CONSENT CALENDAR

April 14, 2026

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Criminal Justice and Public Safety to which was referred SB 461,

AN ACT relative to the definition of hemp. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Alissandra Murray

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Criminal Justice and Public Safety**
Bill Number:	**SB 461**
Title:	**relative to the definition of hemp.**
Date:	**April 14, 2026**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2026-1344h**

STATEMENT OF INTENT

This bill amends the statutory definition of hemp under RSA 439-A:2, V to clarify that the legal threshold for tetrahydrocannabinol (THC) content includes not only delta-9 THC, but also tetrahydrocannabinolic acid (THCA), and other forms of THC when calculating total THC concentration. The committee finds that this change brings New Hampshire law into alignment with federal standards established under the Agriculture Improvement Act of 2018, which defines hemp based on total THC concentration rather than delta-9 THC alone. By explicitly including THCA in the calculation, the bill closes a gap in current law that has allowed products with intoxicating potential to be marketed as compliant hemp. The committee further finds that this clarification supports consistent enforcement and provides clearer guidance to regulators, producers, and retailers. Without a total THC standard, enforcement agencies face challenges in distinguishing lawful hemp from cannabis products that exceed statutory limits, particularly as THCA can convert to delta-9 THC when heated. In addition, the bill promotes consumer protection by ensuring that products sold as hemp do not produce unintended intoxicating effects. This is especially important in maintaining public confidence in the state's hemp market and preventing the circumvention of existing cannabis laws. For these reasons, the committee believes the bill represents a necessary and reasonable update to New Hampshire statute, improving clarity, enforceability, and alignment with federal law.

Vote 13-0.

Rep. Alissandra Murray
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Criminal Justice and Public Safety

SB 461, relative to the definition of hemp. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Alissandra Murray for Criminal Justice and Public Safety. This bill amends the statutory definition of hemp under RSA 439-A:2, V to clarify that the legal threshold for tetrahydrocannabinol (THC) content includes not only delta-9 THC, but also tetrahydrocannabinolic acid (THCA), and other forms of THC when calculating total THC concentration. The committee finds that this change brings New Hampshire law into alignment with federal standards established under the Agriculture Improvement Act of 2018, which defines hemp based on total THC concentration rather than delta-9 THC alone. By explicitly including THCA in the calculation, the bill closes a gap in current law that has allowed products with intoxicating potential to be marketed as compliant hemp. The committee further finds that this clarification supports consistent enforcement and provides clearer guidance to regulators, producers, and retailers. Without a total THC standard, enforcement agencies face challenges in distinguishing lawful hemp from cannabis products that exceed statutory limits, particularly as THCA can convert to delta-9 THC when heated. In addition, the bill promotes consumer protection by ensuring that products sold as hemp do not produce unintended intoxicating effects. This is especially important in maintaining public confidence in the state's hemp market and preventing the circumvention of existing cannabis laws. For these reasons, the committee believes the bill represents a necessary and reasonable update to New Hampshire statute, improving clarity, enforceability, and alignment with federal law. **Vote 13-0.**

Original: House Clerk

Cc: Committee Bill File

Rep. A. Murray, Hills. 20
April 3, 2026
2026-1344h
12/08

Amendment to SB 461

Amend the bill by replacing section 1 with the following:

1 Hemp; Definitions. RSA 439-A:2, V is repealed and reenacted to read as follows:

V. "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total tetrahydrocannabinol (THC) concentration of not more than 0.3 percent on a dry weight basis. Total THC concentration shall include the sum of all THC, including tetrahydrocannabinolic acid (THCA).

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 461

BILL TITLE: relative to the definition of hemp.

DATE: April 14, 2026

GP ROOM: 159

MOTIONS: **OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. A. Murray | Seconded by Rep. Scherr | AM Vote: 13-0

Amendment # 2026-1344h

Moved by Rep. A. Murray | Seconded by Rep. Roy | Vote: 13-0

☐ **WITHOUT RECOMMENDATION**

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Alissandra Murray, Clerk

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

EXECUTIVE SESSION on SB 461

BILL TITLE: relative to the definition of hemp.

DATE: 4/14/26

GP ROOM: 159

MOTION: (Please check one box)

☑ ~~OTP~~ ☐ ITL ☐ Retain (1st year) ☑ Adoption of Amendment # 1344h (*if offered*)

☐ Interim Study (2nd year)

Moved by Rep. Murray Seconded by Rep. Scherr Vote: _____

MOTION: (Please check one box)

☐ OTP ☑ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ (*if offered*)

☐ Interim Study (2nd year)

Moved by Rep. Murray Seconded by Rep. Roy Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ (*if offered*)

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____ (*if offered*)

☐ Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

☐ **WITHOUT RECOMMENDATION**

CONSENT CALENDAR: ✓ **YES** ____ **NO**

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion_____

Respectfully submitted: _____

Rep Alissandra Murray, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2026 10:16:46 AM
Roll Call Committee Registers Report

2026 SESSION

Criminal Justice and Public Safety

Bill #: SB461 Motion: OTP-A AM #: 1344h Exec Session Date: 4/14/26

Members	YEAS	Nays	NV
Roy, Terry W Chairman	13		
~~Rhodes, Jennifer M Vice Chairman~~ Mannion	1		
Proulx, Mark L	2		
Lascelles, Richard W.	3		
Devoid, Ricky J	4		
~~Morency, Pete~~			
~~Paquette, Kathleen~~ Bogert	5		
Sabourin dit Choinière, Matt R	6		
Harriott-Gathright, Linda C	7		
Meuse, David James	8		
Newman, Ray E	9		
Murphy, Nancy A	10		
Murray, Alissandra Clerk	11		
Scherr, Buzz	12		
TOTAL VOTE:	13	0	

