

SB 485-FN - AS INTRODUCED

2026 SESSION

26-2049

08/07

SENATE BILL **485-FN**

AN ACT relative to the licensure, regulation and taxation of hemp-based derivative products.

SPONSORS: Sen. Lang, Dist 2; Sen. Watters, Dist 4; Sen. Pearl, Dist 17; Sen. Murphy, Dist 16; Sen. Innis, Dist 7; Sen. Birdsell, Dist 19; Rep. Hunt, Ches. 14

COMMITTEE: Judiciary

ANALYSIS

This bill:

I. Defines hemp-based derivative products.

II. Creates a licensing scheme for the sale of hemp-based derivative products within the liquor commission.

III. Enables the liquor commission to make rules relative to the regulation of hemp-based derivative products.

IV. Levies a tax on wholesale sale of hemp-based derivative products.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 licensure, regulation and taxation of hemp-based derivative products.

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

1 1 New Paragraphs; Hemp; Definitions. Amend RSA 439-A:2 by inserting after paragraph V the
2 following new paragraphs:

3 VI. "Hemp-derived cannabinoid" means:

4 (a)(1) A cannabinoid other than delta-9 tetrahydrocannabinol, or an isomer derived from
5 such cannabinoid, that is derived from hemp in a concentration of more than 0.1 percent;

6 (2) A hemp-derived product containing delta-9 tetrahydrocannabinol in a
7 concentration of not more than 0.3 percent on a dry weight basis; or

8 (3) A hemp-derived product containing a total THC content or a total theoretical
9 THC content of not more than 0.3 percent on a dry weight basis;

10 (b) Includes but is not limited to:

11 (1) Delta-8 tetrahydrocannabinol;

12 (2) Delta-10 tetrahydrocannabinol;

13 (3) Hexahydrocannabinol; and

14 (4) Tetrahydrocannabivarin (THCv); and

15 (c) Does not include:

16 (1) Cannabichromene (CBC/CBCa/CBCv);

17 (2) Cannabicitran (CBT/CBTa);

18 (3) Cannabicyclol (CBL/CBLa);

19 (4) Cannabidiol (CBD/CBDa/CBDv/CBDp);

20 (5) Cannabielsoin (CBE/CBEa);

21 (6) Cannabigerol (CBG/CBGa/CBGv/CBGm);

22 (7) Cannabinol (CBN/CBNa);

23 (8) Cannabivarin (CBV/CBVa);

24 (9) Hemp-derived fiber, grain, or stalk; provided, that the product does not contain a
25 hemp-derived cannabinoid in a concentration of more than 0.3 percent on a dry weight basis;

26 (10) Tetrahydrocannabinolic acid (THCa) in a concentration greater than 0.3 percent
27 on a dry weight basis;

28 (11) Tetrahydrocannabiphorol (THCp);

29 (12) A synthetic cannabinoid; or

1 (13) A substance that is categorized as a Schedule I controlled substance on or after
2 July 1, 2023, including a substance that may be identified in subdivision (VI)(d).

3 VII. "Hemp-derived cannabinoid product" or "HDCP" means a product that contains or that
4 is labeled as containing a hemp-derived cannabinoid and that is produced, marketed, or otherwise
5 intended to be ingested orally, inhaled, or absorbed through the skin, including hemp and hemp
6 plant parts, and any product that may contain a hemp-derived cannabinoid that is extracted from
7 hemp plants or hemp plant parts; and include intermediate products intended for subsequent use as
8 a component in a later finished HDCP; and harvested hemp and hemp plant parts, otherwise known
9 as hemp flower.

10 2 Hemp-Derived Products Containing THC Prohibited. Amend RSA 439-A:4 to read as follows:

11 439-A:4 Hemp-Derived Products Containing THC Prohibited.

12 Nothing in this chapter shall be construed to authorize the sale of products that are derived from
13 hemp which contain natural or synthetic tetrahydrocannabinol (THC) greater than 0.3 percent on a
14 dry weight basis, which appear in any formulation, including delta-8 THC, delta-9 THC, or any other
15 THC isomer variant. ***Authorized hemp-derived cannabinoid products shall be regulated***
16 ***under RSA 179-A.***

17 3 New Chapter; Hemp Derived Cannabinoids. Amend RSA by inserting after chapter 179 the
18 following new chapter:

19 CHAPTER 179-A

20 HEMP DERIVED CANNABINOIDS

21 179-A:1 Definitions.

22 In this chapter:

23 I. "Batch" means a single stock-keeping unit with common cannabinoid input or a hemp
24 flower of the same varietal and harvested on the same date and manufactured during a defined cycle
25 in such a way that it could be expected to be of a uniform character and should be designated as
26 such.

27 II. "Commission" means the New Hampshire liquor commission.

28 III. "Dry weight" means the weight of plant material with a moisture content that does not
29 exceed 13 percent.

30 IV. "Hemp-derived cannabinoid" or "HDC" has the same meaning as in RSA 439-A:2, IV.

31 V. "Hemp-derived cannabinoid retailer" means a license that sells, markets, or advertises as
32 a seller, provides samples with or without a fee or charge, or otherwise distributes to the public, with
33 or without compensation, HDCPs for consumption and not for resale.

