**HB 360-FN - AS INTRODUCED**

2023 SESSION

23-0241
04/05

HOUSE BILL ***360-FN***

AN ACT an act legalizing cannabis for persons 21 years of age or older.

SPONSORS: Rep. Verville, Rock. 2; Rep. Polozov, Merr. 10; Rep. T. Lekas, Hills. 38; Rep. Hynes, Hills. 2

COMMITTEE: Criminal Justice and Public Safety

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ANALYSIS

This bill legalizes the possession and use of cannabis for persons 21 years of age and older.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0241
04/05

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT an act legalizing cannabis for persons 21 years of age or older.

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

1 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations. Amend RSA 126-X:3, VI to read as follows:

VI. Any qualifying patient or designated caregiver who sells cannabis to another person who is not a qualifying patient or designated caregiver under this chapter shall [~~be subject to the penalties specified in RSA 318-B:26, IX-a, shall~~] have his or her registry identification card revoked[~~, and shall be subject to other penalties as provided in RSA 318-B:26~~].

2 Purity Branding of Food; Drugs, Devices, and Misbranding. Amend RSA 146:6, IV to read as follows:

IV. If it is for use by man and contains any quantity of the narcotic or hypnotic substance alpha-eucaine, barbituric acid, beta-eucaine, bromal, [~~cannabis,~~] carbromal, chloral, coca, cocaine, codeine, heroin, [~~marihuana,~~] morphine, opium, paraldehyde, peyote, or sulphonmethane, or any chemical derivative of such substance, which derivative has been by the commissioner after investigation found to be, and by regulation designated as, habit-forming, unless its label bears the name and quantity or proportion of such substance or derivative and in juxtaposition therewith the statement "Warning - May Be Habit Forming."

3 Delinquent Children; Definitions. Amend RSA 169-B:2, IV to read as follows:

IV. "Delinquent" means a person who has committed an offense before reaching the age of 18 years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult, [~~or which is a violation of RSA 318-B:2-c, II or III,~~] ***or is a violation of RSA 318-B:26, IX-b,*** and is expressly found to be in need of counseling, supervision, treatment, or rehabilitation as a consequence thereof. No person under 13 years of age shall be subject to proceedings under this chapter unless such person has committed a violent crime as defined in RSA 169-B:35-a, I(c). This provision shall not be construed to limit the filing of a petition for any minor child under RSA 169-D.

4 Alcohol or Drug Impairment; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

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

5 Controlled Drug Act; Definitions. Amend RSA 318-B:1, XVII to read as follows:

XVII. "Narcotic drugs" means cocaine-type and morphine-type drugs, and ***other*** drugs [~~other than cannabis-type~~] regulated under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

6 Controlled Drug Act; Definitions. Amend RSA 318-B:1, XX to read as follows:

XX. "Other stimulant and depressant drugs" means controlled drugs other than amphetamine-type, barbiturate-type, [~~cannabis-type,~~] cocaine-type, hallucinogenics***,*** and morphine-type which are found to exert a stimulant and depressant effect upon the higher functions of the central nervous system and which are found to have a potential for abuse.

7 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(b)(6)-(7) to read as follows:

(6) [~~Marijuana in a quantity of 5 pounds or more including any adulterants or dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants;~~

~~(7)~~] Flunitrazepam in a quantity of 500 milligrams or more.

8 Controlled Drug Act; Penalties. Amend RSA 318-B:26, I(c)(5)-(6) to read as follows:

(5) [~~Marijuana in a quantity of one ounce or more including any adulterants or dilutants, or hashish in a quantity of 5 grams or more including any adulterants or dilutants;~~

~~(6)~~] Flunitrazepam in a quantity of less than 500 milligrams;

9 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) [~~Except as provided in RSA 318-B:2-c,~~] Controls any premises or vehicle where he or she knows a controlled drug or its analog is illegally kept or deposited;

10 Controlled Drug Act; Penalties. Amend RSA 318-B:26, XIII to read as follows:

XIII. Any person who violates any provision of this chapter shall be fined a minimum of $350 for a first offense and $500 for a second or subsequent offense, except that any person who violates the provisions of RSA 318-B:26, II(c) or RSA 318-B:26, II(d) shall be fined $350. [~~This paragraph shall not apply to violations of RSA 318-B:2-c.~~]

11 New Paragraphs; Controlled Drug Act; Penalty for Juvenile Possession of Marijuana. Amend RSA 318-B:26 by inserting after paragraph IX-a the following new paragraphs:

IX-b. Any person under 18 years of age who is in possession of marijuana shall be referred for a substance misuse assessment pursuant to RSA 169-B:21 and the case shall be processed as a juvenile case under RSA 169-B.

IX-c. Except as provided in paragraph IX-b, any person under 21 years of age who possesses or uses marijuana shall be guilty of a violation.

IX-d. Any person who uses marijuana in a public place shall be guilty of a violation.

12 Controlled Drug Act; Penalties. Amend RSA 318-B:26, XI to read as follows:

XI. Any person who violates any provision of this chapter for which a penalty is not provided by paragraphs I through [~~IX~~] ***IX-d*** shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

13 Controlled Drug Act; Prior Offenses. Amend RSA 318-B:27 to read as follows:

318-B:27 Prior Offenses. In the case of any person charged with a violation of any provision of this chapter or RSA 318-D, who has previously been convicted of a misdemeanor or felony level violation of the laws of the United States or any state, territory or the District of Columbia relating to controlled drugs as defined in this chapter, such previous conviction shall be deemed a prior offense. A prior conviction for a violation level offense shall not be deemed a prior offense[~~, except as provided in RSA 318-B:2-c, V(a)~~].

14 Model Drug Dealer Liability Act; Definition of Illegal Drug. Amend RSA 318-C:4, I to read as follows:

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

15 Model Drug Dealer Liability Act; Marijuana References Deleted. Amend RSA 318-C:4, V-VIII to read as follows:

V. "Level 1 offense" means possession of 1/4 ounce or more, but less than 4 ounces, or distribution of less than one ounce of an illegal drug [~~other than marijuana, or possession of one pound or more or 25 plants or more, but less than 4 pounds or 50 plants, or distribution of more than 1/2 pound but less than one pound of marijuana~~].

VI. "Level 2 offense" means possession of 4 ounces or more, but less than 8 ounces, or distribution of one ounce or more, but less than 2 ounces, of an illegal drug [~~other than marijuana, or possession of 4 pounds or more or 50 plants or more but less than 8 pounds or 75 plants or distribution of one pound or more but less than 5 pounds of marijuana~~].

VII. "Level 3 offense" means possession of 8 ounces or more, but less than 16 ounces, or distribution of 2 ounces or more, but less than 4 ounces, of an illegal drug [~~other than marijuana, or possession of 8 pounds or more or 75 plants or more, but less than 16 pounds or 100 plants, or distribution of 5 pounds or more but less than 10 pounds of marijuana~~].

VIII. "Level 4 offense" means possession of 16 ounces or more or distribution of 4 ounces or more of an illegal drug [~~other than marijuana, or possession of 16 pounds or more or 100 plants or more or distribution of 10 pounds or more of marijuana~~].

16 Wiretapping and Eavesdropping; Definitions. Amend RSA 570-A:1, XI to read as follows:

XI. "Organized crime" means the unlawful activities of the members of a highly organized, disciplined association engaged in supplying illegal goods and services, including but not limited to homicide, gambling, prostitution, narcotics, [~~marijuana~~] or other dangerous drugs, bribery, extortion, blackmail and other unlawful activities of members of such organizations.

17 Wiretapping and Eavesdropping; Authorization for Interception of Telecommunication. Amend RSA 570-A:7 to read as follows:

570-A:7 Authorization for Interception of Telecommunications or Oral Communications. The attorney general, deputy attorney general, or a county attorney, upon the written approval of the attorney general or deputy attorney general, may apply to a judge of competent jurisdiction for an order authorizing or approving the interception of telecommunications or oral communications, and such judge may grant, in conformity with RSA 570-A:9, an order authorizing or approving the interception of telecommunications or oral communications by investigative or law enforcement officers having responsibility for the investigation of the offenses as to which the application is made, when such interception may provide, or has provided, evidence of the commission of organized crime, as defined in RSA 570-A:1, XI, or evidence of the commission of the offenses of homicide, kidnapping, gambling, theft as defined in RSA 637, corrupt practices as defined in RSA 640, child sexual abuse images under RSA 649-A, computer pornography and child exploitation under RSA 649-B, criminal conduct in violation of the securities law, as defined in RSA 421-B:5-501, RSA 421-B:5-502, RSA 421-B:5-502-A, RSA 421-B:5-505, RSA 421-B:5-506, and RSA 421-B:5-508, criminal conduct in violation of the security takeover disclosure laws, as defined in RSA 421-A:3, 421-A:7, 421-A:8, 421-A:11, and 421-A:13, robbery as defined in RSA 636:1, arson as defined in RSA 634:1, hindering apprehension or prosecution as defined in RSA 642:3, tampering with witnesses and informants as defined in RSA 641:5, aggravated felonious sexual assault as defined in RSA 632-A:2, felonious sexual assault as defined in RSA 632-A:3, escape as defined in RSA 642:6, bail jumping as defined in RSA 642:8, insurance fraud as defined in RSA 638:20, dealing in narcotic drugs, [~~marijuana,~~] or other dangerous drugs, hazardous waste violations under RSA 147-A:4, I, or any conspiracy to commit any of the foregoing offenses.

18 Deletion of Cannabis from Controlled Drug Schedule. Notwithstanding RSA 318-B:1-a, and not more than 30 days after the effective date of this act, the commissioner of the department of health and human services shall delete cannabis from the schedule of controlled drugs which are subject to RSA 318-B.

19 Annulment of Existing Cannabis-Related Criminal Convictions and Sentences. Notwithstanding RSA 651:5, or any other provision of law to the contrary, any person convicted or sentenced to imprisonment for a cannabis-related offense, or who is serving a sentence for a cannabis-related offense as of the effective date of this act shall have his or her conviction or sentence of imprisonment annulled by the sentencing court on the effective date of this act. Any person who has been arrested for a cannabis-related offense as of the effective date of this act shall have the criminal charges dismissed on the effective date of this act.

