

# Senate Judiciary Committee

*Brendan Bunnell 271-4063*

**SB 462**, relative to the right of therapeutic cannabis patients to purchase, possess, and transfer firearms in accordance with state law.

**Hearing Date:** January 27, 2026

**Time Opened:** 1:21 p.m.

**Time Closed:** 1:48 p.m.

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

**Members of the Committee Absent:** Senator Carson

**Bill Analysis:** This bill provides that a qualifying patient's therapeutic use of cannabis shall not affect the individual's right to purchase, possess, and transfer firearms in accordance with New Hampshire law.

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**Sponsors:**

Sen. Murphy  
Sen. Sullivan

Sen. Innis  
Sen. Abbas

Sen. Pearl

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**Who supports the bill:** Senator Keith Murphy, Nathaniel Gurien (NH Cannabis) Senator Daniel Innis, Timothy Finney, James Gardner, Curtis Howland, Pamela Harders, Holly Weston, Stacey Somogyi, Catherine Lemay, Dawn Johnson, Jonathan Hutchins, Katie McLaughlin, and Kathryn Schongar.

**Who opposes the bill:** Daniel Richardson

**Who is neutral on the bill:** Lt. Mary Cattabriga (NHSP)

**Summary of testimony presented:**

**Senator Murphy (SD-16)**, explained that this bill would protect the rights of individual patients in New Hampshire engaged with the legal, medical use of cannabis to purchase, possess, or transfer firearms in accordance with New Hampshire law. He elaborated on his background with the subject, explaining that he had been involved with the passage of legalized medical cannabis in 2010 during his first term in the legislature.

- Stated that New Hampshire law views cannabis as being a legitimate for certain medicinal purposes and that the exercise of basic constitutional rights should not be conditioned on medication.

- Argued that the contents of the bill should be viewed as basic common sense and expressed his hope that the bill would see support regardless of party affiliation.
- Senator Gannon asked whether an exemption was being made in the case of firearms when there are other legal circumstances, like the possession of a CDL license for a commercial vehicle, where the use of medical cannabis might be held against an individual and cause them to lose that license.
  - Senator Murphy responded that the case of firearms possession presented a justified exception by virtue of it being a constitutional right.
- Senator Reardon asked if there was currently any place within New Hampshire law which specified that an individual cannot possess a firearm while being a patient engaged with medical cannabis.
  - Senator Murphy answered that there was not, and that this bill was intended to make sure there was legal protection for such individuals. He stated that some of the testimony that would follow would elaborate on his answer to this question.

**Mr. Nathaniel Gurien**, the executive director of the New Hampshire Cannabis Party, CEO of NH Cannabis LLC, and a columnist for the Conway Daily Sun concerned with New Hampshire cannabis policy, explained that New Hampshire has a political culture of protecting the second amendment rights of its residents. He argued that this bill presented an opportunity for New Hampshire lawmakers to do so in relation to cannabis, which had been made legal for medical purposes in the state.

- Explained that while this bill could not alter the existing federal crime for possession of a firearm while engaging with medical cannabis, it would provide a level of legal protection for New Hampshire residents that chose to do so. He argued that the existing federal language around cannabis was an infringement of second amendment rights in New Hampshire, and that other states had taken similar steps.
- Elaborated on this by explaining that ATF form 4473, question 21F, asks “Are you an unlawful user of cannabis or addicted to a controlled substance,” and that this forces many to choose between firearms possession and a legal medical treatment which has proven to have positive affects for many New Hampshire residents.
- Explained that the existing likelihood of prosecution for medical cannabis users in possession of firearms is very slim, and stated that out of 15 million forms submitted of that kind there have been 250 prosecutions. He argued that this bill would further reduce this already low likelihood.

- Stated that the wording of the bill could be amended to protect individuals from federal prosecution, but that it may require additional consideration.
- Explained that there had been a recent alteration the previous Thursday, January 22<sup>nd</sup>, by the ATF that they would only reject an application if a cannabis user can be shown to be habitual or addicted to cannabis.
- Senator Gannon asked for clarification on the purpose of the bill if it did not seek to alter the existing federal crime possessing a firearm while a medical cannabis patient, and if it would have any real impact on New Hampshire's own laws.
  - Mr. Gurien responded that the bill would set the groundwork to respond to future federal legislation that might liberalize cannabis policy and that it would bring the likelihood of being prosecuted in New Hampshire for cannabis possession as a firearms owner from slim to none. He stated that he had spoken to many New Hampshire firearms owners that had refrained from engaging with the medical cannabis program in the state because of their fear of that slim chance of being prosecuted, and that this bill would serve as a statement from the legislature to provide them a level of comfort and security.
- Senator Abbas asked what the consequences would be for a firearms dealer that refused to sell a firearm to a patient using medical cannabis.
  - Mr. Gurien explained that there were legal concerns for firearms dealers as lying on the form carries with it a potential sentence of 10 years in prison. He argued that this bill presented far greater security for private firearms transactions rather than those with licensed firearms dealers.
    - Senator Abbas asked whether a licensed firearms dealer could decline a sale to a medical cannabis user if this bill became law in New Hampshire, to which Mr. Gurien replied that they could as you still might be in violation of federal law.
    - Mr. Gurien clarified that the new ATF ruling was effective already and that a medical cannabis user was able to purchase a firearm as long as they could not be proven to be a habitual user or addicted to cannabis.

**Lieutenant Mary Cattabriga**, a New Hampshire State Police officer in charge of the New Hampshire Gun Line, stated that the department was neutral on this bill. She explained that federal law, in this case, is supreme to state law, and that medical cannabis is not a federally accepted medical treatment and may disqualify and individual from possessing firearms.

- Explained that the ATF had indeed altered their guidelines, and that disqualified habitual users included those on a regular scheduled usage plan for medical cannabis. She stated that this habitual use would have to be proven for the ATF to reject the purchase, but that a firearms dealer would still refuse to sell to an individual selecting yes on question 21F as that dealer might face penalties if the individual was in violation of federal law. She also clarified that this bill only applies to individual purchases.
- Senator Gannon asked to clarify what made an individual a “regular user” of cannabis, and whether it only included those using cannabis every day.
  - The Lieutenant clarified that it included any individuals on a regular schedule, whether it be daily, weekly, or monthly.
- Senator Reardon thanked the Lieutenant for being clear on the boundaries between federal and state law, and asked to clarify that the bill would have no effect on federal law in New Hampshire. Lieutenant Cattabriga clarified that this was correct.
- Senator Abbas asked whether an individual might be able to give a firearm to another New Hampshire resident who was using medical cannabis under state laws
  - Lieutenant Cattabriga clarified that an individual was only prohibited from receiving firearms under New Hampshire state law in the case that they were a felon.

**Mr. Nathaniel Gurien** testified again, explaining that the ATF disqualification would not apply to controlled substances prescribed by a doctor. He explained that while doctors cannot currently prescribe cannabis, recent federal changes to make it a schedule 3 drug might allow them to do so and allow medical cannabis users to purchase and possess firearms. He stated that he had reached out to one of his sources to ask for more information on the topic.