

# Senate Health and Human Services Committee

*Kirsten Koch 271-3266*

**HB 350**, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

**Hearing Date:** March 17, 2021

**Time Opened:** 10:06 a.m.

**Time Closed:** 10:58 a.m.

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

**Members of the Committee Absent :** None

**Bill Analysis:** This bill permits qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

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**Sponsors:**

Rep. Acton

Rep. Cushing

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**Who supports the bill:** There are 175 names signed in support of this bill. If you would like to view the sign in sheet, please contact the Legislative Aide for the Senate Health and Human Services Committee, Kirsten Koch, at [kirsten.koch@leg.state.nh.us](mailto:kirsten.koch@leg.state.nh.us)

**Who opposes the bill:** John Bryfonski, NH Association Chiefs of Police; Charles Reynolds; Sargent Bejamin; Steven Russo.

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

**Summary of Testimony Presented:**

**Representative Dennis Acton, Rockingham 10**

- Rep. Acton introduced the bill.
- Rep. Acton said, this bill permits qualified patients and caregivers to cultivate cannabis.
- Rep. Acton said, there is a long legislative history of cannabis cultivation bills in NH.
- Rep. Acton said, people will be charged with felonies if they are caught growing and selling cannabis on the black market.
- Rep. Acton said, there has been a change in culture and now is the time to bring this bill. The surrounding states have already passed recreational cultivation.
- Rep. Acton said, this bill allows patients and/or caregivers to grow three mature plants, three immature plants, and three seedlings. A caregiver cannot grow plants for more than one patient. Two patients growing together will be limited in the space they can grow.
- Rep. Acton said, the price of cannabis at the ATCs has not come down. Patients cannot afford cannabis, and some may go back to the use of opiates. In the north country, a dispensary can be up two hours away. Bring prices down and allow people to grow cannabis themselves.

## **Michael Holt, Therapeutic Cannabis Program-DHHS**

- Mr. Holt testified as neutral on the bill.
- Mr. Holt said, this bill has a long history. DHHS has been involved in legislation and acknowledges the concerns raised by patients, ATCs, and advocates.
- Mr. Holt said, the price of cannabis has not gone down. There are also issues of accessibility to ATCs. There are five locations in the state for patients to access cannabis. Licensees were authorized to open a second location in their region, but only one ATC actually did. Soon will be seven total access points to get cannabis.
- Mr. Holt said, diversion issues are real, but the bill is tightly controlled with the extra felony provision.
- Mr. Holt said, the key aspects of the bill worked out to allow laboratory for the state to be able to accept cannabis from registered patients and caregiver to test their cannabis for contaminants and potency. You may hear testimony later about an amendment that would increase this aspect of the program and require education on contamination for those cultivating their own cannabis.
- Mr. Holt said, October 1 does not give enough time for DHHS to consider the rules.
- Senator Avard asked, in regards to the ATCs, didn't we just put in a bill to make them for-profit? Wouldn't that help with the price concerns?
  - Mr. Holt said, it may. I am not expert on for-profit structuring. It could potentially reduce prices. It has been vetoed by the Governor once before.

## **Matt Simon, Marijuana Policy Project**

- Mr. Simon testified in support of the bill.
- Mr. Simon said he has been coming to this committee for a decade now with the same ask. Bills like this one passed the House nine times and Senate three times.
- Mr. Simon asked for those who voted for this bill before to vote for it again.
- Mr. Simon said, there is public support and a lack of opposition to the bill.
- Mr. Simon shared an anecdote.
- Mr. Simon said, dispensaries are not reducing their prices.
- Mr. Simon said, other states have already allowed for medical cultivation such as Maine in 1999 and Vermont in 2003.
- Mr. Simon suggested an amendment to require DHHS to inform patients of the risks of contaminants of home grown cannabis.

## **John Bryfonski, Chief of Bedford Police**

- Chief Bryfonski testified in opposition to the bill.
- Chief B. said he wanted to bring into focus the unintended consequences of home cultivation without appropriate regulation could mean for NH. This bill brings no system for regulation home cultivation
- Chief B. said, California, Oregon, Colorado, and Canada have had issues with home cultivation. Canada is struggling to contain home cultivation and it is destroying commercial operations. Police seized 180,000 plants from home cultivation in Ontario, Canada.
- Chief B. said, penalties do not adhere. These penalties will not change the minds of people who are bent on selling and cultivating marijuana on the black market.

- Chief B. said, the chiefs of police sending a warning signal—we need regulatory sanctions.

### **Representative Maria Perez, Hillsborough 23**

- Rep. Perez testified in support of the bill.
- Rep. Perez said, this bill makes it easier for patients that need treatment. Other states already passed this legislation.

### **Representative Renny Cushing, Rockingham 21**

- Rep. Cushing testified in support of the bill.
- Rep. Cushing said, Rep. Action and Mr. Holt have already given a good background in their testimony.
- Rep. Cushing said, this bill is a matter of justice. A felony is disproportionate to fairness. It is vile to allow.

### **Grant Ellis**

- Mr. Ellis testified in support of the bill.
- Mr. Ellis said he is a therapeutic cannabis patient
- Mr. Ellis shared anecdote about being disabled and homebound and not having easy access to dispensaries. He said he spends time with family in MA to use cannabis there.
- Mr. Ellis said he is against the felony provision.

### **Zach Williams**

- Mr. Williams testified in support of the bill.
- Mr. Williams said he is a therapeutic cannabis patient
- Mr. Williams said this bill allows patients and caregivers to take ownership of their medications.
- Mr. Williams said he is currently spending \$720.00 on cannabis a month.
- Mr. Williams said, patients need education on how to grow cannabis at home.

### **Melissa Harvey**

- Ms. Harvey testified in support of the bill.
- Ms. Harvey said she is a therapeutic cannabis patient.
- Ms. Harvey shared an anecdote about her experience using therapeutic cannabis as a chemo patient.
- Ms. Harvey said, NH residents can make wine.
- Mr. Harvey said, NH is an island of prohibition.
- Ms. Harvey said, please respect a person's authority to administer medication themselves.

### **Lisa Powers**

- Ms. Powers testified in support of the bill.
- Ms. Powers said she agreed with testimony of the supports that have testified before her.

- Ms. Powers said the police concerns should not be the deal breaker on this bill.
- Ms. Powers said she is a registered Hemp grower and RN.

### **Lee Cooper, Sanctuary ATC**

- Ms. Cooper testified in support of the bill.

### **Keenan Blum, CEO Prime ATC**

- Mr. Blum said Prime ATC supports the bill.
- Mr. Blum said, the bill contains significant safeguards.
- Mr. Blum said, Prime ATC has support for an amendment on notifying patients about the risk of contaminants for growing cannabis at home.

### **August Ravvingar**

- Mr. Ravvingar testified in support of the bill.
- Mr. Ravvingar said, having ATCs is a good start but ATCs are often inaccessible, sell at high prices, and provide a lack of variety.
- Mr. Ravvingar said, street prices and dispensary prices do not align. The current system pushes people to purchasing on the street so that they can buy at a cheaper cost.

### **Asma Elhuni, Rights and Democracy**

- Ms. Elhuni said, Rights and Democracy supports the bill.
- Ms. Elhuni said, this is a health care justice issue for people that rely on cannabis.
- Ms. Elhuni said she is surprised the police is opposed to people growing medicine in their back yards.

### **Sian Leininger, Temescal Wellness**

- Ms. Leininger testified in support of the bill.
- Ms. Leininger said, the restrictions and guidelines in this bill are necessary.
- Ms. Leininger said, the Temescal Wellness Keene facility will open in a few weeks.