20 State Enforcement of Federal Cannabis Laws Prohibited. As of the effective date of this act, no state, county, or local law enforcement agency shall enforce any federal law prohibiting the manufacture, processing, possession, sale, transfer, or use of cannabis.

21 Repeal. The following are repealed:

I RSA 167:7-b, relative to prohibiting the use of electronic benefits cards at a marijuana dispensary.

II. RSA 318-B:1, IV, relative to the definition of cannabis-type drug.

III. RSA 318-B:1, X-a(g), relative to separation gins and sifters for cleaning and refining marijuana.

IV. RSA 318-B:2-c, relative to personal possession of marijuana.

V. RSA 318-B:2-d, relative to plea by mail for violations of personal possession of marijuana.

VI. RSA 318-B:2-e, relative to negligent storage of marijuana-infused products.

VII. RSA 318-B:9, VI, relative to a pharmacist's authority to dispense cannabis-type drugs pursuant to a physician's prescription.

VIII. RSA 318-B:26, II(c)-(d), relative to the penalties for possession or use of marijuana.

22 Effective Date. This act shall take effect January 1, 2024.

LBA
23-0241
12/28/22

**HB 360-FN- FISCAL NOTE**
**AS INTRODUCED**

AN ACT an act legalizing cannabis for persons 21 years of age or older.

**FISCAL IMPACT: [ X ] State [ X ] County [ X ] Local [ ] None**

| | Estimated Increase / (Decrease) | | | |
|---|---|---|---|---|
| **STATE:** | **FY 2023** | **FY 2024** | **FY 2025** | **FY 2026** |
| **Appropriation** | $0 | $0 | $0 | $0 |
| **Revenue** | $0 | Indeterminable | Indeterminable | Indeterminable |
| **Expenditures** | $0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |
| ***Funding Source:*** | [ X ] General [ ] Education [ X ] Highway [ X ] Other - Alcohol Abuse, Prevention and Treatment Fund, Various Government Funds | | | |

**COUNTY:**

| | | | | |
|---|---|---|---|---|
| **Revenue** | $0 | $0 | $0 | $0 |
| **Expenditures** | $0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |

**LOCAL:**

| | | | | |
|---|---|---|---|---|
| **Revenue** | $0 | $0 | $0 | $0 |
| **Expenditures** | $0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |

**METHODOLOGY:**

This bill legalizes the possession and use of cannabis for persons 21 years of age and older. This bill contains penalties that may have an impact on the New Hampshire judicial and correctional systems. There is no method to determine how many fewer charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

| Judicial Branch | FY 2023 | FY 2024 through 12/31/23 | FY 2024 (Starting 1/1/24 with repeal of Felonies First) |
|---|---|---|---|
| Violation and Misdemeanor Level Offense | $119 | $122 | $122 |
| Routine Criminal Case | $644 | $657 | $779 |
| Appeals | Varies | Varies | Varies |

| Judicial Council | FY 2023 | FY 2024 |
|---|---|---|
| Public Defender Program | Has contract with State to provide services. | Has contract with State to provide services. |
| Contract Attorney - Felony | $825/Case<br>$105 administrative fee<br>$200 incarceration fee<br>(If applicable) | $825/Case<br>$105 administrative fee<br>$200 incarceration fee<br>(If applicable) |
| Contract Attorney – Misdemeanor | $300/Case<br>$70 administrative fee<br>$100 incarceration fee<br>(If applicable) | $300/Case<br>$70 administrative fee<br>$100 incarceration fee<br>(If applicable) |
| Assigned Counsel - Felony.<br>Travel time to court does not count toward the cap. | $90/Hour up to $5,500 | $90/Hour up to $5,500 |
| Assigned Counsel- Misdemeanor.<br>Travel time to court does not count toward the cap. | $90/Hour up to $2,000 | $90/Hour up to $2,000 |
| It should be noted that a person needs to be found indigent and have the potential of being incarcerated to be eligible for indigent defense services. Historically, approximately 85% of the indigent defense caseload has been handled by the public defender program, with the remaining cases going to contract attorneys (14%) or assigned counsel (1%). Beginning in March of 2021, the public defender program has had to close intake of new cases due to excessive caseloads. Due to these closures, the contract and assigned counsel program have had to absorb significantly more cases. The system is experiencing significant delays in appointing counsel and the costs of representation have increased due to travel time and multiple appointments. | | |

| Department of Corrections | FY 2023 | FY 2024 |
|---|---|---|
| FY 2022 Average Cost of Incarcerating an Individual | $64,223 | $64,223 |
| FY 2022 Annual Marginal Cost of a General Population Inmate | $6,123 | $6,123 |
| FY 2022 Average Cost of Supervising an Individual on Parole/Probation | $688 | $688 |
| The Department notes any increase in the incarcerated population will have a direct impact on overtime costs given the Department's history of challenges associated with recruitment. In addition, the NH State Prison for Men has a degrading infrastructure which will only be exacerbated if an increase in the incarcerated population were to occur. | | |

| NH Association of Counties | FY 2023 | FY 2024 |
|---|---|---|
| County Prosecution Costs | Indeterminable | Indeterminable |
| Estimated Average Daily Cost of Incarcerating an Individual | $105 to $125 | $105 to $125 |

The Department of Safety indicates the fiscal impact of this bill is indeterminable as it is impossible to predict criminal activities related to cannabis legalization. Based on information from impact reports provided by High Intensity Drug Trafficking Areas (HIDTA) program on the states of Illinois and Colorado where marijuana is legal, the Department has provided the following information and assumptions:

- Due to the nature of THC metabolization, especially for chronic users, there is no national standard for determining impairment by drivers using marijuana.
- Marijuana use in both states has increased significantly since its legalization including among minors.
- The average THC level in marijuana products has risen from 3 percent to 23 percent in smokable marijuana and from 56 percent to 99 percent for other forms (waxes, oils, and edibles)
- Despite legalization, marijuana trafficking and the black market marijuana continue to be enforcement challenges in both states.
- Traffic deaths involving drivers who tested positive for marijuana and incidents of driving under the influence have increased.
- Treatment for marijuana use in Colorado has decreased and suicide incidents in which toxicology results were positive for marijuana have increased.

The Department states while they cannot predict the financial impact to New Hampshire, the Department assumes, based on the experiences from Illinois and Colorado, the financial impact due to the increased enforcement issues could be significant. In addition, the Department assumes, the enforcement issues may increases in crimes such as robbery, burglary, and theft. These enforcement issues will impact local and state law enforcement and lead to a need for increases in manpower and training.

The New Hampshire Municipal Association indicates this bill would increase local expenditures by an indeterminable amount. Based on review of limited research available relative to changes in policing related to cannabis legalization in any forms by other states, the New Hampshire Municipal Association identified the potential fiscal impacts listed below. Much of the research has been funded through National Institute of Justice (NIJ) grants provided by the U.S. Department of Justice and is based on experiences in Washington State and Colorado.

- Greater access to cannabis may increase youth access and driving while under the influence incidents, leading to a shift in law enforcement focus and a need for additional training in detection, such as Drug Recognition Expert (DRE) training. These shifts may increase law enforcement costs, particularly in the field of specialized training for detection of impairment by cannabis.
- Based on information from other states with legalization, there have been reduced law enforcement costs associated with drug detection and prosecution for simple possession cases, freeing up funds for other uses.
- Border states where cannabis is illegal and border states where some amount of cannabis is legal, have experienced additional incidents related to driving while under the influence, particularly in counties near the border. As New Hampshire is bordered on all

sides by legalized states it is likely that some additional enforcement costs are already being borne by municipal police departments.

- Most research funded by NIJ grants shows that legalization has minimal, if any, effects on violent crime.
- Generally, research in states that have legalized cannabis has shown more patients presenting in the emergency department with physical or psychological symptoms resultant from using marijuana or commercial cannabis products. While no research appears to exist relative to the number of patients arriving via ambulance, it stands to reason that some portion of patients do utilize ambulance services to arrive at emergency departments. Additionally, there may be some number of users who call for emergency medical assistance are not transported for treatment at the emergency department. Based on the information available, municipalities should expect some increase in costs associated with EMS, if limited legalization increases the incidence of individuals utilizing cannabis.
- The bill does not prohibit employers from prohibiting use of cannabis. It is likely that municipalities will prohibit some employees from using cannabis, particularly those in occupations where federal licensure or permission is necessary. This will likely include those with Commercial Drivers Licenses, who utilize those licenses while on the job, and those working at federal facilities, such as airports. It is possible that municipalities may require additional or routine cannabis-use testing if limited legalization is implemented, leading to additional costs.

The Association does not anticipate any impact on local revenue.

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

Under current law, all fines imposed pursuant to RSA 318-B:2-c are deposited into the alcohol abuse prevention and treatment fund. The repeal of RSA 318-B:2-c will decrease revenue to this fund.

**AGENCIES CONTACTED:**

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

**REGULAR CALENDAR**

**February 17, 2023**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Majority of the Committee on Criminal Justice and Public Safety to which was referred HB 360-FN,**

**AN ACT an act legalizing cannabis for persons 21 years of age or older. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Terry Roy**

**FOR THE MAJORITY OF THE COMMITTEE**

Original: House Clerk
Cc: Committee Bill File

# MAJORITY
# COMMITTEE REPORT

| | |
|---|---|
| Committee: | **Criminal Justice and Public Safety** |
| Bill Number: | **HB 360-FN** |
| Title: | **an act legalizing cannabis for persons 21 years of age or older.** |
| Date: | **February 17, 2023** |
| Consent Calendar: | **REGULAR** |
| Recommendation: | **INEXPEDIENT TO LEGISLATE** |

## STATEMENT OF INTENT

This majority of the committee agreed that this bill should be found inexpedient to legislate, albeit for different reasons. Some of the majority members agree with marijuana legalization in principle but felt that this bill was not the best legislation to accomplish this. These members felt that as New Hampshire is the lone state in New England that still criminalizes cannabis, there is a high likelihood that New Hampshire citizens who want to obtain and use cannabis products, probably already are. They felt that if that is the case, by keeping it criminal we are accomplishing nothing other than exposing more citizens to potential criminal justice system involvement. These members also expressed that by legalizing it, there would be a better chance that the products being used would be safer than that which is available on the black market. That being said, these members believe other legislation that is before other committees is the best vehicle to accomplish this. The other members of the majority oppose legalization for public health and safety reasons. They felt that this bill, legalizing cannabis for persons 21 years or older, would be detrimental to the health and safety of the public. They cited statistics in states that have legalized cannabis that show an increase in highway deaths. According to the national Highway Traffic Safety Administration, 12.6 percent of weekend nighttime drivers tested positive for THC in 2013-2014, compared to 8.6 percent in 2007. Theses members also believe that evidence shows that there is permanent brain damage from heavy marijuana use in persons under age 25, precisely when the human brain is finishing the development of the parts used for reasoning and critical thinking.