34 VI. "Hemp-derived cannabinoid supplier" means a person or entity licensed to:

35 (a) Sell HDCPs to wholesalers licensed under this chapter for repackaging and for
36 resale, but not for consumption;

37 (b) Manufacture hemp-derived cannabinoids or HDCPs; or

1 (c) Contract for the manufacture of hemp-derived cannabinoids or HDCPs, whether
2 located inside or outside of this state, and that sells finished, packaged HDCPs to wholesalers
3 licensed under this chapter for resale and not for consumption.

4 VII. "Hemp-derived cannabinoid wholesale" means a person or entity licensed to purchase
5 finished and packaged for consumption HDCPs, not considered intermediate products still in the
6 pre-packaging stage, from suppliers licensed under this chapter, or from other wholesalers licensed
7 under this chapter, and that sells HDCPs for resale and not for consumption.

8 VIII. "Manufacture" means to compound, blend, extract, infuse, cook, or otherwise make or
9 prepare HDCPs, including the processes of extraction, infusion, packaging, repackaging, labeling,
10 and relabeling of HDCPs.

11 IX. "Serving" means a quantity of an HDCP reasonably suitable for a single person's daily
12 use.

13 X. "Synthetic cannabinoid" means a substance with an identical or substantially similar
14 chemical structure to or the pharmacological activity of a cannabinoid, but that is not extracted from
15 hemp or hemp plant parts or derived from hemp or hemp plant parts.

16 XI. "Tetrahydrocannabinolic acid" or "THCa" is the precursor of delta-9 THC.

17 XII. "THC" means a tetrahydrocannabinol, tetrahydrocannabinolic acid, a THC component,
18 or any derivative thereof.

19 XIII. "THC component" means a naturally occurring cannabinoid component of industrial
20 hemp or hemp.

21 XIV. "Total THC" means a hemp-derived cannabinoid or a combination of
22 tetrahydrocannabinol, tetrahydrocannabinolic acid, a THC component, or a derivative thereof.

23 XV. "Total theoretical tetrahydrocannabinol content" or "total theoreticalbTHC content" is
24 the maximum amount of possible delta-9 tetrahydrocannabinol if total conversion were to occur,
25 calculated as the sum of the concentration of delta-9 tetrahydrocannabinol added o the amount of
26 tetrahydrocannabinolic acid after such amount is multiplied by 0.877 on a dry weight basis and
27 reported to 2 significant figures, and expressed in the mathematical formula: Total theoretical THC
28 = ([delta 9 THC] + ([THCa] x 0.877)).

29 179-A:2 Responsibility of the Commission.

30 I. The commission shall:

31 (a) Issue licenses to suppliers, wholesalers, and retailers under this chapter.

32 (b) Oversee the manufacture of HDCPs by licensed suppliers and the distribution of
33 HDCPs by licensed wholesalers, including ensuring compliance with labeling, product testing, and
34 transportation requirements, and conducting necessary inspections of HDCPs and HDCP proof of
35 compliance documentation at the facility of licensed wholesalers in a frequency and in a manner to
36 be determined by the commission, prior to the delivery or sale of HDCPs to a retailer.

1 (c) Oversee the retail sale of HDCPs by licensed retailers to ensure compliance with this
2 chapter.

3 (d) Enforce this chapter in a manner that may reasonably be expected to reduce the
4 extent to which noncompliant HDCPs are sold and conducting random, unannounced inspections at
5 locations where HDCPs are manufactured stored for wholesale distribution, and sold at retail to
6 ensure compliance with this chapter in furtherance of protecting the health and safety of the public.
7 The commission shall determine the frequency of random, unannounced inspections required under
8 this section.

9 (e) Hire a sufficient number of employees, as determined by the commission, to oversee
10 the day to day operations and management of the supervision and enforcement of this chapter and
11 the rules of the commission.

12 II. The commission may adopt rules under RSA 541-A necessary to affect the purposes of
13 this chapter. The established rules shall include but not be limited to:

14 (a) Determining requirements for and issue licenses for the manufacture or sale of
15 HDCPs in this state.

16 (b) Procedures to deny or revoke a supplier or retailer license.

17 (c) Establish administrative penalties for each violation of this chapter, or rule
18 promulgated pursuant to this chapter.

19 179-A:3 License Required.

20 I. No person shall engage in the business of manufacturing, supplying, the wholesale
21 distribution of, or selling HDCPs in this state without first registering to do business with the
22 secretary of state and obtaining a license for such activity under the provisions of this chapter. Any
23 violation of this section shall be a class B felony for each violation.

24 II. Licenses and renewals shall be issued in accordance with RSA 178:3.

25 III. A temporary license may be issued in accordance with RSA 178:2-a.

26 IV. License and renewals in this chapter shall follow the provisions of RSA 178:4.

27 V. Seasonal license may be issued in accordance with RSA 178:23 as they apply to off-sale
28 licensees.

29 VI. A person or entity that is in the business of manufacturing, distributing, or selling
30 HDCPs in this state, including as a supplier, wholesaler, or retailer, shall obtain a license from the
31 commission authorizing the person or entity to engage in that business prior to the commencement
32 of business. If a person or entity holds multiple licenses under this chapter, the person or entity
33 shall maintain the business conducted under each license on a separately designated premises or
34 area or in wholly separate facilities in a manner to be determined by the commission by rule.