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2026 10:16:46 AM
Roll Call Committee Registers Report

2026 SESSION

Criminal Justice and Public Safety

Bill #: SB 461 **Motion:** adoption of **AM #:** 1344h **Exec Session Date:** 1/14/26

Members	YEAS	Nays	NV
Roy, Terry W Chairman	13		
~~Rhodes, Jennifer M Vice Chairman~~ Manion	1		
Proulx, Mark L	2		
Lascelles, Richard W.	3		
Devoid, Ricky J	4		
~~Morency, Pete~~			
~~Paquette, Kathleen~~ Bogert	5		
Sabourin dit Choinière, Matt R	6		
Harriott-Gathright, Linda C	7		
Meuse, David James	8		
Newman, Ray E	9		
Murphy, Nancy A	10		
Murray, Alissandra Clerk	11		
Scherr, Buzz	12		
TOTAL VOTE:	13	0	

HOUSE COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

PUBLIC HEARING ON SB 461

BILL TITLE: **relative to the definition of hemp.**

DATE: **March 18, 2026**

GP ROOM: **159** **Time Public Hearing Called to Order:** **11:30 a.m.**

Time Adjourned: **12:32 p.m.**

Committee Members: Reps. Roy, A. Murray, Proulx, Lascelles, Devoid, Morency, Paquette, Sabourin dit Choiniere, Harriott-Gathright, Meuse, R. Newman, N. Murphy and Scherr, Lynn

Bill Sponsors:
Sen. Fenton **Sen. Reardon** **Sen. Birdsell**
Rep. W. MacDonald

TESTIMONY

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

Senator Donovan Fenton - Introduced by the prime sponsor of the bill
- Clarifies
- high-THC products should not be sold in NH without regulations

***Matt Simon - Granite Leaf Cannabis**
- Supports the bill
- Shares the legislative history of hemp policy in NH and some of the existing loopholes in our statutes as they currently stand
- SB 624 is a bill that does similar things but is in another committee
- Delta9 in line 4 should be removed

***Jake Berry - New Futures**
- Supports the bill

***Cynthia Whitaker, PsyD, MLADC**
- did not speak

Respectfully submitted,

Rep. Alissandra Murray, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Committee: House Criminal Justice and Public Safety Committee

Bill #: SB461 **Date:** ________

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

Name	Address	Phone	Representing	Pro	Con
Laurie Warnock	20 Redcoat Dr Hampstead NH			✓	

House Remote Testify

Criminal Justice and Public Safety Committee Testify List for Bill SB461 on 2026-03-18

Support: 62 Oppose: 4 Neutral: 1 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Stone, Cory	DOVER, NH nordichammer212@outlook.com	A Member of the Public	Myself	Oppose	No	No	3/11/2026 7:35 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast	A Member of the Public	Myself	Oppose	No	No	3/16/2026 8:01 AM
Colby, Melissa	Concord, NH melissa.colby2011@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 12:31 PM
Hajjent, Katie	Goffstown, NH katieparent01@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 12:31 PM
Esterly, Gayle	Londonderrry, NH tour.beasts.7l@icloud.com	A Member of the Public	Myself	Support	No	No	3/16/2026 12:41 PM
Keskinen, Vicki	Milford, NH Keskinen62@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 12:51 PM
Brown, Maureen	Concord, NH mhgb11@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 12:57 PM
Walker, Deborah Klein	Meredith, NH deb.publichealth@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 12:59 PM
trayner, cristine	dover, NH ctrayner@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 1:45 PM
Kapadia, Alison	Hanover, NH alison.p.r.kapadia@hitchcock.org	A Member of the Public	Myself	Support	No	No	3/16/2026 1:56 PM
Fenner Lukaitis, Elizabeth	Warner, NH, NH glukaitis@mcttelecom.com	A Member of the Public	Myself	Support	No	No	3/16/2026 2:14 PM
Lukaitis, Gary	Warner, NH, NH gary1763@rocketmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 2:14 PM
Arnold, Samantha	Dover, NH samantha.arnold.rn@gmail.com	A Member of the Public	Myself	Oppose	No	No	3/16/2026 2:21 PM

Baylor, Katherine	Exeter, NH katherinewbaylor@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 2:38 PM
Hart, Laureen	Belmont, NH hlaurie58@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 2:43 PM
Blanton, Emma	Alton Bay, NH emmarose210@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 3:30 PM
Moccia, Lianne	LEBANON, NH lianne.moccia@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 4:08 PM
Osiecki, Sylvia	Concord, NH sosiecki2@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 5:58 PM
Chase, Wendy	Laconia, NH Northbeach59@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 6:52 PM
Hersom, Katie	Hampstead, NH hersomkatie@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 7:01 PM
Evankow, Abby	Gorham, NH abbyaustin89@gmail.com	An Elected Official	Myself	Support	No	No	3/16/2026 7:45 PM
Romilla, Angela	Manchester, NH aaromilla@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 7:50 PM
Engle, Susan	Stratham, NH susanengle55@gmail.com	A Member of the Public	Myself	Support	No	No	3/16/2026 8:10 PM
Cote, Lois	Manchester, NH coldaf763@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 8:34 AM
Merritt, Kristen	Nashua, NH krism59@hotmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 9:56 AM
LARSON, RUTH	Alton, NH ruthlarson@msn.com	A Member of the Public	Myself	Support	No	No	3/17/2026 9:57 AM
Mason, Peter	LEBANON, NH petermason68@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 10:47 AM
Collins, Lynn	Hampton, NH snhdrugtesting@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 11:18 AM
Dubois, Jillian	Concord, NH jillianadubois@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 11:49 AM
Powers, Bridget	Plymouth, NH bridgetpowers7@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 4:02 PM
Mancuso, Charles	Dover, NH charlesmancuso56@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 4:06 PM