Vote 11-9.

Rep. Terry Roy
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

**REGULAR CALENDAR**

Criminal Justice and Public Safety

**HB 360-FN,** an act legalizing cannabis for persons 21 years of age or older. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Terry Roy for the **Majority** of Criminal Justice and Public Safety. This majority of the committee agreed that this bill should be found inexpedient to legislate, albeit for different reasons. Some of the majority members agree with marijuana legalization in principle but felt that this bill was not the best legislation to accomplish this. These members felt that as New Hampshire is the lone state in New England that still criminalizes cannabis, there is a high likelihood that New Hampshire citizens who want to obtain and use cannabis products, probably already are. They felt that if that is the case, by keeping it criminal we are accomplishing nothing other than exposing more citizens to potential criminal justice system involvement. These members also expressed that by legalizing it, there would be a better chance that the products being used would be safer than that which is available on the black market. That being said, these members believe other legislation that is before other committees is the best vehicle to accomplish this. The other members of the majority oppose legalization for public health and safety reasons. They felt that this bill, legalizing cannabis for persons 21 years or older, would be detrimental to the health and safety of the public. They cited statistics in states that have legalized cannabis that show an increase in highway deaths. According to the national Highway Traffic Safety Administration, 12.6 percent of weekend nighttime drivers tested positive for THC in 2013-2014, compared to 8.6 percent in 2007. Theses members also believe that evidence shows that there is permanent brain damage from heavy marijuana use in persons under age 25, precisely when the human brain is finishing the development of the parts used for reasoning and critical thinking. **Vote 11-9.**

Original: House Clerk
Cc: Committee Bill File

**REGULAR CALENDAR**

**February 17, 2023**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Minority of the Committee on Criminal Justice and Public Safety to which was referred HB 360-FN,**

**AN ACT an act legalizing cannabis for persons 21 years of age or older. Having considered the same, and being unable to agree with the Majority, report with the recommendation that the bill OUGHT TO PASS.**

**Rep. Jodi Newell**

**FOR THE MINORITY OF THE COMMITTEE**

Original: House Clerk
Cc: Committee Bill File

# MINORITY
# COMMITTEE REPORT

| | |
|---|---|
| Committee: | **Criminal Justice and Public Safety** |
| Bill Number: | **HB 360-FN** |
| Title: | **an act legalizing cannabis for persons 21 years of age or older.** |
| Date: | **February 17, 2023** |
| Consent Calendar: | **REGULAR** |
| Recommendation: | **OUGHT TO PASS** |

## STATEMENT OF INTENT

Given that the majority of New Hampshire residents believe cannabis should be legal for adult use, that its health impact is much less detrimental than that of alcohol, which is legal over the age of 21, and that the lifelong harm of criminalization far outweighs that of responsible consumption, the minority supports this bill.

Rep. Jodi Newell
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

**REGULAR CALENDAR**

Criminal Justice and Public Safety

**HB 360-FN,** an act legalizing cannabis for persons 21 years of age or older. **OUGHT TO PASS.** Rep. Jodi Newell for the **Minority** of Criminal Justice and Public Safety. Given that the majority of New Hampshire residents believe cannabis should be legal for adult use, that its health impact is much less detrimental than that of alcohol, which is legal over the age of 21, and that the lifelong harm of criminalization far outweighs that of responsible consumption, the minority supports this bill.

Original: House Clerk
Cc: Committee Bill File

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB 360 Date: 1/26/23

Committee: Criminal Justice and Public Safety

**** Please Print All Information ****

| Name | Address | Phone | Representing | Pro | Con |
|---|---|---|---|---|---|
| Rep Linda Gould | Bedford | | self | | X |
| Rep Douglas Trottier | | | Belknap Dist 8 | X | |
| Rep Tim Cahill | | | | | X |
| William Bright | | NH State Police | | | X |
| [redacted] | | [redacted] | | [redacted] | |
| Rep JR Hoell | | | | X | |

**HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

**PUBLIC HEARING ON HB 360-FN**

**BILL TITLE:** **an act legalizing cannabis for persons 21 years of age or older.**

**DATE:** **January 26, 2023**

**LOB ROOM:** **202-204** **Time Public Hearing Called to Order:** **1:33 p.m.**

**Time Adjourned:** **2:04 p.m.**

**Committee Members: Reps. Roy, Rhodes, A. Murray, Pratt, Sytek, Proulx, Janvrin, D. Mannion, Reid, Stone, Tenczar, Harriott-Gathright, Meuse, Bouldin, Bradley, N. Murphy, R. Newman, Newell, Selig and Wheeler**

**Bill Sponsors:**
**Rep. Verville** **Rep. Polozov** **Rep. T. Lekas**
**Rep. Hynes**

**TESTIMONY**

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

Rep Yury Polozov introduces his bill

- Prohibition has failed and NH is behind that ball on legalization. Alcohol is more dangerous than cannabis yet it is state sanctioned and widely used. Our prisons, law enforcement, and courts are overburdened and we are adding to their load by still enforcing cannabis prevention.
- Rep Selig asks if the bill completely legalizes cannabis without adding specific regulations, Rep Polozov says yes but the public would be protected by consumer protection law

Dr Joe Hannon

- Supports the bill
- There is a much higher likelihood of someone getting harsher drugs if they're shopping on the black market instead of just purchasing cannabis at a legal establishment
- Rep Wheeler asks is it easy to currently purchase cannabis in Maine or Massacchusettes, Dr Hannon says yes people drive right over the border. Most of New Hampshire residents already live within 45 minutes of a dispensary. If we are concerned about impaired driving we should make the commutes shorter and decrease the chances of impaired driving.
- Rep Newell asks if the Dr could share any information on the therapeutic benefits of cannabis use, Dr shares anecdotes on how cannabis can help individuals overcome other drug addictions

Ian Freeman, Shire Free Church

- Supports the bill

- Cannabis is a plant, should be treated as a plant, the government should stay out of it. There is no incentive to lace cannabis and over many years of his personal experience he has never come across it. Wants to ensure the bill covers all amounts of cannabis possession.

Heather Marie Brown, Therapeutic Cannabis Medical Oversight Board

- Currently collecting data on how cannabis has therapeutic benefits. Does not have hard numbers to share yet but affirms what Dr Hannon said that cannabis is very successful at treating other addictions

Rep Steven Bogert

- Supports the bill
- Keeping cannabis illegal doesn't make sense when cigarettes and alcohol are more dangerous and widely used. More crimes are linked to alcohol than cannabis. Cigarettes are a widely accepted addiction, when someone doesn't have a cigarette they become irritable and desperate, that doesn't happen with cannabis. We are forcing people to break more laws by making their only option driving across state borders. It is a waste of resources to criminalize it and enforce that.
- Rep Proulx asks if there is a test to see if you are over the limit with cannabis like there is with alcohol, Rep Bogert says not currently but it's being worked on
- Rep Selig asks if Rep Bogert supports selling through state-run operations vs no restrictions legalization, Rep Bogert says we could sell cannabis through regulated stores but people will still grow and/or distribute unregulated cannabis either way

Rep Sytek leaves for the day

Respectfully submitted,

Rep. Alissandra Murray, Clerk

# House Remote Testify

## Criminal Justice and Public Safety Committee Testify List for Bill HB360 on 2023-

Support: 9 Oppose: 6 Neutral: 0 Total to Testify: 0

Export to Excel

| Name | City, State<br>Email Address | Title | Representing | Position | Testifying | Non-Germane |
|---|---|---|---|---|---|---|
| Patten, Cortney | Laconia, NH<br>lildizzy6983@yahoo.com | A Member of the Public | Myself | Support | No | No |
| Baer, Aaron | Laconia, NH<br>abaer34@yahoo.com | A Member of the Public | Myself | Support | No | No |
| Creem, Jeffrey | Nashua, NH<br>jeff@thecreems.com | A Member of the Public | Myself | Support | No | No |
| Medeiros, Jesse | Plainfield, NH<br>bgtrck458@gmail.com | A Member of the Public | Myself | Support | No | No |
| Karney, Stephen | Amherst, NH<br>stephenakarney@gmail.com | A Member of the Public | Myself | Support | No | No |
| Levesque, Stephanie | Hudson, NH<br>stephanielevesque@comcast.net | A Member of the Public | Myself | Support | No | No |
| McEachern, Peter | Manchester, NH<br>pdishes4444@yahoo.com | A Member of the Public | Myself | Oppose | No | Yes |
| Richardson, Daniel | Nashua, NH<br>daniel6_22@comcast.net | A Member of the Public | Myself | Oppose | No | No |
| Pierre, Sandra | Marlow, NH<br>spierre@mailbox.org | An Elected Official | Myself | Support | No | No |
| Drye, Margaret | Plainfield, NH<br>Margaret.Drye@leg.state.nh.us | An Elected Official | Sullivan District 7 | Oppose | No | No |
| McQuade, Heather | Nashua, NH<br>heatherclaire1969@gmail.com | A Member of the Public | Myself | Support | No | No |
| Clark, Celeste | RAYMOND, NH<br>rcclark-4@comcast.net | A Member of the Public | Myself | Oppose | No | No |
| Bryfonski, John | Chief of Police Bedford, NH<br>jbryfonski@bedfordnh.org | A Member of the Public | Myself | Oppose | No | No |
| Alleman, Bill | Weare, NH<br>gencourt@allemanse.com | A Member of the Public | Myself | Support | No | No |
| Dunn, Robert | Manchester, NH<br>rdunn@rcbm.org | A Lobbyist | Roman Catholic Bishop of Manchester | Oppose | No | No |

**LEGALIZATION AND REGULATION OF CANNABIS**

HOUSE CRIMINAL JUSTICE & PUBLIC SAFETY

**LEGALIZATION AND REGULATION OF CANNABIS**

**HOME CULTIVATION OF CANNABIS**

CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I. **Opposition**: The NH Association of Chiefs of Police are in opposition to the legalization, commercialization and home cultivation of cannabis based on the following **UNDENIABLE FACTS** resulting in the degradation of public health, the quality of life in NH; pose an acute increased risk of public safety and resultant harm to our youth and children, creating increased carnage on our highways and lead to EXCESSIVE COSTS to the citizens of NH.