35 VII. Supplier, wholesaler, and retailer licenses issued under this section are not transferable
36 from person to person or location to location.

37 179-A:4 Licenses Authorized; Training Required.

1 I. The commission may issue licenses to individuals, partnerships, limited liability
2 companies and partnerships, or corporations but not to unincorporated associations, on applications
3 duly made therefor for the manufacture, warehousing, sale, offer for sale, or solicitation of orders
4 HDC products and for retail sales of HDC products within the state, subject to the limitations and
5 restrictions imposed by this chapter. The commission shall keep a full record of all applications for
6 licenses, of all recommendations for and remonstrances against the granting of licenses, and of the
7 action taken on such applications.

8 II. Notwithstanding any other provision of law, the commission shall require all persons who
9 hold a license under the provisions of this chapter to attend a training program within 45 calendar
10 days of the issuance of the license. The commission shall provide the training program without
11 additional fees or cost to the licensee. The commission shall adopt rules, pursuant to RSA 541-A,
12 relative to the administration of the training program.

13 III. Training shall be required and attended in accordance with RSA 178:2, II and IV.
14 179-A:5 Hemp-Derived Cannabinoid Retailer.

15 I. The commission may issue HDC retailer license to a person engaged in the business of
16 retail sales of HDC products in this state. Each retail outlet shall have a separate license regardless
17 of the fact that one or more outlets may be owned or controlled by a single person.

18 II. HDC retailers shall consent to reasonable inspection by the commission and sampling
19 and testing by the commission, as applicable, of the person's inventory of HDCPs.

20 III. The HDC retailer license shall be prominently displayed on the premises described in it.

21 IV. All sales of HDC products shall be recorded on cash registers.

22 V. The fee for a HDC Retailer license shall be as determined in RSA 178:29, II(f).

23 VI. All HDC products shall be maintained behind a barrier. For the purposes of this section
24 a "barrier" means the point of purchase having an actual physical separation between HDCPs on
25 display and the consumer at a retail establishment or another designated area of the retail
26 establishment that is inaccessible to the consumer and that requires assistance from a retail clerk in
27 order to access and purchase HDCPs.

28 VII. Licensees who restrict entry into the premises to individuals who are 21 years of age or
29 older do not have to comply with the provisions of RSA 179-A:4, V.

30 VIII. Signage shall be displayed in all areas where HDCPs are displayed, in a manner to be
31 determined by the commission, clearly advising and warning the consumer that the HDCPs on
32 display may have intoxicating effects and cause impairment. HDCPs shall only be displayed in an
33 area of the retail establishment that is constantly visible to a retail licensee employee. An HDCP in
34 this state shall not be dispensed by or sold via the use of a self-checkout retail system or vending
35 machine.

36 IX. An applicant for a license as a retailer with a proposed retail location that is within
37 1,000 feet of a private school, public school, or charter school that serves any grade from

1 kindergarten through grade 12 shall not sell HDCPs at such location unless the applicant provides
2 the commission with documentation that establishes that HDCPs were being offered for sale at retail
3 at such location on December 31, 2023. The commission shall accept business records, photographs,
4 and video recordings as documentation for purposes of determining whether an applicant qualifies
5 for this exception.

6 X. Measurements shall be made in a straight line in all directions, without regard to
7 intervening structures or objects, from the nearest exterior wall of the proposed licensed
8 establishment to the nearest exterior wall of a building containing a private school, public school, or
9 charter school that serves any grade from kindergarten through grade 12.

10 XI. The shipping of HDCPs directly to a retail licensee in this state or directly to a consumer
11 in this state is strictly prohibited.

12 XII. All sales of HDCPs and transfers of product from a retailer to consumer shall take place
13 at a licensed retail location in a face-to-face transaction. The delivery of HDCPs to consumers,
14 directly or indirectly, is strictly prohibited.

15 179-A:6 Hemp-Derived Cannabinoids Supplier.

16 I. The commission may issue a HDC supplier license to suppliers located in or out this state
17 to:

18 (a) Sell HDCPs to wholesalers licensed under this chapter for repackaging and for
19 resale, but not for consumption;

20 (b) Manufacture hemp-derived cannabinoids or HDCPs; or

21 (c) Contract for the manufacture of hemp-derived cannabinoids or HDCPs, whether
22 located inside or outside of this state, and that sells finished, packaged HDCPs to wholesalers
23 licensed under this chapter for resale and not for consumption.

24 II. If the supplier is located out of state, they shall remain in compliance with the applicable
25 governing laws, rules, and regulations of the jurisdiction where the supplier is located.

26 III. A person is not eligible to hold a direct or indirect interest in a supplier or retailer
27 license while serving a sentence for, or for 10 years following the date of conviction of, a drug-related
28 felony offense in any state, territory of the United States, or federal jurisdiction.

29 IV. Suppliers shall consent to reasonable inspection by the commission and sampling and
30 testing by the commission, as applicable, of the person's inventory of HDCPs.

31 V. The fee for a HDC retailer license shall be as determined in RSA 178:29, II(f).

32 179-A:7 Hemp Derived Cannabinoid Wholesaler.