Brannen, Tricia	Goffstown, NH tbrannen@youthwellnh.org	A Member of the Public	Myself	Support	No	No	3/17/2026 4:07 PM
Chooljian, Carrie	Hampstead, NH Carrie.chooljian@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 4:08 PM
Livingston, Cathy	Madison, NH clivingston@childrenunlimitedinc.org	A Member of the Public	Myself	Support	No	No	3/17/2026 4:09 PM
Coon, Kate	Peterborough, NH kate2coon@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 4:15 PM
Pare, Rebecca	Exeter, NH pare.rebecca@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 4:16 PM
Rodenhauser Stewart, Cynthia	MANCHESTER, NH CBRStewart418@comcast.net	A Member of the Public	Myself	Support	No	No	3/17/2026 4:26 PM
Johnston, Jennifer	Bow, NH jtelesc@icloud.com	A Member of the Public	Myself	Support	No	No	3/17/2026 4:33 PM
Paquette, Hannah	Bow, NH hlpaquette1210@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 4:48 PM
Budnitz, Albee	Nashua, NH albee.budnitz@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 4:50 PM
Stewart, Thomas	Manchester, NH tjamesstewart@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 5:04 PM
Kiely, Marie	Portsmouth, NH m.bkiely@outlook.com	A Member of the Public	Myself	Support	No	No	3/17/2026 5:58 PM
moran, paula	Nashua, NH paula.d.moran@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 6:15 PM
Turner, Jennifer	Andover, NH jmfturne@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 6:23 PM
Czech Lesmerises, Paula	Concord, NH Pcl1943@gmail.com	A Member of the Public	Myself	Support	No	No	3/17/2026 6:46 PM
Kiely, Brian	PORTSMOUTH, NH m.bkiely@outlook.com	A Member of the Public	Myself	Support	No	No	3/17/2026 7:04 PM
Quisumbing-King, Cora	DOVER, NH coraq@comcast.net	A Member of the Public	Myself	Support	No	No	3/17/2026 7:18 PM
McDonald, Alyssa	Milford, NH Alyssa.mcdonald15@yahoo.com	A Member of the Public	Myself	Oppose	No	No	3/17/2026 7:36 PM
Whitaker, Cynthia `	Weare, NH whitakerc@gnmhc.org	A Member of the Public	Myself	Support	No	No	3/17/2026 9:23 PM

Small-Porter, Margaret	Newmarket, NH Smallporter@yahoo.com	A Member of the Public	Myself	Support	No	No	3/18/2026 12:04 AM
Warnock, Laurie	Hampstead, NH Lwarnock62@gmail.com	A Member of the Public	Myself	Support	No	No	3/18/2026 4:09 AM
Barlow, Jennifer	Nashua, NH barlow_jenniferanne@hotmail.com	A Member of the Public	Myself	Support	No	No	3/18/2026 6:14 AM
Large-Reusch, Shanna	Concord, NH slarge@riverbendcmhc.org	A Member of the Public	Myself	Support	No	No	3/18/2026 7:25 AM
Boucher, Beth	Dunbarton, NH bboucher@gmail.com	A Member of the Public	Myself	Support	No	No	3/18/2026 7:30 AM
Arsenault, Diane	Campton, NH dlarsenault55@gmail.com	A Member of the Public	Myself	Support	No	No	3/18/2026 7:34 AM
van Bergen, Kris	Lancaster, NH kris@buteau.org	An Elected Official	Myself	Support	No	No	3/18/2026 7:50 AM
Reardon, Senator Tara	Concord, NH tara.reardon@gc.nh.gov	An Elected Official	District 15	Support	No	No	3/18/2026 8:33 AM
Belmont, Jonathan	Bedford, NH jonathanbel380@gmail.com	A Member of the Public	Myself	Support	No	No	3/18/2026 8:36 AM
Homola, Susan	Hollis, NH samnh@learnaboutsam.org	A Member of the Public	Smart Approaches to Marijuana (SAM)	Neutral	No	No	3/18/2026 8:40 AM
Frank, Linda	Franconia, NH worlduniqu@aol.com	A Member of the Public	Myself	Support	No	No	3/18/2026 9:12 AM
Ojendyk, Christine	Hopkinton, NH cojend@tds.net	A Member of the Public	Myself	Support	No	No	3/18/2026 9:57 AM
Widger, B	Manch, NH b.uuidger@gmail.com	A Member of the Public	Myself and husband	Support	No	No	3/18/2026 10:09 AM
Clark, Celeste	Raymond, NH rcclark-4@comcast.net	A Member of the Public	Myself	Support	No	No	3/18/2026 11:31 AM
Peluso, Suellen	Hopkinton, NH suellenpeluso@gmail.com	A Member of the Public	Myself	Support	No	No	3/18/2026 12:12 PM
Argetsinger, Susan	Whitefield, NH windswept556@hotmail.com	A Member of the Public	Myself	Support	No	No	3/18/2026 12:52 PM
Tirrell, Sara	Plymouth, NH stirrell@gmail.com	A Member of the Public	Myself	Support	No	No	3/18/2026 3:01 PM
Sapiel, Melissa	Newport, NH Melisboura112312@gmail.com	A Member of the Public	Myself	Support	No	No	3/18/2026 10:47 PM

Brief Overview of Hemp Policy in the U.S. and N.H.