The NH Association of Chiefs of Police are OPPOSED to home cultivation of cannabis inasmuch as this is UNDENIABLY de facto legalization. In every state that legalized and commercialized cannabis, illegal "home" cultivation; actually large commercial cultivation proliferates and is UNSTOPPABLE.

**ANNUAL INCREASE IN TOTAL COST OF CANNABIS COMMERCIALIZATION IN NH**

# $88 MILLION

1. **Public Health Risk:** Countless peer reviewed studies by acclaimed medical, behavioral and other research scientists have proven that chronic use of cannabis is harmful to humans and especially youth both from a medical perspective as well as behavioral health.
    - **FACT-Medical and Psychiatric and Behavioral Therapists OPPOSE legalization**: The NH Medical Society, American Academy of Pediatrics (NH), Catholic Medical Center, NH Community Behavioral Health Association, NH Public Health Association and the NH Nurses Association and others OPPOSE legalization of cannabis. Who do you trust more, your medical and behavioral professional or a corporation funded program to promote the sale of cannabis?
    - **FACT-Health risks directly associated with cannabis use:** January 2023 – Bedford, NH: Two juveniles transported for medical treatment after consuming cannabis infused edibles; Bedford Police report increase numbers of medical treatment responses in 2022 directly attributable to cannabis use; Scientific-peer reviewed fact-based studies prove cannabis use by youth affects neurological development.
    - **FACT -Cognitive Disorders Associated with Cannabis Use:** Research found an association between the use of cannabinoids containing THC (the active ingredient in marijuana) and thinking and perception disorders in people over 50. [American Medical Assoc.]

- **FACT-Cannabis use during pregnancy is HARMFUL**: Edited by Tracy Bale, University of Maryland School of Medicine, Baltimore, MD, and accepted by Editorial Board Member September 27, 2021 (received for review March 30, 2021)
- **FACT-Cannabis use leads to behavioral disorders:** Journal of Public Health 2019: Evidence for an association between cannabis and psychosis has been documented in literature in many forms including experimental studies, epidemiological data, and case series. The association has implications for psychotic outcomes ranging from mild to severe and occurring over minutes to years.
- **FACT-Cannabis is Addictive:** "When people use cannabis regularly – such as daily or nearly daily – parts of the brain become reliant on cannabinoids, the psychoactive chemicals in cannabis. Symptoms can include irritability, depressed mood, decreased appetite, sleep difficulties, a desire or craving to use cannabis, restlessness, anxiety, increased aggression, headaches, shakiness, nausea, increased anger, strange dreams, stomach pain and sweating." See https://news.yahoo.com/weed-withdrawal-more-half-people-200735378.html and https://onlinelibrary.wiley.com/doi/10.1111/add.15370
- **FACT-Cannabis is associated with increased child abuse**: Texas: Marijuana was the substance most identified as actively being used by the perpetrator (85 cases) in child abuse and neglect-related **fatalities**.
- **FACT-Cannabis use associated with Suicide**: 236 suicides in Colorado with marijuana present, representing a 125 percent increase. All told, marijuana was present in 29 percent of all suicides where toxicology was performed, a 107 percent increase.

2. **Highway Safety:** In every state where cannabis has been legalized the number of collisions and fatalities directly related to operating a motor vehicle while impaired have increased.
   - **FACT – Legalization of Cannabis Leads to Increased Highway Death:** Colorado: News post dated September 10, 2021: "(Alexandria, VA) - Today, a new Colorado report **marijuana-impaired driving is continuing to have a catastrophic impact on Colorado. Since legalization, traffic deaths in which drivers tested positive for marijuana increased 138 percent** while all Colorado traffic deaths increased 29 percent.
     - **FACT – 24JAN2023:** "The Denver Post (1/23) reports, "According to the Colorado Department of Transportation, an estimated 745 people died in traffic crashes" in that state last year. During a Monday news conference, Colorado State Patrol Chief Matthew Packard "said...**crashes involving cannabis increased 51%" in Colorado in 2022**."
   - **FACT – Cannabis use leads to increased collisions:** Department of Community Health and Epidemiology, Dalhousie University, Halifax, Nova Scotia, Canada; "Acute cannabis consumption is associated with an increased risk of a motor vehicle crash, especially for fatal collisions." NH has NO per se limit for cannabis to prove impaired driving in NH. In Bedford NH two (2) fatal collisions occurred with the at fault operator having significant quantity of THC in their blood yet we could not charge them with DUI.
   - **FACT-Cannabis use leads to More Collisions:** January 14, 2020-Source: McLean Hospital Summary: Researchers have discovered that Cannabis users had more accidents, drove at higher speeds, and drove through more red lights than non-users.

- **FACT – Legalization led to more fatal crashed in Washington State:** The share of drivers who, after a fatal crash, tested positive for active THC – the drug's main psychoactive ingredient – has **doubled since the state legalized marijuana** in December 2012.
- **FACT – Legalization in VT leads to increased impaired driving arrests**: Vermont Sees Doubled Arrests For Driving While High The AP (12/25, Rathke) reports, "In the first year that recreational marijuana was legal in Vermont, the number of drivers arrested by state police for impaired driving who had THC in their systems **more than doubled.**
- **FACT – Legalization leads to increased DUI in Canada:** Quebec pot arrests behind the wheel up 54% since legalization Montreal Gazette Publishing date: OCT 17, 2019 **Sûreté du Québec says cannabis is the most commonly detected drug in its traffic stops**. One year after the legalization of recreational use of cannabis in Canada, the black market for the drug — as well as its use behind the wheel — continues to keep Quebec police forces busy."
- **FACT – NH does not have the capacity to handle the increase in DUI resulting from legalization as proposed in this bill**.
- **FACT – MASS Trooper Killed by Driver high on Marijuana:** Trooper Thomas Clardy the 44-year-old state trooper who died on March 16, 2016, when his cruiser was struck by an impaired driver on the Massachusetts Turnpike in Charlton. Prosecutors said the driver who struck Clardy's cruiser, David Njuguna, was speeding and high on marijuana at the time of the crash."
- **FACT – NH HAS NO THRESHOLD LIMIT IN LAW PERTAINING TO THC THAT WOULD ALLOW FOR ENFORCEMENT OF DUI FOR IMPAIRMENT BY MARIJUANA IN NH-States that commercialized marijuana passed laws that established per se limits on the amount of marijuana for operators of motor vehicles-we have no such law in NH and THIS LEGISLATION DOES NOT ADDRESS THIS ISSUE.**

3. **Increased Addiction and Disorder:** In every state where the use of cannabis has been legalized it has led to an **increase in cannabis use by youth and adults** and it has led to a corresponding increase in treatment for chronic marijuana use disorder and related behavioral disorders associated with chronic use of cannabis.
    - **FACT-Legalization of Cannabis leads to increased use by adolescents:** The 2020 release of the National Survey on Drug Use and Health — the gold standard of youth use data — found **double-digit increases in past-year marijuana use amongst 12–17-year-olds in several legal states in California, Nevada, and Oregon since 2017**. Oregon: UP 15.4% Nevada: UP 17.4% California: UP 14.5% Furthermore, the NSDUH data also shows us that **the rate of past-month and past-year marijuana use among 12-17-year-olds in states where marijuana is legal is 8% higher than in states where the substance remains illegal**.
    - **FACT-States that legalized cannabis see increased cannabis use disorder:** NSDUH data from 2008 to 2016 found the prevalence **of past-year Cannabis Use Disorder among those 12-17 saw a 25% greater increase in states where marijuana was "legalized"** versus states where it remained illegal.
    - **FACT- Cannabis Vaping Results in Increased Risk for Adolescents:** JAMA Pediatrics. 2022;176(1):42-51. doi:10.1001/jamapediatrics.2021.4102 Findings lifetime prevalence of cannabis vaping doubled from 2013 to 2020 (6.1% to 13.6%), past 12-month use doubled from 2017 to 2020 (7.2% to 13.2%), and the 30-day prevalence of cannabis vaping increased 7-fold from 2013 to 2020 (1.6% to 8.4%).

- **FACT-Cannabis use amongst 8th, 10th and 12th graders EXCEEDS ALCOHOL USE**
- **FACT – 28NOV2022: (Alexandria, VA) ---** A comprehensive study based on two national, large datasets by **Temple University** researchers showed that **youth marijuana use increases after recreational legalization**. The **study will be published in the Addictive Behaviors journal in March 2023. The study found** that, after legalization:

    - 1. Adolescent and young adult past-month cannabis use prevalence increased;
    - 2. Among adolescents and young adults, the association of lower perception of risk of harm with higher cannabis use prevalence was strengthened;
    - 3. Among young adults, an association of higher cannabis use prevalence with lower Cannabis Use Disorder treatment admissions emerged.

  Unlike other studies which have shown mixed results on adolescent use patterns, this one looked at all legal states and utilized two major, long-standing datasets. Previous studies would look at less comprehensive state surveys where localities with high drug use rates could simply opt out of the analysis. This study has no opt-out since it is based on nationally representative surveys of users and treatment facilities. Marijuana use was on a decades-long decline thanks to the concerted work of prevention efforts, but the **legalization and commercialization of marijuana is threatening to erase those public health gains; young people are beginning to use new forms of today's super high potency marijuana**, such as vapes and concentrates, that are significantly linked to serious harms to mental health and higher rates of addiction.