33 I. The commission may issue a HDC wholesaler license to a person or entity who purchases
34 finished and packaged for consumption HDCPs, not considered intermediate products still in the
35 pre-packaging stage, from suppliers licensed under this chapter, or from other wholesalers licensed
36 under this chapter, and that sells HDCPs for resale and not for consumption.

37 II. HDC wholesalers shall:

1 (a) Consent to reasonable inspection by the commission and sampling and testing by the
2 commission, as applicable, of the person's inventory of HDCPs.

3 (b) Submit to the commission information included in this subsection and as
4 promulgated by rule of the commission pertaining to warehouse location, security measures, and as
5 necessary for the efficient enforcement of this chapter, including, but not limited to:

6 (1) Name of the applicant;

7 (2) Date of birth of each applicant, or each owner of the applicant, if the applicant is
8 a legal entity;

9 (3) Proof of registration or incorporation in this state for an applicant that is a legal
10 business entity authorized to engage in business in this state;

11 (4) Contact information for each applicant, including the name of the person legally
12 responsible for each applicant's operations, telephone number, email address, and address of
13 principal place of business;

14 (5) Address of location to be licensed;

15 (6) A detailed description of the square footage and dimensions of the warehouse
16 space, including a description of how the product will be received, inventoried, stored, and packaged,
17 as applicable;

18 (7) A detailed description of how records will be stored and kept in a secure manner,
19 and how the applicant will conduct its review of all aspects of the compliance requirements
20 contained in this chapter and as set forth by the commission as it pertains to HDCPs;

21 (8) Designation, if applicable, of each authorized representative of the applicant; and

22 (9) Other information as required by the commission.

23 (c) Consent to reasonable inspection and sampling by the commission, as applicable, of
24 the person's inventory of HDCPs;

25 (d) With respect to the person legally responsible for the management of the applicant's
26 operations, submit to a criminal history background check that includes fingerprint checks against
27 state and federal criminal records maintained by the state of New Hampshire and the federal bureau
28 of investigation; and

29 (e) Submit proof of the following:

30 (1) The applicant has secured or is readily able to secure a warehouse located in this
31 state, which meets all local requirements for the applicant's specific use of the property, with a
32 minimum size and dedicated area of 1,000 square feet that is not also being used for the cultivation,
33 manufacture, laboratory testing, or the retail sale of hemp, hemp derived products other than
34 HDCPs, or HDCPs. Other products regulated by the commission or by the applicable local beer board
35 may be stored in the same areas as HDCPs; provided, that all required federal, state, and local
36 licenses, permits, and other requirements are satisfied for the storage of such products;

1 (2) Certificate of occupancy or other proof of approval from the local jurisdiction for
2 the applicant's intended use;

3 (3) Detailed business plan, including details pertaining to the applicant's investment
4 in the business and the capital required to start the business; and

5 (4) Proof that the applicant possesses the financial capacity necessary to engage in
6 the warehousing and distribution of HDCPs in a manner to be determined by the commission,
7 documenting access to a minimum of \$750,000, that shall be proven by providing:

8 (A) Documentation of a bond or line of credit;

9 (B) Documentation of certified business or personal financial statements, and
10 checking or savings bank statements or statements from money market or brokerage accounts;
11 provided, that funds are readily convertible to cash; or

12 (C) If an applicant has obtained a loan as proof of financial capacity:

13 (i) Proof of the loan approval from a bank or another insured depository
14 institution or lender deemed acceptable by the commission; or

15 (ii) Proof of the loan approval from a private lender via executed loan
16 documents and sufficient proof of funds in a manner to be determined by the commission; provided,
17 that the private lender and its individual owners or principals shall be disclosed in the application as
18 an owner of the applicant.

19 III. A person is not eligible to hold a direct or indirect interest in a wholesaler license while
20 serving a sentence for, or for 10 years following the date of conviction of, a drug-related felony
21 offense in any state, territory of the United States, or federal jurisdiction.

22 IV. Wholesaler licensees shall receive pre-approval from the commission for any changes in
23 ownership, control, or otherwise of the legal entity of the license holder.

24 V. Wholesaler licensees shall notify the commission of any changes to the contents of their
25 application on file and that do not otherwise require pre-approval, as determined by the commission,
26 within 30 days after the change takes place, including any change of contact information or changes
27 to the warehouse premises.

28 VI. The commission may deny the issuance or renewal of an application for a wholesaler
29 license for an applicant that has not fully complied with this section.

30 VII. The fee for a HDC retailer license shall be as determined in RSA 178:29, II(f).

31 179-A:8 Multiple Licenses.

32 Licensees may hold any license as authorized by this chapter provided that an establishment
33 owned or leased by a licensee that holds a valid supplier license, wholesale license, and retail license
34 for the same location where HDCPs will be manufactured and sold at retail, or an establishment
35 owned or leased by a licensee that holds a valid supplier license and retail license for the same
36 location where HDCPs will be manufactured and sold, and that has contracted with a wholesale
37 licensee for remitting the tax levied under RSA 179-A:17 and for the wholesale distribution of the

1 supplier's products. For the products that are manufactured on the supplier's licensed premises and
2 that are sold at retail on the supplier's licensed premises, if all requirements of this section have
3 been met, a supplier is not required to have the products that it manufactures and sells at retail on
4 its licensed premises warehoused by the supplier's contracted wholesale licensee.