The terms "hemp" and "marijuana" both refer to the same plant: *cannabis sativa*. The only difference, as defined under federal and N.H. law, is that hemp may not contain more than .3% tetrahydrocannabinol (THC) by dry weight.

Federal and state hemp laws were passed based on the understanding that hemp products would be non-intoxicating, containing only trace amounts of THC. But that isn't how things have played out in practice. Here's a brief overview of recent developments:

2018 – Congress included hemp legalization in the Farm Bill. Advocates assumed federal agencies would promulgate regulations for products containing CBD and other non-intoxicating cannabinoids, but this still hasn't happened.

2021 – Media outlets began reporting on the proliferation of hemp-derived "delta-8 THC" and other THC variants that are chemically converted from CBD. Since laws referred only to "delta-9 THC," some hemp companies began selling delta-8 products (vapes, concentrates, edibles, etc.) and marketing them as federally legal hemp products.

2023 – New Hampshire clarified its hemp law, prohibiting the sale of products containing over .3% THC "which appear in any formulation, including delta-8 THC, delta-9 THC, or any other THC isomer variant."

~2021-Present – Some hemp companies began selling potent edible products containing delta-9 THC. These products are technically legal because they are less than .3% THC, but in practice they are often much more potent than "marijuana" edibles in states where cannabis sales to adults are regulated.

~2024-Present – Some hemp retailers began to sell products called "THCA flower" and "THCA concentrates." THCA is "tetrahydrocannabinolic acid," which converts to THC when it is heated. These products are functionally no different from "marijuana" products.

November 2025 – The U.S. Congress adopted language intended to close these loopholes (as part of a continuing resolution to fund the government). The changes are scheduled to take effect in November 2026. They include the following:

- Clarifying that hemp must be under .3% "total THC," including THCA. (Both SB 461 and SB 624 would mirror this policy.)
- Imposing a .4mg limit of THC "per container." (SB 624 would mirror this; SB 461 would not.)

2026 – The N.H. Senate passed SB 461 and SB 624. The former bill would simply address the THCA loophole. SB 624 does that and much more – it would also address the edibles loophole, and it would establish penalties for retailers and for personal possession.

THC(a) Flower and Concentrates Sold in N.H.

Hemp flower products described as "THC(a)" (or "THCA" or "THC-A") flower are generally indistinguishable from high-THC cannabis that is sold at regulated medical and adult-use cannabis dispensaries. The basis for this "loophole" is that THC(a) is non-intoxicating, and that is technically true – until you activate it by catching it on fire or heating it up in some other way!

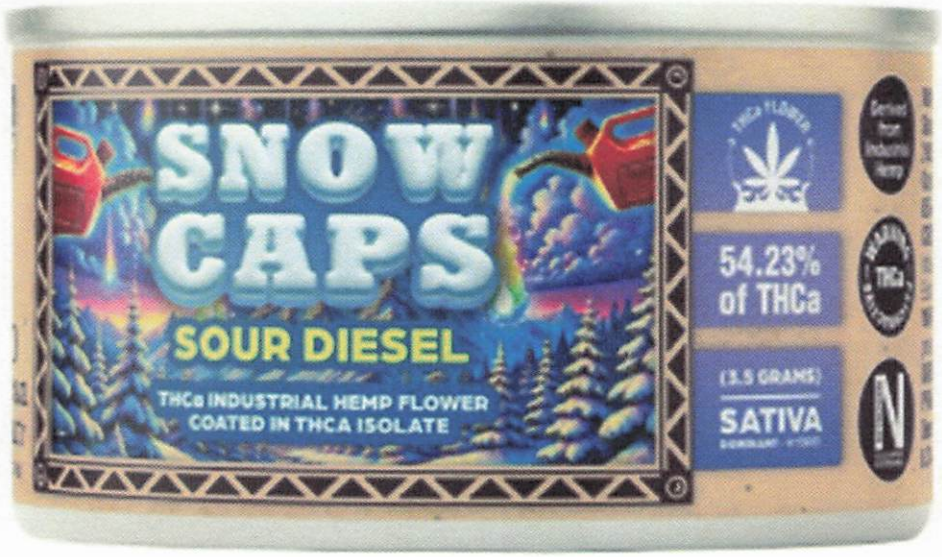
In contrast with hemp product labels, cannabis product labels typically indicate "total THC," which is usually comprised of delta-9 THC and THC(a). For example, if this "THCa flower" depicted on CBD American Shaman's website appeared on the menu at an adult-use cannabis retailer, it would be understood by consumers to be a relatively potent strain, with total THC content of over 29%:



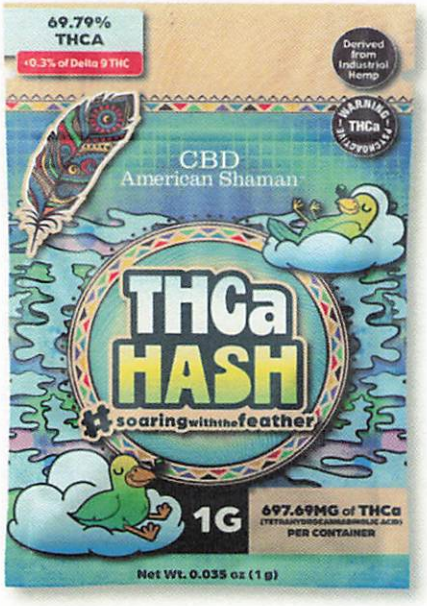
CBD American Shaman is a national company that operates three retail stores in N.H. For consumers who seek higher THC(a) content, they advertise a more potent alternative called "Snow Caps."[1] This product is described as flower that is "carefully coated in 99% purity THCa isolate powder." The variety depicted below boasts a potency of over 54% THC(a):

---

[1] https://cbdamericanshaman.com/snow-caps-thca-flower



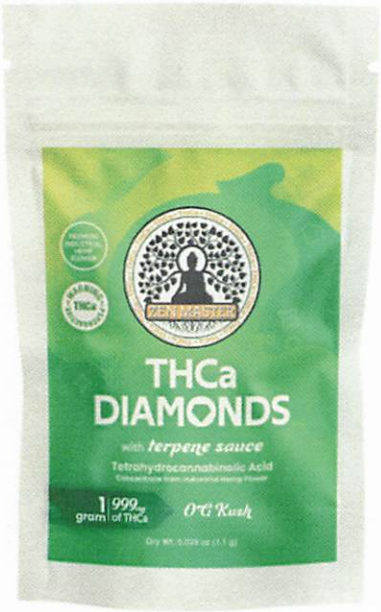
If 54% isn't sufficient potency, the company also offers THC(a) concentrates. Their "THCa Hash" is advertised at just under 70%.[2]



But that's not the most potent product on their menu. CBD American Shaman encourages its customers to experience "unparalleled purity and potency" with "Zen Master Diamonds." According to photos on the website, the diamonds contain 99.9% THCa.[3]

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[2] https://cbdamericanshaman.com/thca-hash
[3] https://cbdamericanshaman.com/thca-diamonds



It should be noted that CBD American Shaman is not the only N.H. retailer that is currently selling highly potent THC(a) products. They do, however, serve as a useful example because they openly share product descriptions on their website. They have even advertised their THC(a) products on Facebook. This is from Valentine's Day in 2025:



newfutures
SOLVING PROBLEMS THROUGH POLICY CHANGE

100 N Main Street
Suite 400
Concord, NH 03301

March 18, 2026

The Honorable, Terry Roy, Chair
House Criminal Justice Committee
1 Granite Place
Concord, NH 03301

Re: Support of SB 461, relative to the relative to the definition of hemp.

Dear Representative Roy and Honorable Members of the Committee,

New Futures is a nonprofit, nonpartisan organization that advocates, educates and collaborates to improve the health and wellness of all New Hampshire residents through policy change. In this role, we work extensively with policy makers, stakeholders, and prevention partners to prevent and reduce alcohol and drug problems in our state. **New Futures supports SB 461 as it is a step in the right direction to fortify the ban of intoxicating hemp products in New Hampshire**.

Often marketed as a less-potent alternative to marijuana, intoxicating hemp products is one of the fastest growing product segments in the cannabis market due to a loophole in the 2018 federal hemp law which legally defines hemp as any part of the *Cannabis sativa L.* plant that contains **0.3% or less delta-9 tetrahydrocannabinol (THC) concentration on a dry weight basis**. These products are sold in inhalable, smokeable, ingestible, and sublingual products including edibles, capsules, oils, tinctures, vapes and more. Intoxicating hemp products continue to be sold in convenience stores, and gas stations here in New Hampshire despite the state's ban on these products. These products have brightly-colored packaging, flavoring, and candy-like appearances that appeal to younger audiences.

In 2024, New Futures worked with partners in support of the law that prohibited the sale of products containing hemp-derived products. However, additional legislation has been necessary to strengthen this ban. This bill, along with a companion bill, HB 624, addresses the gaps in the current law.

Currently producers of these products label products as "compliant with federal law" by measuring only one form of THC and ignoring other potent forms that convert to THC when consumed. SB 461 amends the definition of "hemp" in RSA 439-A:2, V to include the total tetrahydrocannabinol (THC) concentration. The new legal language specifies that "hemp" refers to the Cannabis sativa L. plant and any part of it, with a **total THC concentration of not more than 0.3 percent on a dry weight basis**. The amendment clarifies that the total THC concentration will encompass the sum of **all THC** which is a significant addition to the existing definition. The bill

also removes the previous reference to "delta-9 THC" in the definition, streamlining the language to focus on total THC. This change aims to provide a clearer understanding of what constitutes hemp, ensuring that all forms of THC are accounted for within the concentration limit.

For these reasons, we ask the committee vote Ought to Pass on SB 461 to help keep our youth from accessing these addictive products.

Sincerely,

Kathryn Frey

Kathryn (Kate) Frey
Vice President of Advocacy

Cynthia L. Whitaker, PsyD, MLADC

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March 17, 2026

Honorable Terry Roy, Chair
Criminal Justice and Public Safety Committee
NH House of Representative

Re: SB 461 Relative to the Definition of Hemp

Dear Representative Roy and Committee Members,

As a licensed clinical psychologist. I work with people living with psychosis, substance use disorders, and co-occurring conditions. My testimony is not to stigmatize cannabis use or the people who use it, but to speak plainly about what the research tells us and what our current labeling practices are concealing from consumers.