4. **Health Care Costs**: Legalization of cannabis will inevitably lead to **increased health care costs** for NH residents due to treatment for chronic use disorder and treatment for injury and harm directly associated with cannabis use that ELIMINATES ANY PROFITS FROM CANNABIS COMMERCIALIZATION.
    - **FACT-Legalization of cannabis led to increased exposures in Colorado:** Calls to the poison control center due to marijuana exposures continue to rise in Colorado, with 318 total calls in 2020 versus 125 in 2013, a 154 percent increase. Of these calls, 69 percent were for youths aged 0-18. Such calls totaled 221 in 2020, representing a 240 percent increase since 2013; 2023: Increase number of poisoning of children due to edibles, marketed and targeted at youth.
    - **FACT 19NOV2022: Study of Impact of Cannabis Legalization in Colorado:** "There was a positive association between the number of cannabis dispensaries and rates of psychosis ED visits across all counties in Colorado…our findings suggest there is a potential impact on the mental health of the local population that is observed after cannabis legalization."
        - **FACT – 14JAN2023 Manchester Union Leader**: "Last year, the Northern New England Poison Center handled 62 cases of New Hampshire residents sickened after exposure to cannabis. Nineteen involved children under 6, and most of them had consumed cannabis edibles. Karen Simone, director of the Northern New England Poison Center, said the number of accidental ingestion cases among little kids has gone up as the cannabis industry has moved from illegal to medicinal to recreational use. The center handles calls 24/7 for New Hampshire, Maine and Vermont."
    - **FACT-Cannabis leads to increased healthcare costs:** Canada: According to the Canadian Substance Use Costs and Harms study, cannabis accounted for 7 percent of the cost of

substance use in Canada in 2014: $2.8 billion out of $38.4 billion. This figure includes costs associated with health care for those with health conditions related to cannabis use (such as cannabis dependence, injury from driving accidents due to cannabis impairment and lung cancer) as well as lost productivity due to these health conditions.

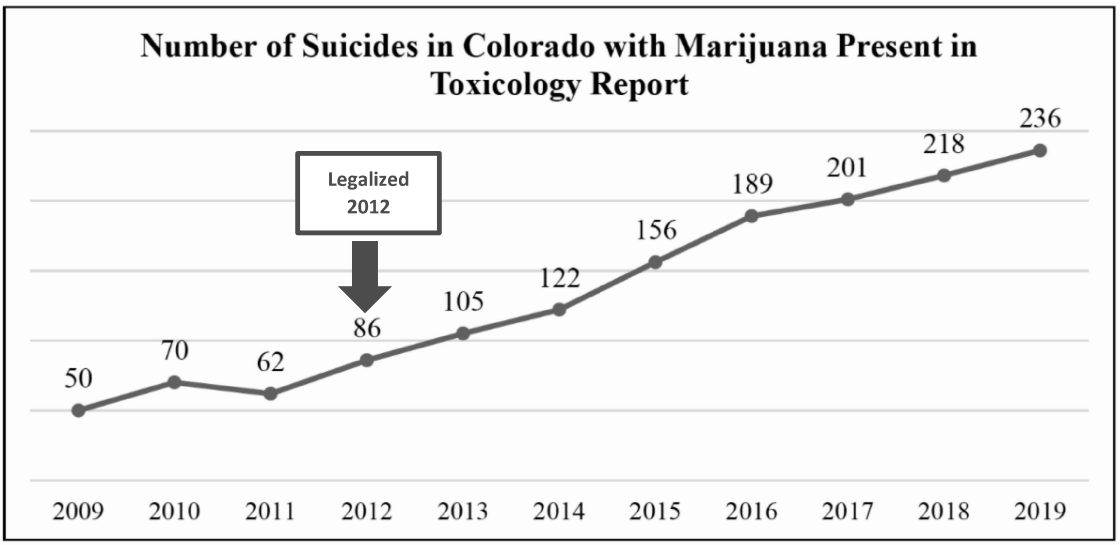
- **FACT-Increased health issues result in required healthcare and related costs:** Adverse Health Effects: Marijuana use is linked to several adverse health outcomes, including addiction, impaired cognition, pulmonary effects, mental illness, and other problems all of which require healthcare. Approximately one in ten adult users of marijuana develops addiction, and this number is higher among adolescents. [Note: Annual Rev Med. Author manuscript; available in PMC 2016 Jun 9. Published in final edited form as: Annual Rev Med. 2016; 67: 453–466. Published online 2015 Oct 19. doi: 10.1146/annurev-med-050214-013454]
    - **FACT Hudson Institute 28JUN2021:** " All of the states that accompanied Colorado on the path toward legalization have now emerged as the states with the highest percentage of youth users, well above the national average."
    - **FACT Hudson Institute 28JUN2021:** In Colorado for teens, marijuana is the most common drug found in toxicology of those who die by suicide. The percentage of incidents of suicide in which toxicology results were positive for marijuana increased to 23 percent in 2018, compared to 14 percent in 2014 (note that these figures are prior to the pandemic)."
    - **FACT – 29NOV2022 Health:** "Journal of the **American Medical Association**, suggests cannabis is no better at relieving pain than a placebo."
- **FACT-Legalization leads to increased addiction disorder requiring medical attention** and treatment; additional poison-control and emergency department visits and increased collisions and traffic fatalities all resulting in healthcare cost increase.
    - **FACT Hudson Institute 28JUN2021:** "Workplace drug-testing company QUEST Diagnostics recently reported, positive tests for marijuana are 30 percent higher in Colorado than the national average."
    - **FACT Hudson Institute 28JUN2021:** "Poison control centers (which) report that adverse marijuana-only exposures have more than quadrupled since legalization (Colorado)."
    - **FACT CNN 26JUL2022:** "Higher concentrations of tetrahydrocannabinol or THC -- the part of the marijuana plant that makes you high -- are causing more people to become addicted in many parts of the world, a new review of studies found. Compared with people who use lower-potency products (typically 5 to 10 milligrams per gram of THC), those who use higher-potency cannabis are more likely to experience addiction and mental health outcomes, according to the study published Monday in the journal Lancet Psychiatry."

5. **Cost of Regulation:** There is **NO STATE that legalized the use and possession of cannabis that has been able to pay for it** and there is NO evidence that NH will be any different.
    - **FACT – 05DEC2022:** Colorado expecting a $100 million shortfall in cannabis tax revenue for 2022; Colorado marijuana industry is going through the largest downturn that we've ever seen," said Truman Bradley, executive director of the Wheat Ridge-based Marijuana Industry Group. "Our industry is going through big time layoffs. Thousands of people have

lost their jobs and small business owners are going under. Unfortunately, I expect that to continue into the coming year."

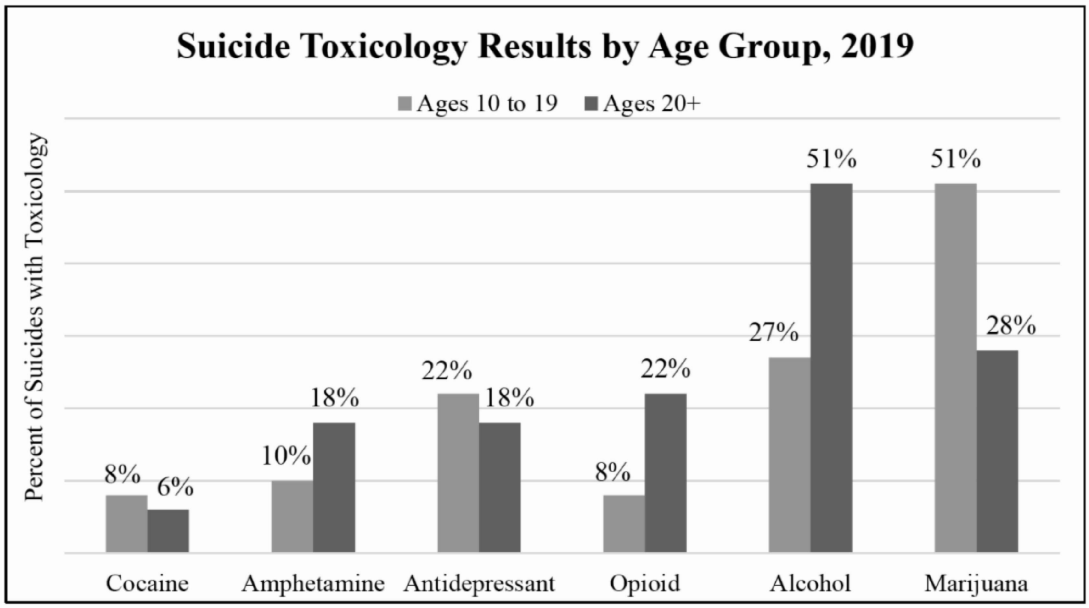
6. **Illicit Market:** In EVERY state where the possession and use of cannabis was legalized the illicit growing, sale and distribution of cannabis has proliferated.
   - **FACT -Illicit marijuana markets proliferate in every state where its legal:** (AP) In the **five years since California voters approved a broad legal marketplace for marijuana, thousands of greenhouses have sprouted across the state**. United Cannabis Business Association, a Los Angeles-based trade group. "No one is making money anywhere in the (legal) supply chain,"
   - **FACT – Awash in illegal cannabis farms, Oregon plans millions for relief** By ANDREW SELSKY (Associated Press) SALEM, Ore. Dec. 16, 2021 3 p.m. The **Oregon Legislature has dedicated $25 million to combat the proliferation of illegal marijuana farms in Oregon**.
   - **FACT Legal cannabis dispensaries are targets for criminals:** Oakland cannabis business hit twice in back-to-back burglaries and closer to home a Maine dispensary was burglarized; and, PORTLAND (WGME) – Portland police are investigating after a medical marijuana delivery driver was allegedly robbed at gun point in a parking lot.
   - **FACT – Illicit cannabis in Oregon results in calls for National Guard:** SALEM, Ore. (AP) —A **southern Oregon county declared a state of emergency amid a sharp increase in illegal cannabis farms**, police raided a site that had about **2 tons of processed marijuana** and 17,500 pot plants. **Jackson County Commissioners asked Gov. Kate Brown to send in the Oregon National Guard "to assist, as able, in the enforcement of laws related to the production of cannabis."**
   - **FACT – Illicit cannabis shops flood NYC: January 19, 2023: Fox News: According to the NYPD, more than 1,300 illegal marijuana stores are selling pot without a license.**
   - **FACT – OK 13JAN2023: "Legal Cannabis Industry Is 'Bleeding To Death' In Oklahoma, Gov Suspects Thousands Of Illicit Operators;** The Oklahoma Bureau of Narcotics and Dangerous Drugs (OBN) suspects there are around 2,000 potentially illegal medical marijuana licenses in the state."
   - **FACT – 13NOV2022 Boston Globe:** "As recreational marijuana prices plummet in Massachusetts, medical sales slump."
7. **Disproportionate Effect on Disadvantaged Communities:** The harmful effects associated with the sale and distribution of a product scientifically proven to be harmful to humans has consistently had a disproportionately negative consequence in disadvantaged communities.
8. **Law Enforcement:** The legalization of the possession and use of cannabis in NH by the state will lead to the requirement for law enforcement to address the illicit market in order to keep the state's legal market economically viable. In effect, this is the Volstead Act in reverse by making **NH law enforcement modern day prohibition police**. NH law enforcement doesn't have the capacity or funding to adequately address the public safety challenges we currently face let alone divert resources to what will become a failed attempt to control the illicit market for cannabis that will eviscerate the state's program.
9. **Public Sentiment:** According to a national Emerson College poll, **62% of registered voters do not support legalizing marijuana when presented with other, non-legalization policy options**. This new poll, conducted by Emerson College, found that the **majority of voters support other non-legalization marijuana policies** (prohibition, decriminalization, or medical legalization)