5 179-A:9 Seizure and Forfeiture of Unauthorized, Illegal, or Counterfeit Hemp-derived
6 Cannabinoids.

7 Liquor investigators may seize unauthorized, illegal, or counterfeit HDCs in the manner
8 provided in RSA 617 or by immediately seizing the HDC products.

9 179-A:10 Unlawful Possession.

10 I. Except as provided in RSA 179-A:12, any person under the age of 21 years who has in his
11 or her possession any HCD product, or who is intoxicated by consumption of an HDC product, shall
12 be guilty of a violation and shall be fined a minimum of \$300. Any second and subsequent offense
13 shall be fined at least \$600.

14 II. Notwithstanding any other law to the contrary, any person under the age of 21 years,
15 who possesses a HDC product with the intent to purchase said HCD product, and who does or omits
16 to do anything which, under the circumstances as such person believes them to be, is an act or
17 omission constituting a substantial step towards the purchase of an alcoholic beverage shall be
18 guilty of a violation.

19 179-A:11 Prohibited Sales of Hemp Derived Cannabinoids.

20 I. No licensee, salesperson, retailer, wholesaler, supplier, common carrier, delivery agent,
21 nor any other person, shall sell or give away or cause or allow or procure to be sold, delivered, or
22 given away any hemp-derived cannabinoids to a person under the age of 21.

23 II. Notwithstanding the provisions of RSA 179:8, it shall be a violation to sell any HDC
24 products to a minor during enforcement activity initiated solely for the purpose of verifying
25 noncompliance with section. It shall be a misdemeanor to knowingly sell HDC products to a minor
26 at the time of any such enforcement activity. The commission shall retain the right to require the
27 licensee in such a circumstance to initiate additional training of its staff or individual employee.
28 This section shall not apply to law enforcement initiatives involving surveillance, investigations, or
29 criminal complaints of prohibited sales of HDC products.

30 179-A:12 Proof of Age of Purchaser.

31 I. For the purposes of this chapter, any person making the sale of HDC products to any
32 person who does not appear to be at least 21 years of age, shall require the purchaser to furnish any
33 of the following documentation that such person is 21 years of age or over:

34 (a) A motor vehicle driver's license issued by the state of New Hampshire, or a valid
35 driver's license issued by another state, the District of Columbia, a United States territory, or a
36 province of Canada, which bears the date of birth, name, address, and picture of the individual.

1 (b) An identification card issued by the director of motor vehicles under the provisions of
2 RSA 260:21, RSA 260:21-a, or RSA 260:21-b, or any picture identification card issued by another
3 state which bears the date of birth, name, and address of the individual.

4 (c) An armed services identification card.

5 (d) A valid passport from a country with whom the United States maintains diplomatic
6 relations.

7 (e) Photographic identification presented under this section shall be consistent with the
8 appearance of the person, and shall be correct and free of alteration, erasure, blemish, or other
9 impairment.

10 II. The establishment of all of the following facts by a person responsible for monitoring
11 sales from a vending machine or a person or sampler making a sale or distribution of tobacco
12 products, e-cigarettes, or e-liquid to a person under 21 years of age shall constitute prima facie
13 evidence of innocence and a defense to any prosecution for such sale:

14 (a) That the person falsely represented in writing and supported by some official
15 documents that the person was 21 years of age or older;

16 (b) That the appearance of the person was such that an ordinary and prudent person
17 would believe such person to be at least 21 years of age or older; and

18 (c) That the sale was made in good faith relying on such written representation and
19 appearance in the reasonable belief that the person was actually 21 years of age or over.

20 179-A:13 Employment and Persons in Charge.

21 I. No supplier, wholesaler, or retailer to knowingly employ a person under 18 years of age
22 for the physical manufacture, storage, sale, or distribution of HDCPs, or to knowingly permit any
23 such underage person on the premises of its place of business to engage in the manufacture, storage,
24 sale, or distribution of HDCPs.

25 II. Notwithstanding the provisions of paragraph I, a HDC retailer may employ to act as a
26 cashier in a selling capacity, a minor who shall be at least 16 years of age, providing a person at least
27 18 years of age is in attendance and is designated in charge of the employees and business.

28 III. All licensees in this chapter shall follow the provisions of RSA 179:23, IV when
29 designating a person in charge.

30 179-A:14 Retention of Invoices and Sale and Delivery Slips.

31 All invoices, sales slips and delivery slips, current and covering a period of 60 days prior to the
32 current date pertaining to purchases and sale of HDCP shall be retained by the licensee on the
33 premises or be readily available for examination by the commission or its liquor investigators.

34 179-A:15 Hours of Sales.

35 I. The commission may fix either generally or specially for each license the hours between
36 which licensees may sell HDCP and may adopt such rules as to the conduct of persons holding
37 sellers' licenses as it deems proper.

1 II. The following restrictions on hours of sale reflect the times during which a licensee may
2 sell beverages or liquor, unless further extended by the commission:

3 (a) HDC retailer licensees may sell from 6:00 a.m. to 11:45 p.m., 7 days a week.

4 (b) HDC wholesaler licensees may sell from 6:00am to midnight, 7 days a week.

5 (c) HDC supplier licensees may sell from 6:00am to midnight, 7 days a week.

6 179-A:16 Product Testing Requirements.

