go back decades. These packages look like medication—these packages do not have fun, colorful packaging. That type of packaging is for liquor stores, not medication. Any fears that children will be swayed by plain packaging is false.
- Mr. Josephson said, please hear the requests of people asking for clarity.

Helina Josephson

- Ms. Josephson testified in support of the bill.
- Ms. Josephson said she is a registered patient in the therapeutic cannabis program and that she would benefit from this bill.
- Ms. Josephson shared anecdote about using therapeutic cannabis and not knowing what strain she needs to treat her conditions.

Michael Holt, TCP-DHHS

- Mr. Holt testified as neutral on this bill. He said that he is the administrator of therapeutic cannabis program in the DHHS.
- Mr. Holt said he was here on behalf of Jerry Knirk, the chair of medical cannabis oversight board. The board reviewed this bill and voted to recommend support of this bill in a 5-2 vote.
- Mr. Holt said, our (department) rules prohibit the use of commercial strain names. When that rule went into effect two years ago, we received complaints from patients about the confusion of using acronyms.
- Mr. Holt said, the strain names originate from the recreational market.
- Senator Whitley asked, how does this impact ATC’s advertising and commercial names on social media?
 - Mr. Holt said, currently strain names are not allowed to be used on websites or social media sites. This bill would allow strain names used on products and websites. This bill is silent on social media sites as well. This continues a level of confusion.
- Senator Gray asked, if it is by rule, then couldn’t you amend that rule by not going through the legislative process?

- Mr. Holt said, if the legislature wants us to repeal our rule, then we will. We will not change the rule on our own because our position is neutral.
- Senator Avard asked, are there any benefits to changing the rule?
 - Mr. Holt said, we have received complaints, but we are neutral. There is no downside to the administrative program operating with this change.

Josh Beecher

- Mr. Beecher said he testified in support of the bill.
- Mr. Beecher said, cannabis is expensive and not covered by insurance and there is no guidance from doctors on which strain to pick.

Keenan Blum, Prime ATC

- Mr. Blum testified in support of the bill.
- Mr. Blum said, the use of acronyms has been a huge challenge for patients and staff. Staff can not recommend strains because they cannot tell what it is in comparison to other strains. Patients cannot remember what the initials they got before when they come back to get more. Staff and patients have to use a strain key to identify products.
- Mr. Blum said he would like to see an amendment that would allow use of commercial names on social media too because he does not want patients to have to use a guide just to read on social media.

Lee Cooper, Sanctuary ATC

- Ms. Cooper testified in support of the bill.
- Ms. Cooper said, Sanctuary ATC gets a lot of calls and emails from patients that need help identifying products.

Sian Leininger, Temescal Wellness

- Ms. Leininger testified in support of this bill.
- Ms. Leininger said, the current system creates confusion for patients differentiating between products and strains. Similarity in strains makes this especially difficult. Patients may use the wrong strains at the wrong time of the day because of the confusion caused by the currently naming system.
- Ms. Leininger said staff and patients must rely on the use of strain keys.

Kate Frey, New Futures

- Ms. Frey said New Futures is OK with the bill as written, but she testified in opposition of an amendment allowing the use of commercial names on social media.
- Ms. Frey said, the social media part was a problem with department because social media has targeted post/ads. Social media can target certain audiences, such as youth or young adults that can find these commercial names more enticing.
- Ms. Frey said, ATCs can easily avoid the social media rule by just having a post that defers to website instead.

- Ms. Frey said, patients are more familiar with commercial strains and understand the product. New Futures is OK with websites using the commercial names of the strains but, but social media is a totally different territory.
- Ms. Frey said, the therapeutic cannabis oversight board was clear about this bill and they were concerned about commercial names on social media.

August Ravvingar

- Mr. Ravvingar testified in support of the bill.
- Mr. Ravvingar said, using commercial names would lead to a more efficient system.

Melissa Wareing

- Ms. Wareing testified in support of the bill.
- Ms. Wareing said she is a patient of Prime ATC.
- Ms. Wareing shared anecdote about using cannabis for kidney stone issues.
- Ms. Wareing said, elderly patients are struggling with the current naming system.

Grant Ellis

- Mr. Ellis testified in support of the bill.
- Mr. Ellis said he is a disabled and homebound cannabis patient.
- Mr. Ellis said, expanded use of medical cannabis results in less youth use
- Mr. Ellis said he supports an amendment allowing commercial names on social media.

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Date Hearing Report completed: March 18, 2021