while **only 38% believe the country should move to legalize and commercialize marijuana** for production, recreational use, and sales, like in stores.

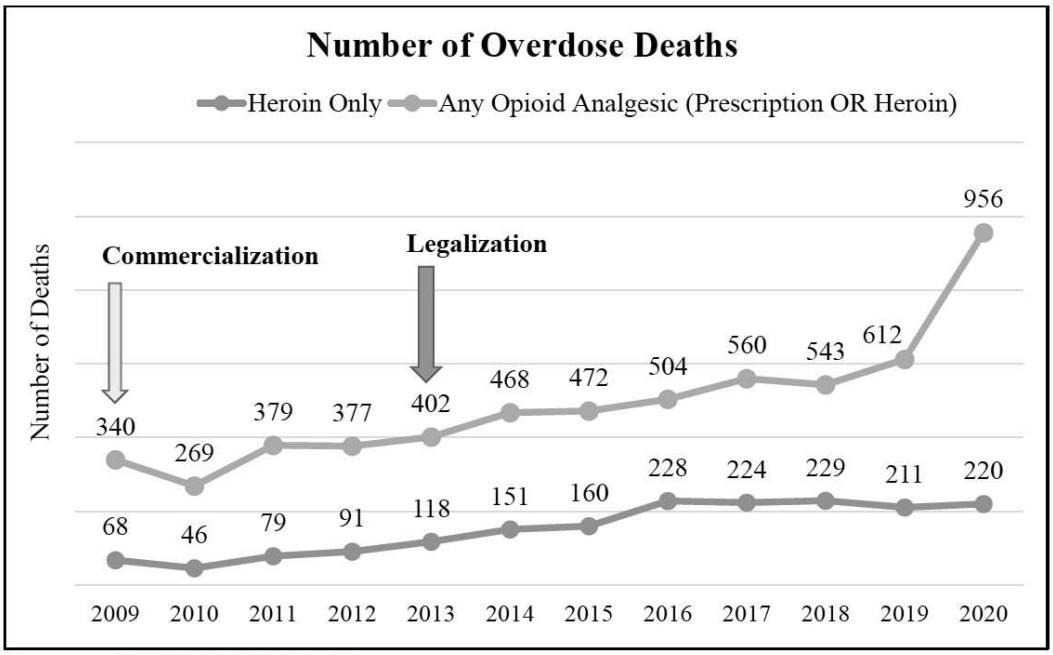


SOURCE: CDPHE, Colorado Violent Death Reporting System

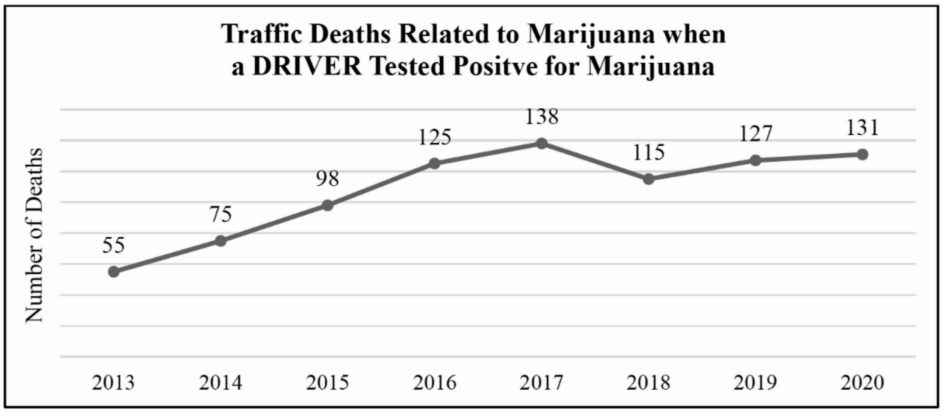
Of suicides among Colorado youth aged 10-19, marijuana was present in 51 percent of toxicology reports.



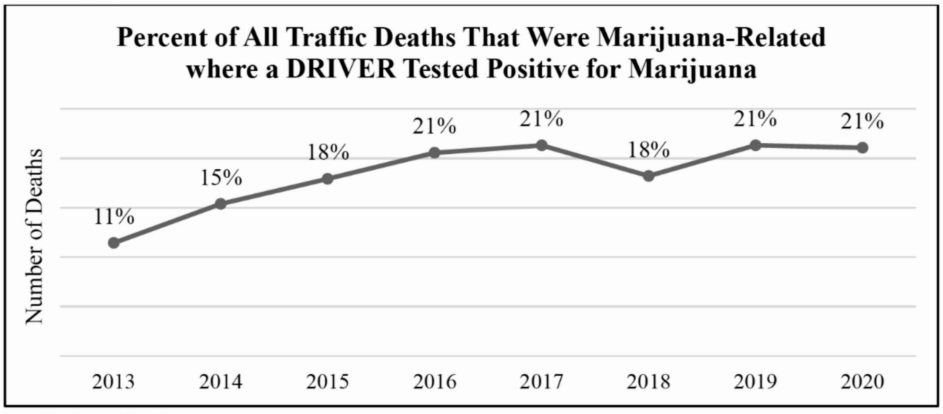
SOURCE: CDPHE, Colorado Violent Death Reporting System