The problem is a measurement gap with real clinical consequences.

Cannabis products today can be sold as "compliant" while containing high concentrations of psychoactive compounds that are simply not counted on the label. Multiple cannabinoids convert to psychoactive delta-9 THC upon metabolism. When only one form is measured, a product with a low-looking number on the package can deliver a very high psychoactive dose to the person consuming it.

Senate Bill 461 addresses this directly by requiring that total THC concentration, all forms that become psychoactive, be measured and disclosed. This is not a novel concept. We have measured total alcohol content in beverages for decades because the mechanism of harm doesn't change based on the type of ethanol. The same logic applies here.

Why this matters clinically:

The relationship between high-potency THC and psychosis is one of the most consistent findings in cannabis research. Multiple studies have demonstrated that individuals who use high-potency cannabis products have a meaningfully elevated risk of experiencing a first episode of psychosis compared to those who use lower-potency products or do not use cannabis.

Adolescents and young adults are particularly vulnerable. The developing brain is more sensitive to THC's effects on dopamine systems, systems directly implicated in psychotic symptoms. When a young person or their parent looks at a label that appears compliant and assumes the product is lower potency, they are not looking at complete information. This is a significant gap in consumer protection.

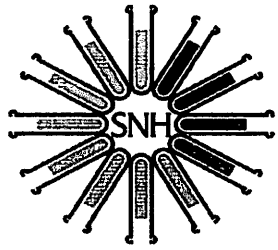
People living with schizophrenia spectrum disorders, bipolar disorder, or a family history of psychosis face amplified risk. Many of my patients have had relapses following use of high-potency products they did not know were high-potency. That is preventable harm.

This bill does not ban any product. It requires honest measurement. It gives consumers the information they need to make decisions consistent with their own values and health circumstances. It aligns hemp-derived THC labeling with the same standard of transparency we already expect in alcohol, pharmaceuticals, and food.

I urge the committee to support Senate Bill 461. **People deserve to know what they are consuming, and clinicians deserve accurate information to have meaningful conversations with the people in their care.**

Respectfully submitted,

Cynthia L Whitaker, PsyD, MLADC
NH Licensed Clinical Psychologist



SOUTHERN NEW HAMPSHIRE
DRUG TESTING LLC

July 2, 2024
Department of Justice
Drug Enforcement Administration
21 CFR Part 1308
Schedules of Controlled Substances: Rescheduling of Marijuana

Reference: [Docket No. DEA-1362; A.G. Order No. 5931-2024]

Dear Attorney General Merrick B. Garland,

Thank you for the opportunity to comment upon the Notice of Proposed Rulemaking (NPRM) to reschedule marijuana to Schedule III of the Controlled Substances Act, Docket No. DEA-1362.

I am a small business owner of a Drug Collection Company in New Hampshire and I am a Transportation Safety Professional.

I have worked in safety most of my career as a lab manger and working with departments of the Joint Commission and the FDA.

Because I am now professionally involved with and dedicated to transportation safety in the United States, I am concerned that this rulemaking is likely to have serious consequences for transportation safety. If marijuana is moved to CSA Schedule III, this action will remove marijuana from the drug testing panel of the United States Department of Transportation (DOT).

This will remove the highly effective deterrence that has been achieved by 35 years of testing DOT-regulated commercial transportation safety-sensitive employees for marijuana use. DOT safety-sensitive employees, include, but are not limited to: airline pilots, air traffic controllers, school bus drivers, subway and train operators, ferry operators, pipeline operators and truck drivers.

I would like to cover 2 issues with the rescheduling of marijuana:

#1 Factor 1: **Marijuana's Actual or Relative Potential for Abuse:**

- The 2 most common drug violations in the FMCSA Clearinghouse are marijuana and cocaine. One reason there is a shortage of CDL drivers is because these violations, and the other is that drivers are not going for help with our DOT SAP program.
- I recently performed a DOT post-accident test where there was a fatality and the driver was positive for marijuana and cocaine.
- In 2023, research by the National Transportation Safety Board (NTSB) released research showing that **marijuana and alcohol remain the most-detected drugs in impaired driving crashes** resulting in **serious or fatal injuries**.
- A published study in the National Journal of Medicine found a **6.5% increase in injury** crash rates and a **2.3% increase in fatal crash rates** associated with state-level marijuana legalization as presented by Senator Ted Cruz on May 22 at the Senate Commerce Subcommittee Hearing.[2]

Here are some quotes from the seminar on Recreational Marijuana given by Dr Eric Bornstein, DMD

The marijuana in the market today is far more potent and dangerous than anything we have seen in the past. 3

"The United States has effectively entered an age of recreational "nuclear-strength" potency marijuana. **In 1969 at Woodstock, the average THC potency of Marijuana was 1%.** Today, at dispensaries across the nation, marijuana can be purchased at potencies (smokable, edibles, concentrates, and vape-able) anywhere from "1%" THC marijuana flower, to 500mg THC edibles, to 60%-80% THC "concentrates", to greater than 90% THC "Vape Juice". None of these high potency marijuana products are safe."3

 # 2 Scientific Evidence of Its highly detrimental pharmacological effects are known:

The presenter, Dr. Eric Bornstein presented the clear peer-reviewed link between high potency marijuana and depression, psychosis, schizophrenia, addiction, and suicide.