7 I. Testing of products and substances must be conducted as follows:

8 (a) Full-panel testing on all active cannabinoid molecules shall be conducted prior to
9 final production of HDCPs; and

10 (b) A potency test shall be conducted on finished goods to confirm potency is consistent
11 with stated potency on the packaging.

12 II. A supplier shall contract with a third-party laboratory to provide the testing required by
13 subparagraph I(a). Such laboratory may be located within or outside of this state; provided, that the
14 laboratory is certified for testing by the commission.

15 III. A supplier shall certify to the commission that all HDCPs provided by the supplier are
16 in compliance with all requirements of this chapter. The manner of certification may be established
17 by rule of the commission.

18 IV. The commission may make rules under RSA 541-A regarding which types of tests may
19 be used to satisfy the requirements of subparagraph I(a) and the qualifications for laboratories from
20 which the commission will accept test results.

21 V. Each batch manufactured must undergo testing and obtain a certificate of analysis by a
22 third-party laboratory qualified under subparagraph I(b).

23 VI. The commission shall:

24 (a) Make rules under RSA 541-A specifying pass and fail action levels for safety and
25 toxicity with respect to the testing required by subparagraph I(a);

26 (b) Maintain and post on its website a registry of testing laboratories that are qualified
27 to test intermediate manufactured material and finished HDCPs;

28 (c) Develop an application and process by which qualifying laboratories are listed on the
29 commission's website. The application submitted by a potentially qualifying laboratory must include
30 a sample certificate of analysis issued by the applying laboratory; and

31 (d) Sample and analyze HDCPs produced, distributed, and offered for sale in this state
32 for cannabinoid concentrations, tested according to protocols promulgated by rule of the commission.
33 Commission testing shall be conducted by post-decarboxylation to determine a cannabinoid profile of
34 samples tested, including their THC concentrations. As used in this subparagraph, "post-
35 decarboxylation" means the quantification by percentage of the resulting tetrahydrocannabinol of a
36 sample if carboxyl groups are removed from all molecules containing tetrahydrocannabinol within
37 the sample.

1 179-A:17 Wholesale Tax on HDC Beverages and Reporting Requirements.

2 I. For HDCP beverage products, if the HDCP:

3 (a) If a beverage product other than such product described in subparagraph (I)(b), the
4 container shall utilize a traditional pull-tab, an aluminum can device currently approved for soft
5 drinks and malt beverages, or a screw-top or cork-style cap used for containers of wine and other
6 alcoholic beverage products; or

7 (b) If in a container with a volume equal to or less than 750 milliliters and contains more
8 than one serving, the container shall be resealable in a manner to support multi-day use.

9 II. In a concentration greater than 15 milligrams of one or more hemp-derived cannabinoids
10 per serving, with the maximum amount of milligrams of hemp-derived cannabinoids per container
11 calculated by multiplying the standard number of servings per type of container by 15 milligrams.

12 III. An HDCP mixed or infused with, or otherwise used as an ingredient in, beer, wine or
13 liquor or any other alcoholic beverages, shall not be manufactured, sold, provided, or served to a
14 consumer in this state and is otherwise strictly prohibited.

15 IV. In addition to the annual license fees provided in this chapter, each HDC wholesaler
16 shall pay to the commission a monthly fee equal to 5 percent of sales on or before the fifteenth day of
17 the month following the sale. For failure to pay any part of the fees provided or under this section
18 when due, 10 percent of such fees shall be added and collected by the commission from the licensee.

19 V. Each HDC wholesaler shall on or before the fifteenth day of each month pay the license
20 fees as provided by paragraph IV covering sales or transfers made during the preceding calendar
21 month.

22 179-A:18 Safety Requirements for Hemp Derived Cannabinoid Products; Serving Size.

23 I. Except as provided in RSA 179-A:17, I and II, an HDCP that is sold at retail shall:

24 (a) Satisfy the child-resistant effectiveness standards under 16 C.F.R 1700.15(b)(1) when
25 tested in accordance with the requirements of 16 C.F.R 1700.20;

26 (b) Be packaged in a single package or container that contains no more than the
27 milligram equivalent of 20 servings, or 300 milligrams of hemp-derived cannabinoids, in the
28 aggregate, in a manner to be determined by the commission by rule; and

29 (c) Except as provided in RSA 179-A:17, I, an ingestible HDCP containing a hemp-
30 derived cannabinoid shall not:

31 (1) Be not sold in a serving that contains more than 15 milligrams, in the aggregate,
32 of one or more hemp-derived cannabinoids;

33 (2) Be labeled with:

34 (A) A list of ingredients and possible allergens and a nutritional fact panel;

35 (B) A conspicuous warning statement having a minimum font size of 11-point
36 font concerning the risk of impairment from consumption of the product, keeping the product out of
37 the reach of children, and other warning information as required by rule of the commission;

1 (C) If the product is ingestible or inhalable in cartridge form, the amount of
2 hemp-derived cannabinoid in each serving of the product, measured in milligrams;

3 (D) The total amount of hemp-derived cannabinoid in the entire package,
4 measured in milligrams;

5 (E) The net weight of the product;

6 (F) A quick response (QR) code that can be scanned to access a website providing
7 the product's batch number, date received, date of testing completion, and method of analysis for the
8 testing report required including information regarding results of the product's full-panel and
9 potency tests conducted;

10 (G) An expiration date; and

11 (H) For hemp plant parts or hemp flower, the percentages and identity of each
12 hemp-derived cannabinoid present in the HDCP.