Source: CDPHE, Vital Statistics Program

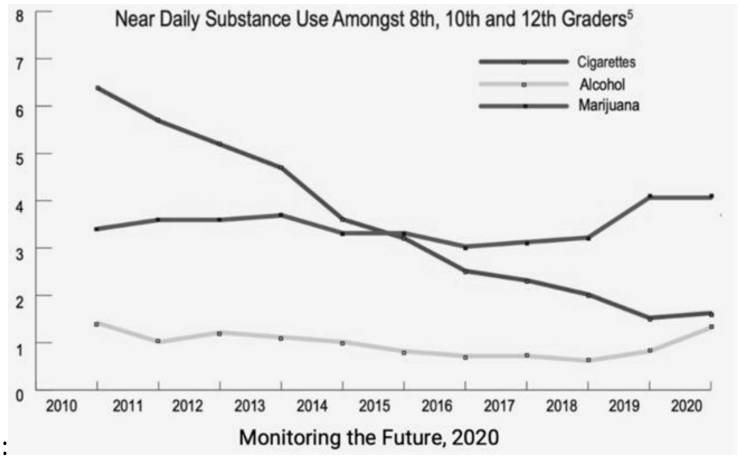


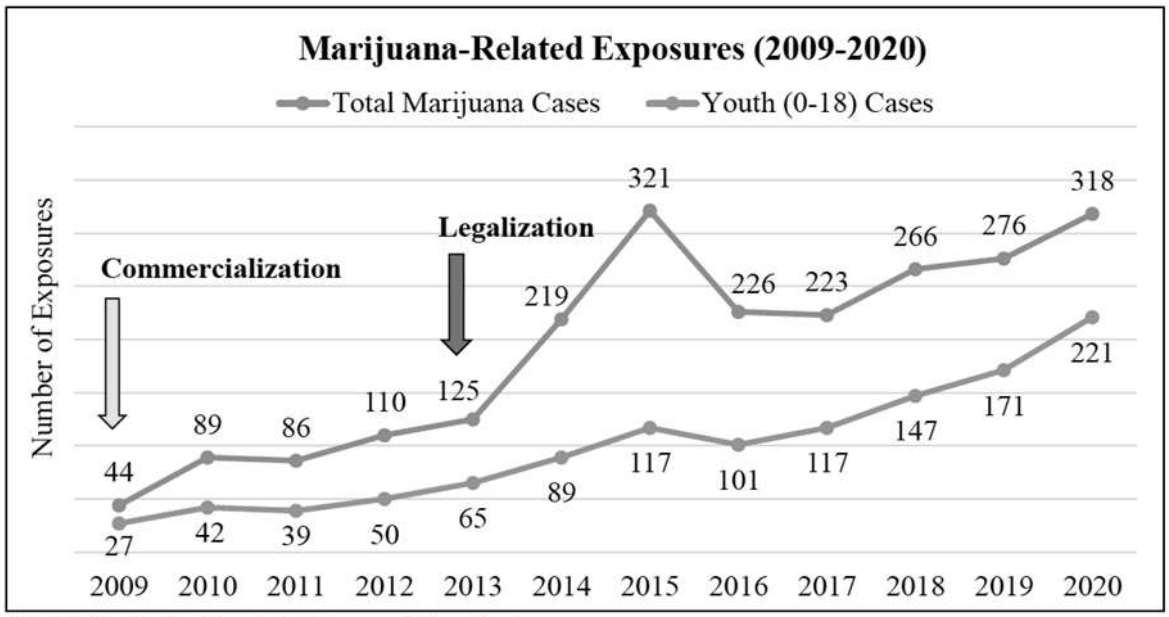

SOURCE: CDOT 2013-2020



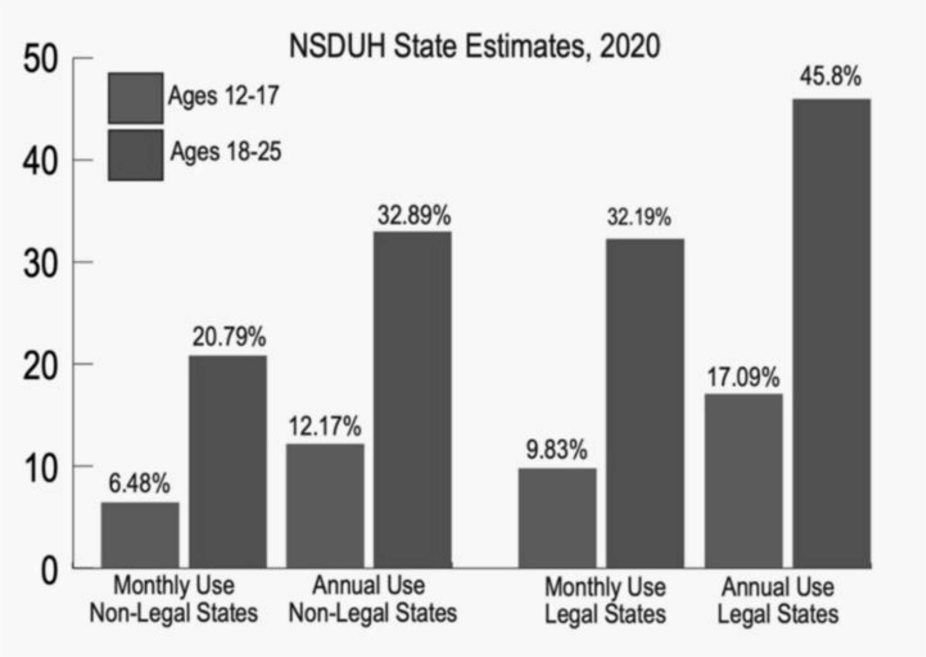

SOURCE: CDOT 2013-2020

1. E:




SOURCE: Rocky Mountain Poison and Drug Center




**VII. <u>SUMMARY:</u>**

- **Public Health Risk is Substantial:** Voting in favor of this bill is a vote to **increase harm and disease directly related to cannabis use**. Follow the facts.
- **Highway Deaths:** Voting for this bill will lead to **increased collisions and death on NH highways** as it has in other states. NH has no per se limit and no effective means to convict anyone responsible for death on the highway due to impairment by cannabis. Voting for this bill will make your highways and roads in NH more deadly.
- **Increased Addiction**: The facts and studies unequivocally state that legalization leads to increased use, **increased addiction**, increased medical and addiction related harm and disorders.
- **Healthcare Costs will inevitably increase** as a direct result of increased use, chronic addiction disorder and related medical and behavioral harm proven to be associated with cannabis use. Voting for this bill takes money out of our pockets.
- Regulatory Chaos: No state that legalized cannabis has been successful in regulating it; this bill proposes the state adopt the responsibility for distribution of cannabis with no structure or funds to adequately regulate, test and certify the product sold by the state is free of harmful chemicals let alone the other liability that extends from sale. The taxes touted by proponents of legalization have NEVER MATERIALIZED in any state that legalized it. In California the legal industry has collapsed. In Oregon the illicit market has captured and outsold and legal market. The illicit market will always be able to undersell the legal market because of taxes and regulation; legalization from a regulatory and economic perspective is doomed.
- **Illicit Market will proliferate** and expand in NH to the extent it will cause the collapse of the legal industry; the state will end up losing millions and there will be a push to have NH police enforce laws to support the state's legal marijuana business; the Volstead Act in reverse. NH law enforcement is unprepared and ill-equipped to handle the explosion of illicit marijuana that will result from legalization.
- **Disproportionate effect on disadvantaged** communities is evident where it was legalized and further imperils communities already struggling with disproportionate levels of addiction. This bill will only make it worse.

- **Law enforcement is not prepared nor equipped to handle the increase in cannabis related collisions, fatalities and overdoses**; we have no effective laws to convict persons responsible for cannabis impaired collisions and fatalities; we have no testing mechanisms; we have no regulatory controls for packaging or carriage or use in motor vehicles, heavy equipment, buses including school buses and commercial vehicles.
- **Public sentiment is clearly opposed** to full-scale legalization when given other options as proven by the most recent Emerson College poll.
- NO ONE IN NH GOES TO JAIL FOR POSSESSION OF PERSONAL USE QUANTITIES OF CANNABIS
- PERSONS WITH QUALIFYING CONDITIONS AND A PRESCRIPTION CAN GET CANNABIS IN NH TODAY.
- NH continues to be in the firm grip of drug addiction/public health crisis with increased overdoses and overdose deaths last year in both Manchester and Nashua. In what world does it make sense to add yet another addictive substance proven to be harmful especially to children, youth and pregnant women? Is this the path to a better NH?
- Legalization is NOT INEVITABLE so long as we consider the FACTS
- Don't be taken in by FALSE PROMISES by people who will PROFIT FROM ADDICTION.
- Vote COMMON SENSE and defeat legislation that would add yet another addictive substance into our state that continues to reel from substance abuse and addition.
- DON'T BE BAMBOOZLED: The tobacco industry bamboozled us and we're still paying for that; the pharmaceutical industry bamboozled us with opioid pain killers and now the marijuana industry is trying to bamboozle us.
- Vote for public health and safety not for corporate profiteers who show no remorse for the public harm commercialized cannabis creates, it's the commonsense and RIGHT thing to do.

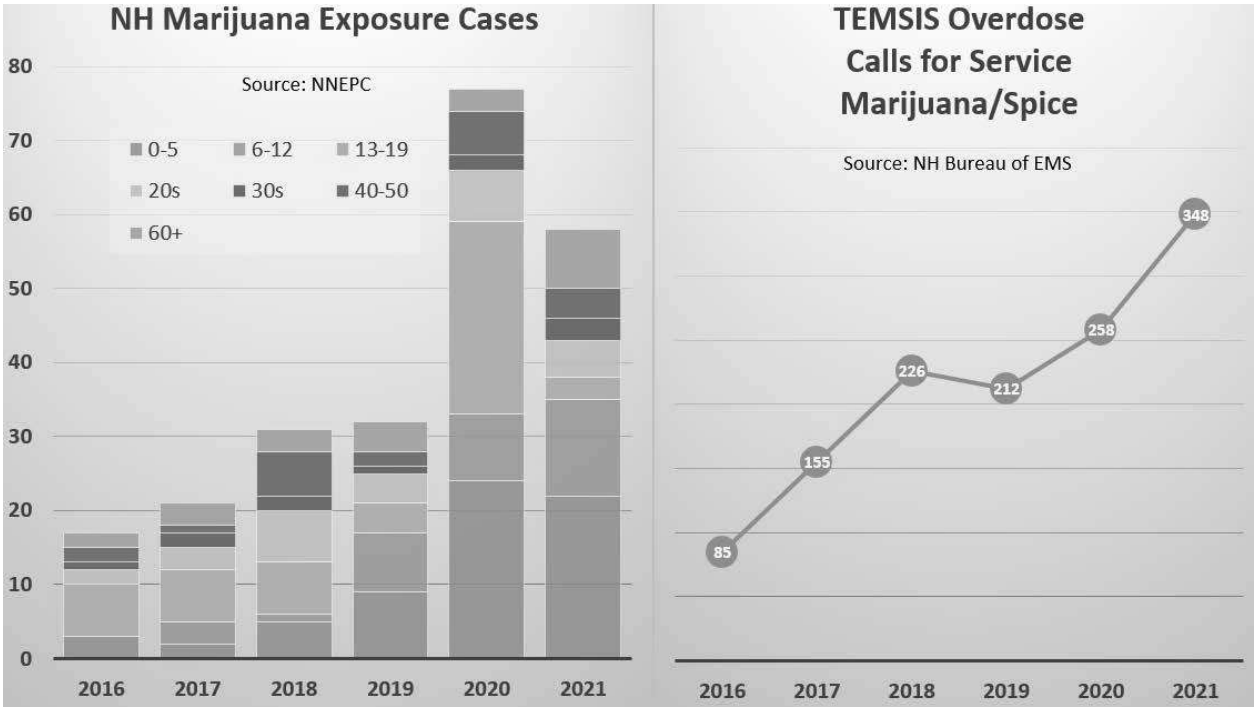
## VIII. COSTS OF COMMERCIALIZATION OF CANNABIS IN NH:

A. BACKGROUND ANALYSIS: The current estimated economic cost of substance abuse disorder in the United States is approximately **$3.73 T annually,** including $0.50 T in tangible measured costs and $3.23 T in intangible costs, a figure that consumes the equivalent of the combined GDP of 45 of the 50 US States and is larger than the combined GDP of California, Texas, New York, Florida, Illinois, Pennsylvania, and Ohio.
   - The analysis divides the costs of substance abuse disorder into three main categories – tangible direct costs, tangible indirect costs, and intangible costs.
   - Tangible costs ($0.50 T, 13.4%) are those that can be measured directly and/or estimated based on economic activity, including, for example, direct healthcare expenditures for substance abuse disorder treatment and the treatment of health conditions exacerbated or caused by substance abuse, and indirect costs including, for example, productivity loss due to premature mortality or absenteeism due to morbidity, criminal justice activity, public assistance expenditures, and expenses associated with substance abuse-related traffic collisions and fires.
   - Intangible costs of substance abuse disorder ($3.23 T, 86.6%) include losses that are not frequently quantified outside of actuarial analysis, social science research, or personal injury torts, such as the economic value assigned to loss of life, injury, and reduced quality of life. Among these, the most significant examples of the intangible costs of substance abuse disorder are those associated with the loss in quality of life of those with substance abuse disorders who do not receive treatment ($0.39 T) and the pain

and suffering of deaths, traffic deaths, and victims of violent crime associated with substance abuse disorder ($2.84 T).

