

# Senate Judiciary Committee

*Brendan Bunnell 271-4063*

**SB 461**, relative to the definition of hemp.

**Hearing Date:** January 22, 2026

**Time Opened:** 2:15 p.m.

**Time Closed:** 2:28 p.m.

**Members of the Committee Present:** Senators Gannon, Abbas, Carson, Altschiller and Reardon

**Members of the Committee Absent:** None

**Bill Analysis:** This bill includes the total tetrahydrocannabinol concentration in the definition of hemp.

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**Sponsors:**

Sen. Fenton

Sen. Reardon

Sen. Birdsell

Rep. W. MacDonald

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**Who supports the bill:** 86 individuals signed in support of this bill. For a complete list of those who signed in support please email [Brendan.Bunnell@gc.nh.gov](mailto:Brendan.Bunnell@gc.nh.gov).

**Who opposes the bill:** Susan Scalera and Daniel Richardson

**Who is neutral on the bill:** Sue Homola (SAM NH)

**Summary of testimony presented:**

**Senator Donovan Fenton (SD-10)**, introduced Senate Bill 461 and explained that it makes a targeted change to New Hampshire's hemp law by clarifying that total THC concentration includes not only Delta-9 THC but the sum of all THC variants, including tetrahydrocannabinolic acid (THCA).

- Stated that this aligns state law with upcoming federal changes and addresses a growing problem in which retailers are selling high-THC cannabis products labeled as THCA flower or concentrates under the claim that they are federally legal hemp.
- Explained that THCA converts into THC when heated, making these products functionally identical to marijuana but sold without regulation, testing, labeling, age restrictions, or consumer protections.

- Emphasized that although he supports adult-use cannabis legalization, this loophole creates a “wild west” market that undermines public safety and allows intoxicating products to be sold with no oversight.
- Argued that regardless of views on legalization, high-THC products should not be sold without regulation and that this bill closes an obvious loophole while supporting a responsible path forward.
- Senator Gannon asked whether the bill would address the problem Manchester police have reported involving convenience stores selling mislabeled high-potency THC products, including gummies and other items disguised under off-brand names and sometimes kept under the counter.
  - Fenton responded that the next speaker would show visual examples of exactly the types of products being discussed and that the bill directly targets that issue.

**Matt Simon**, from Granite Leaf Cannabis, testified in support and stated that hemp-derived THC is his least favorite topic because it represents unregulated intoxicating products being sold under the guise of hemp.

- Explained that Congress recently updated the federal definition of hemp and that New Hampshire had previously closed one loophole involving synthetic THC variants like Delta-8 and Delta-10. He described two remaining loopholes, one being the “dry weight” loophole that allows high-dose edibles and beverages to qualify as hemp if they are bulky enough, and the other being the THCA loophole, where companies sell actual marijuana and concentrates labeled as THCA products.
- Presented examples of products sold in New Hampshire, including flower labeled as 1.1 percent THC and 29 percent THCA, which would be considered 29 percent total THC in regulated cannabis. He also showed products such as snow caps coated in THCA isolate at over 50 percent THC, hash at around 70 percent THC, and THCA diamonds at over 99 percent THC. He stated that these products are openly marketed as potent and are indistinguishable from regulated cannabis, yet are sold legally under hemp labeling.
- Argued that SB 461 does not solve all enforcement issues but makes it clear in state law that THCA is THC and should be regulated as such.

**Sue Homola**, representing SAM New Hampshire testified in support of the bill. She recommended that the state mirror the updated federal definition of hemp rather than adopt language that differs from federal law and noted that the bill contains a spelling error in the term tetrahydrocannabinolic acid that should be corrected.

**Kate Frey**, representing New Futures, testified in support. She stated that SB 461 strengthens the existing ban on intoxicating hemp products in New Hampshire and helps close loopholes used by industries to market unregulated THC products to youth.

- Explained that companies exploit definitional gaps, deceptive marketing, and regulatory weaknesses to sell potent substances under labels such as hemp-derived or legal alternatives.
- Noted that SB 461 requires measuring total THC across all variants, which prevents companies from hiding intoxicating content behind technical definitions.
- Added that this bill is part of a broader campaign New Futures supports to close multiple loopholes related to cannabis and intoxicating substances.

**Danielle Ellsten**, deputy chief of New Hampshire Liquor Enforcement, testified that her agency supports the bill and that the revised THC definition will significantly help narrow the types of products being sold in convenience stores. She stated that enforcement officers frequently encounter these unregulated products and that SB 461 would provide clarity and assist regulatory efforts.

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Date Hearing Report completed: January 26, 2026