1) **Current research:** Blood THC concentrations achieved from vaping devices are much greater than from equivalent smoked marijuana.[1]

[1] Spindle, Tory R., et al. "Acute effects of smoked and vaporized cannabis in healthy adults who infrequently use cannabis: a crossover trial." JAMA network open 1.7 (2018): e184841- e184841.

2) **THC addiction:** No matter the delivery method, modern THC concentrations are highly addictive, and this information has been known for at least a century. **Recovery** from high-potency THC addiction can be challenging due to the stronger effects on the brain and the potential for more severe withdrawal symptoms [2]

3) **Psychiatric Risks**: High-potency THC is linked to an increased risk of psychiatric disorders such as psychosis, especially in individuals with a genetic predisposition.[3]

4) **Addiction Potential:** The higher the THC content, the greater the risk of addiction. Users of high-potency cannabis are more likely to develop dependency compared to those using lower-potency products.[4]

5) **Withdrawal Symptoms:** Withdrawal from high-potency THC can include symptoms like irritability, restlessness, and other physical symptoms. Behavioral therapy, including motivational interviewing, has been shown to help people overcome the disorder.[5]

6) **Inflammation to lung tissue:** The oils and ingredients in e-cigarette "THC vape juice" super-heated mist can cause great amounts of inflammation and permanently damage lung tissue.[6] [7]

7) **Severe lung damage:** There have been thousands of cases of severe and irreversible damage to peoples' lungs, including thousands of deaths as a result of vaping THC.[8] [9]

8) **Unknown substances:** Many teens have no idea what is in the vape devices they are using to get high with THC. Ingredients can CBD oils, synthetic cannabinoids, opioids, hallucinogens, and other dangerous additives.[10] [11] [12] [13] [14]

9) **Heart and Brain Damage:** THC and other substances in e-liquid damage the heart and the brain in a dangerous variety of ways.[15] [16]

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[2] Stuyt, Elizabeth. "The problem with the current high potency THC marijuana from the perspective of an addiction psychiatrist." Missouri medicine 115.6 (2018): 482.

[3] Urits, Ivan, et al. "Cannabis use and its association with psychological disorders." Psychopharmacology bulletin 50.2 (2020): 56.

[4] Petrilli, Kat, et al. "High potency cannabis use, mental health symptoms and cannabis dependence: Triangulating the evidence." Addictive behaviors 144 (2023): 107740.

[5] Connor, Jason P., et al. "Clinical management of cannabis withdrawal." Addiction 117.7 (2022): 2075-2095.

[6] Park, Jin-Ah, Laura E. Crotty Alexander, and David C. Christiani. "Vaping and lung inflammation and injury." Annual review of physiology 84 (2022): 611-629.

[7] Rebuli, Meghan E., et al. "The e-cigarette or vaping product use–associated lung injury epidemic: pathogenesis, management, and future directions: an official
American Thoracic Society Workshop Report." Annals of the American Thoracic Society 20.1 (2023): 1-17.

[8] Galo, Jason, et al. "A presentation of E-Cigarette vaping associated lung injury (EVALI) caused by THC-Containing electronic smoking device." Respiratory medicine case reports 31 (2020): 101154.

[9]Tituana, Nathaly Yessenia, et al. "E-cigarette use-associated lung injury (EVALI)." Pneumologie (2023).

[10] Selya, Arielle, et al. "What substances are adolescents vaping? Estimating nicotine-specific and marijuana-specific vaping from US national youth surveys." Qeios (2023).

[11] Bhat, Tariq A., et al. "Not all vaping is the same: differential pulmonary effects of vaping cannabidiol versus nicotine." Thorax (2023).

[12]Martin, Alexia, et al. "Exposure to aldehyde cherry e-liquid flavouring and its vape byproduct disrupts pulmonary surfactant biophysical function." bioRxiv (2023): 2023-09.

[13] Morris, James D., Kinsey Pebley, and Melissa A. Little. "Vaping opioids: should we be worried?." American journal of health promotion 37.8 (2023): 1171-1173.

[14] Bessenyei, Kitti, and Igor Yakovenko. "Predictors of polysubstance vaping in emerging adults." Addictive Behaviors 142 (2023): 107675.

[15] Fahimi, Behzad, Somayeh Beikmohammadi, and Parsa Rostami. "Cannabinoids and Cardiac Rhythms: Unveiling the Relationship between Cannabis Use, ECG Changes, and Arrhythmias." (2024).

10) **High Blood Pressure:** THC raises your blood pressure and activates the sympathetic nervous system, which increases your heart rate and the chances of cardiovascular disease and heart attack.[17] [18]

11) **Generational Epigenetic Changes:** Paternal THC consumption produces heritable behavioral phenotypes, namely hyperactivity, attention deficit, and cognitive inflexibility in progeny consistent with behavioral changes associated with human neurodevelopmental disorders such as ADHD and autism spectrum disorder.[19] [20]

In conclusion, if the reclassification of marijuana from Schedule I to Schedule III takes place, Southern NH Drug Testing is urging for some form of safety-carve out to be issued to maintain cannabis testing by the Department of Transportation (DOT), the Nuclear Regulatory Commission (NRC), and safety-sensitive workplaces as a deterrent against substance misuse by safety-sensitive employees as a means to protect the traveling public.