B. COST OF SUBSTANCE USE DISORDER IN NH:

- $3.73 T in **US cost** is the equivalent of **$11,300 per person cost**
- **NH cost** based on $11,300 pp is the equivalent of **$15.8 BILLION in total substance use disorder costs for NH**[1]
- Using the value of 7% of all substance abuse costs in Canada are attributable to cannabis we see the **estimated cost of commercial cannabis in NH at $1.1 B**
- Using a conservative value of estimated increase in cannabis use in NH after commercialization based on average rates seen in other states at 8% annually (see average difference in use ages 18-25 actually 13%) we see an annual increase in NH costs directly related to cannabis commercialization at **$88 Million annually.**
- Journal of American Medicine Association (JAMA) 2021 Assessment of Annual Cost of Substance Use Disorder in US Hospitals reflected a total hospital only cost of $13.2 BILLION for substance use disorder treatments in the US.
- JAMA report reflects an average $8,014 cost per patient for cannabis use disorder in-patient treatment and $1,886 cost per out-patient treatment for cannabis use disorder.
- NH Overdose Calls for cannabis/spice reflect 348 calls in 2021; projecting an estimated 12% increase after commercialization we anticipate an additional 42 EMS calls for cannabis in NH.
- Using an estimated hospital cost of in-patient out-patient of $4,000 per call we can expect **hospital costs to increase by at least $168,000**. Again, this is hospital costs only; it excludes FD/EMS and Police costs related to each call for service based on JAMA data.




- Traffic Fatality Deaths/Costs in NH: Using Colorado data we can expect a 120% INCREASE in traffic deaths related to cannabis use after commercialization.
- There were 116 traffic deaths in NH in 2021.

- During 2018, 12 million (4.7%) U.S. residents reported driving under the influence of marijuana in the past 12 months; 2.3 million (0.9%) reported driving under the influence of illicit drugs other than marijuana.
    - In NH that would equate to 65,800 operators reporting driving under the influence of marijuana in the past 12 months.
    - Using an estimated increase of 12% after commercialization of cannabis in NH we anticipate an **additional 7,896 operators in NH will be impaired by cannabis.**
- Using an estimated law enforcement cost to investigate a single car motor vehicle fatality of $10,000 per investigation the total estimated cost to investigate fatal accidents in NH is estimated very conservatively at **$1.16 MILLION.**
- The percent of crash deaths involving cannabis more than doubled from 9 percent in 2000 to 21.5 percent in 2018, and the percent of deaths involving cannabis and alcohol also more than doubled from 4.8 percent to 10.3 percent. Nov 10, 2021
    - Using an estimate of 22% of NH fatal accidents involve cannabis, we see an estimated **26 fatal crashes in 2021 that involved cannabis**. [Note: NH has no per se limit for cannabis intoxication and therefore operators are not charged with DUI by cannabis in regards to fatal crashes in NH.]
    - The **cost to investigate fatal crashes involving cannabis in NH in 2021 is estimated at $255,000**.
    - Expecting a 120% increase in cannabis related crashes after commercialization in NH based on data from other states we expect to see an estimated increase of 55 fatal crashes in NH involving cannabis after commercialization.
    - The estimated increase in cost for law enforcement related to cannabis involved crashes in NH is estimated at an **additional $230,000** (excluding court costs, and prosecution costs etc.) for a total estimated cost of **$485,000 for law enforcement alone related to cannabis involved fatal crashes**.
- Illicit manufacturing/growing and trafficking in NH is expected to increase dramatically after commercialization.
- In Oregon, the state legislature recently allocated an additional $25 MILLION to address illicit cannabis trafficking in Oregon
- Cost of illicit marijuana trafficking investigations is highly varied and not easily quantifiable. The anticipated increase in NH law enforcement investigations that involve illicit cannabis trafficking is subject to conjecture.
    - Using an estimated increase of 100 investigations in the state annually at an average cost of $20,000 (exclusive of prosecution, and courts etc.) per investigation we can expect to see an annual estimated increase of **$2.0 MILLION in costs to NH law enforcement after commercialization**.

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[1] Recovery Centers of America, Economic Cost of Substance Use Disorder in US, 2019

# DIOCESE OF MANCHESTER

January 26, 2023

The Honorable Terry Roy, Chair
And Members of the House Criminal Justice Committee
Legislative Office Building
Concord, New Hampshire 03301

**Re: HB 360 (Legalization of Marijuana)**

Dear Mr. Chair and Members of the Committee:

As Director of the Office of Public Policy of the Roman Catholic Diocese of Manchester, and on behalf of Bishop Peter Libasci, I write to respectfully register our **opposition to HB 360, which legalizes marijuana.**

The Catholic Church considers that, although the Church and the political community are autonomous from one another, both entities can and should work together cooperatively to advance the good of all, since both, under different titles, are devoted to the personal and social vocation of the same people. It is in that vein that we offer these comments on HB 360.

Over the years, the Diocese of Manchester has consistently opposed proposals to legalize the recreational use of marijuana because, in our view, the common good would be harmed by the passage of this type of legislation. The principle of the common good is not just a religious concept, of course; as you know, Part 1 Article 1 of the New Hampshire Constitution states that government is "instituted for the general good", and Part 1 Article 3 expressly recognizes that "the protection of others" is a foundational purpose of society. We hope that you will look at this legislation in the light of those provisions.

Our state continues to struggle with a substance misuse crisis that has cost the lives of thousands of people and devastated the lives and health of countless more of our neighbors. Catholic ministries around the state are seeing the effects of this first-hand. With that perspective in mind, we urge you not to pass a bill that would legalize yet another drug that potentially harms those who are most in need of our protection and that would be the cause of unnecessary financial costs to the State of New Hampshire, local governments, and New Hampshire families.

As you review this legislation, we respectfully ask you to consider the following essential questions:

**1. Will legalization advance the safety of our youth and improve family life?**
**2. Will legalization improve the public health?**
**3. Will legalization improve communities?**
**4. Will legalization make people better workers and strengthen our business workforce?**

In our view, the answer to all these questions is decidedly "no". Therefore, we think that any revenues that might come to the State from the enactment of this sort of legislation are sure to be outweighed by the financial costs -and even more, the social costs – of the measure. Accordingly, we respectfully ask you to protect the common good by voting to recommend ITL on HB 360.

Thank you for your kind consideration of our views.

Very truly yours,

Robert E. Dunn, Jr., Esq.
Director, Office of Public Policy

153 ASH STREET, MANCHESTER, NH 03104 (603) 669-3100 FAX (603) 669-0377 WWW.CATHOLICNH.ORG

Peter McEachern

As a private citizen, NH medical patient, and ATC employee I oppose this bill and the uninformed approach it takes to the future of Cannabis in NH.  This bill would not serve the needs of NH residents in any way and would ultimately contribute to more "lawlessness" within the state.

Sandra Pierre

A majority of New Hampshire citizens have wanted cannabis decriminalized for years. Every state around us has already done so. The reasons for its original criminalization were steeped in misinformation and racism. Let's relegalize it and move on!

Margaret Drye

Honorable Members of this Committee: One of the biggest problems with this and any other recreational cannabis bill is that there are currently no reliable means to test or measure whether a driver was actually impaired when under the influence. This is deal breaker. Please vote this ITL. Thank you, Rep. Margaret Drye, EMT

Heather McQuade

It has been a matter of debate for far too long. Why are we, the Live Free or Die state, the last two be able to legally enjoy the benefits of this medicinal, innocuous crop? It has been proved to aid with a multitude of mental stressors and physical pains, why should we, as tax paying adults, not be able to freely purchase and use this plant? It is preposterous and antiquated thinking. Legalize it!

Celeste Clark

Please vote NO on this bill and all the other bills (HB 360 and HB 344)that would increase access to the drug marijuana and all of its products. NH can not afford to be an experiment like Colorado. We need to protect our kids, families and clean air. These things are the very heart of NH.

**HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

**EXECUTIVE SESSION on HB 360-FN**

**BILL TITLE:** an act legalizing cannabis for persons 21 years of age or older.

**DATE:** February 17, 2023

**LOB ROOM:** 202-204

**MOTIONS: INEXPEDIENT TO LEGISLATE**

Moved by Rep. Reid Seconded by Rep. Pratt Vote: 11-9

**CONSENT CALENDAR: NO**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Alissandra Murray, Clerk

**STATE OF NEW HAMPSHIRE**
**OFFICE OF THE HOUSE CLERK**

1/10/2023 9:55:43 AM
Roll Call Committee Registers Report

**2023 SESSION**

## Criminal Justice and Public Safety

**Bill #:** 360 **Motion:** ITL **AM #:** _____ **Exec Session Date:** 2/17/23

| Members | YEAS | Nays | NV |
|---|---|---|---|
| Roy, Terry Chairman | 11 | | |
| Rhodes, Jennifer M. Vice Chairman | 1 | | |
| Pratt, Kevin M. | 2 | | |
| ~~Sytek, John~~ Hill | 3 | | |
| Proulx, Mark L. | 4 | | |
| Janvrin, Jason A. | 5 | | |
| Mannion, Dennis | 6 | | |
| Reid, Karen A | 7 | | |
| Stone, Jonathan F. | 8 | | |
| Tenczar, Jeffrey | 9 | | |
| Harriott-Gathright, Linda C. | 10 | | |
| Meuse, David | | 1 | |
| Bouldin, Amanda C. | | 2 | |
| Bradley, Amy Clerk | | 3 | |
| Murphy, Nancy A. | | 4 | |
| Newman, Ray E. | | 5 | |
| Murray, Alissandra | | 6 | |
| Newell, Jodi K | | 7 | |
| Selig, Loren | | 8 | |
| Wheeler, Jonah O | | 9 | |
| **TOTAL VOTE:** | 11 | 9 | |