13 II. For HDCPs in cartridge form, the HDCP shall be packaged in a single cartridge that
14 contains not more than 40 servings, not to exceed 500 milligrams per cartridge.

15 III. For hemp plant parts and hemp flower, the HDCP shall be packaged in a single package
16 or container that contains not more than 0.5 ounce by weight of HDCP, regardless of the milligram
17 content of hemp-derived cannabinoids in such hemp plant parts or hemp flower.

18 IV. For HDCPs in the form of a smokeless pouch that contains a hemp derived cannabinoid
19 for ingestion or absorption, be sold in a single container or tin that contains no more than 15
20 pouches, and no more than 6 milligrams of hemp-derived cannabinoids per pouch.

21 V. A person who obtains an HDCP that is sold at retail shall store any unconsumed portion
22 of the product in its original packaging.

23 179-A:19 Advertising Restrictions and Product Approvals.

24 I. Advertising or promotion of liquor or beverages by the use of billboards, sound trucks, or
25 outdoor internally illuminated screen displays is prohibited.

26 II. HDCP advertising shall not be inconsistent with the description of the contents on labels
27 of any such HDCP.

28 III. Advertising of HDCP shall not:

29 (a) Contain any subject matter or illustrations that the commission determines is
30 reasonably likely to induce minors to drink.

31 (b) Any statement that is false or misleading.

32 IV. Mass market campaigns reaching minors are strictly prohibited. Marketing to minors
33 through the use of social media is also prohibited.

34 V. A retailer or supplier of an HDCP shall not advertise, market, or offer for sale an HDCP
35 by using, depicting, or signifying, in the labeling or design of the product or product packaging, or in
36 advertising or marketing materials for the product, trade dress, trademarks, branding, or other
37 related product imagery or scenery, characters, or symbols known to appeal primarily to persons

1 under 21 years of age, including, but not limited to, superheroes, comic book characters, video game
2 characters, television show characters, movie characters, or unicorns or other mythical creatures.

3 VI. An HDCP shall not be labeled or otherwise marketed to make any health related claims,
4 including, but not limited to, claims pertaining to diagnoses, cures, or mitigation or treatment of any
5 human disease or other condition.

6 VII. An HDCP shall not be formed into the shape of an animal or cartoon character.

7 VIII. The commission may make rules under RSA 541-A for the approval, packaging,
8 labeling, and display of HDCPs that are offered for sale in this state.

9 179-A:20 Registration Requirements for Brands; Fees.

10 I. In this section, “brand“ means each category and type of HDCP, as distinguishable to a
11 consumer by supplier, name or trademark, brand or product line name or trademark, delivery
12 system, or another distinction between HDCPs as promulgated by rule of the commission.

13 II. Each brand of HDCPs, distinguishable by category, type, and delivery system, shall be
14 separately registered with the commission.

15 III. A supplier shall not deliver any HDCPs to a wholesaler for distribution in this state
16 unless each HDCP brand is registered by the supplier with the commission.

17 IV. A wholesaler or retailer shall not place an order for, receive, accept, or offer for sale an
18 HDCP unless the HDCP brand is registered with the commission.

19 V. The commission shall prescribe a form for registering an HDCP brand with the
20 department which must include each wholesaler authorized to distribute the HDCP in this state and
21 each county in this state in which the product is being sold at retail. The commission may require a
22 supplier to include with its submission of the registration form any supporting documents as deemed
23 necessary by the commission for registration of an HDCP brand.

24 VI. The commission shall collect from the supplier an annual brand registration fee of \$300
25 per HDCP brand registered with the commission.

26 179-A:21 Unlawful to manufacture, cultivate, produce, or sell certain cannabinoids.

27 It is an offense to manufacture, cultivate, produce, or sell in this state:

28 I. Hemp, harvested hemp, hemp plant parts, HDCPs, or another product that contains a
29 total THC content, or a total theoretical THC content, in excess of 0.3 percent on a dry weight basis;

30 II. A synthetic cannabinoid, or an HDCP or any other product, which contains a synthetic
31 cannabinoid; or

32 III. A derivative of hemp or an HDCP that contains tetrahydrocannabiphorol (THCp).

33 179-A:22 Direct-to-Consumer Shipping and Delivery Services Unlawful.

34 I. It is unlawful for a person or entity:

35 (a) To ship an HDCP directly to a consumer in this state; or

36 (b) To utilize a delivery service to deliver an HDCP to a consumer.

1 II. This section does not prohibit a person or entity with a license issued under this chapter
2 from shipping an HDCP outside of this state if such shipping of HDCPs is lawful in the jurisdiction
3 in which the shipment is received.

4 179-A:23 Disclosure of Wholesaler and Supplier Information.

5 The department of revenue shall make available to the public the identity of the wholesalers and
6 suppliers operating in this state, including, but not limited to, their addresses, brands, and
7 designated territories for which a contract has been registered with the department. Such
8 information may be made available electronically.

9 179-A:24 Limitations on Right to Use Hemp-Derived Cannabinoid; Rights of Others.