Sincerely,

Lynn Collins, Owner Southern NH Drug Testing

References:

1 -National Highway Traffic Safety Administration. (n.d.). *Drug-Impaired Driving*. United States Department of Transportation. https://www.nhtsa.gov/risky-driving/drug-impaired-driving

2- American Trucking Associations. (n.d.). *American Trucking Associations*. LinkedIn. https://www.linkedin.com/posts/ata_marijuana-and-alcohol-are-the-most-detected-activity-7199757031807795200-M2Qk/?utm_source=share&utm_medium=member_desktop

3-INR presentation on Recreation Marijuana, given by Dr Eric Bornstein, DMD

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[16] Rose, Jason J., et al. "Cardiopulmonary impact of electronic cigarettes and vaping products: A Scientific Statement From the American Heart Association." Circulation 148.8 (2023): 703-728.

[17] Rahman, Ali, et al. "Characterization and Summarization of the Impact of Electronic Cigarettes on the Cardiovascular System: A Systematic Review and Meta-Analysis." Cureus 15.5 (2023).

[18] Khan, Muhammad Atif, et al. "Marijuana as a Cause of Diffuse Coronary Vasospasm Leading to Cardiac Arrest." Cureus 15.4 (2023).

[19] Murphy, Susan K., et al. "Cannabinoid exposure and altered DNA methylation in rat and human sperm." Epigenetics 13.12 (2018): 1208-1221.

[20] Schrott, Rose, et al. "Refraining from use diminishes cannabis-associated epigenetic changes in human sperm." Environmental epigenetics 7.1 (2021): dvab009.

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March 17, 2026

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Criminal Justice and Public Safety Committee
NH House of Representative

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I urge the committee to support Senate Bill 461. **People deserve to know what they are consuming, and clinicians deserve accurate information to have meaningful conversations with the people in their care.**

Respectfully submitted,



Cynthia L Whitaker, PsyD, MLADC
NH Licensed Clinical Psychologist

Daniel Richardson

Q: Can you guess why regulated intoxicating marijuana sellers SUPPORT this bill? A: To drive competition out from the regulated pot market. Duh. Got to keep pure brain poison potent ... don't you know.

Kristen Merritt

Measuring THC makes sense, just like measuring alcohol content. It's a dangerously addictive product that needs regulation for the health and safety of all NH residents. Please support this bill!

Common sense dictates we need to put some guardrails around these substances or we will find ourselves with an increasing number of young people becoming substance users contributing to an already huge problem in our state. Thank you for your consideration.

Carrie Chooljian

Please pass this bill and protect our children from these harmful substances!

Jennifer Johnston

We have no infrastructure to deal with substance use disorder in our children in the state so we have to focus on prevention through legislation that makes sense. Please vote for this bill.

Beth Boucher

Now is the time to take action towards addiction prevention. supporting this bill is a simple step and harms no one.

Jonathan Belmont

I support the regulation of products containing THC. Our young adults and communitiy members have been plagued with an array of negative psychological and physiological effects due to marijuana use and other substance use. In a professional capacity I have worked with adolescents and young adults that have disabilities (usually mental health based) disclose to me their use of marijuana. These individuals overwhelmingly appear to experience prolonged unemployment, more emotional distress, and difficulties communicating effectively with other people. This bill should be passed and furthermore there needs to be further education for young adults on the detrimental effects of marijuana and other substances.

Susan Homola

SAM NH supports the addition of tetrahydrocannabinolic acid (THCA) to the definition of hemp. SB461 as amended also mirrors the federal definition of hemp. (see below)

Likewise, SB624 is another hemp bill being proposed this year that updates the NH definition of hemp to include THCA and mirror the federal language. In addition, SB624 also adds needed protections to curb the issue of "gas station weed" being sold to minors and ensures commercial hemp products do not exceed the federal potency limits for hemp-derived products.

SAM NH Recommendation
Review both SB461 and SB624 (House Environment and Agriculture Committee), and consider moving one bill forward for the legislature to consider.

Hemp Definition, According to Federal Legislation Passed in 2025
"The term 'hemp' means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a total tetrahydrocannabinols concentration (including tetrahydrocannabinolic acid) of not more than 0.3 percent on a dry weight basis".
https://www.appropriations.senate.gov/imo/media/doc/agfy26conf.pdf (see pg. 129)

Christine Ojendyk

I urge the Senate to support SB 461 bills and close loopholes that companies exploit to market and sell addictive products to New Hampshire's young people. This bill applies the same protections we already have for tobacco and alcohol to products companies are using to circumvent those safeguards. Science shows that youth who begin substance use before age 15 are 4-6 times more likely to develop substance use disorders. Kids should not be targeted by corporations looking to create lifelong customers.

Suellen Peluso

Please support Bill 461 and the invaluable legislation it brings to keep our children safe. Thanks very much for your representation.

02/05/2026 0369s

2026 SESSION

26-2255
08/06

SENATE BILL ***461***

AN ACT relative to the definition of hemp.

SPONSORS: Sen. Fenton, Dist 10; Sen. Reardon, Dist 15; Sen. Birdsell, Dist 19; Rep. W. MacDonald, Rock. 16

COMMITTEE: Judiciary

ANALYSIS

This bill includes the total tetrahydrocannabinol concentration in the definition of hemp.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to the definition of hemp.

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

1 Hemp; Defintions. RSA 439-A:2, V is repealed and reenacted to read as follows:

V. "Hemp" means the plant Cannabis sativa L. and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis. Total THC concentration shall include the sum of all THC, including tetrahydrocannabinolic acid (THCA).

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