10 I. This chapter does not permit a person to:

11 (a) Undertake any task under the influence of a hemp-derived cannabinoid or HDCP
12 when doing so would constitute negligence or professional malpractice; or

13 (b) Operate, navigate, or be in actual physical control of a motor vehicle, aircraft,
14 motorized watercraft, or any other vehicle while under the influence of a hemp-derived cannabinoid
15 or HDCP.

16 II. This chapter does not require:

17 (a) An employer to accommodate the use of hemp-derived cannabinoids or HDCPs in a
18 workplace or an employee working while under the influence of a hemp-derived cannabinoid or an
19 HDCP;

20 (b) An individual or establishment in lawful possession of property to allow a guest,
21 client, customer, or other visitor to use a hemp-derived cannabinoid or HDCP on or in that property;
22 or

23 (c) An individual or establishment in lawful possession of property to admit a guest,
24 client, customer, or other visitor who is visibly impaired as a result of the person's use of a hemp-
25 derived cannabinoid or HDCP.

26 III. This chapter does not exempt a person from prosecution for a criminal offense related to
27 impairment or intoxication resulting from use of a hemp-derived cannabinoid or HDCP or relieve a
28 person from any requirement under law to submit to a breath, blood, urine, or other test to detect
29 the presence of a controlled substance.

30 IV. This chapter does not:

31 (a) Limit the ability of an employer to establish, continue, or enforce a drug-free
32 workplace program or policy;

33 (b) Create a cause of action against an employer for wrongful discharge or
34 discrimination; or

35 (c) Allow the possession, sale, manufacture, or distribution of any substance that is
36 otherwise prohibited by RSA 318-B.

37 179-A:25 Rulemaking.

SB 485-FN - AS INTRODUCED

- Page 16 -

- 1 The commission may make rules to effectuate this chapter in accordance with RSA 541-A.
- 2 4 Effective Date. This act shall take effect January 1, 2027.

SB 485-FN- FISCAL NOTE
 AS INTRODUCED

AN ACT relative to the licensure, regulation and taxation of hemp-based derivative products.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2026	FY 2027	FY 2028	FY 2029
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Revenue Fund(s)</i>	Liquor Fund/General Fund - Liquor revenue is credited to the liquor fund, with net revenues after expenditures being credited to the state general fund.			
Expenditures*	\$0	\$668,000	\$732,000	\$732,000
<i>Funding Source(s)</i>	Liquor Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

METHODOLOGY:

This bill establishes a regulatory and taxation framework for hemp-based derivative products under the Liquor Commission. It creates new supplier, wholesaler, and retailer licenses; requires annual brand registration for each product; and imposes a 5% wholesale tax on sales. The Commission is responsible for licensing, inspections, compliance enforcement, rulemaking, and tax collection.

The Liquor Commission states this bill will result in an indeterminable increase in state revenues and an increase in state expenditures. The revenue impact is indeterminable because the Commission cannot estimate the number of suppliers, wholesalers, and retailers that will enter the market, the number of brands that will be registered, or the volume of wholesale sales subject to the 5% tax. The bill also authorizes penalties for noncompliance, which may generate additional, but indeterminable, state revenue.

To implement the licensing, inspection, testing oversight, and enforcement responsibilities created by the bill, the Commission anticipates the need for eight new positions, beginning in FY 2027. Estimated annual position costs, including salary and benefits are \$668,000 in FY 2027, reflecting a half year of costs due to the January 1, 2027 effective date, and \$732,000 annually

beginning in FY 2028. The Commission also estimates one time equipment costs of approximately \$300,000 in FY 2027, or approximately \$37,500 per position, to ensure staff are equipped on the first day of employment. These costs include vehicles, safety equipment, computers, and other required gear for sworn personnel.

Positions Requested by Liquor Commission	FY 2027	FY 2028	FY 2029
Liquor Investigator I (33-3020 Detective) x 4	\$200,000	\$400,000	\$400,000
Liquor Licensure Specialist (13-1040 Compliance Officers-3) x2	\$84,000	\$166,000	\$166,000
Liquor Examiner II (13-2080 Tax Examiners-4) x 2	\$84,000	\$166,000	\$166,000
Start-up Equipment for all Eight Positions (vehicles, safety equipment, computers, and other required gear for sworn personnel)	\$300,000	\$0	\$0
Total Salary, Benefits and Operating Expenses	\$668,000	\$732,000	\$732,000

The Commission assumes expenditures would be initially paid from Liquor Funds, consistent with prior legislation without an appropriation, with reimbursement as new revenues are collected. The Commission is unable to determine if the new tax collected will fully offset ongoing program costs.

Additionally, This bill does not authorize positions or appropriate funds. However, if the positions are authorized, it is assumed the costs for FY 2028 and FY 2029 would be included in the Commission’s FY 2028 and FY 2029 budget request.

The Department of Revenue Administration states this bill requires the Department to make available to the public the identity of the wholesalers and suppliers operating in this state, including, but not limited to, their addresses, brands, and designated territories for which a contract has been registered with the department. The Department states they could absorb this requirement into their budget but would need to establish a Memorandum of Understanding the with Liquor Commission in order to receive the required information.

AGENCIES CONTACTED:

Liquor Commission and Department of Revenue Administration