

Amendment to SB 624-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT restricting access to certain hemp-derived products and establishing the offenses of
4 criminal adulteration and distribution of adulterated controlled substances.
5

6 Amend the bill by replacing all after the enacting clause with the following:

7
8 1 Hemp; Definition. Amend RSA 439-A:2, V to read as follows:

9 V. "Hemp" means the plant Cannabis sativa L. and any part of the plant, ~~[whether growing~~
10 ~~or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3 percent on a~~
11 ~~dry weight basis]~~ **including the seeds thereof and all derivatives, extracts, cannabinoids,**
12 **isomers, acids, salts, and salts of isomers, whether growing or not, with a total**
13 **tetrahydrocannabinols concentration (including tetrahydrocannabinolic acid) of not more**
14 **than 0.3 percent on a dry weight basis.**

15 2 Hemp; Prohibitions. Amend RSA 439-A:4 to read as follows:

16 439-A:4 Hemp-Derived Products Containing THC Prohibited.

17 Nothing in this chapter shall be construed to authorize the sale of products that are derived from
18 hemp which contain natural or synthetic tetrahydrocannabinol (THC) greater than 0.3 percent on a
19 dry weight basis, which appear in any formulation, including delta-8 THC, delta-9 THC,
20 **tetrahydrocannabinolic acid (THCA)**, or any other THC isomer variant. **Such products are**
21 **prohibited.**

22 3 Premises Restrictions; Unlawful Purpose. Amend RSA 179:50 to read as follows:

23 179:50 Unlawful Purpose.

24 **I.** No licensee shall use, or allow to be used, his or her premises for any purpose contrary to
25 law.

26 **II. All licensees shall comply with the provisions of RSA 439-A:4 relative to certain**
27 **hemp-derived products containing THC prohibited.**

28 4 New Paragraph; Prohibited Sales. Amend RSA 179:5 by inserting after paragraph II the
29 following new paragraph:

30 **III.** No licensee, salesperson, nor any other person, shall sell or give away or cause or allow
31 or procure to be sold, delivered, or given away any product derived from hemp which contains
32 natural or synthetic tetrahydrocannabinol (THC) in any amount, which appear in any formulation,

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1 including delta-8 THC, delta-9 THC, or any other THC isomer variant or tetrahydrocannabinolic
2 acid (THCA), to a person under the age of 21.

3 5 Legislative Findings. With respect to section 6 of this act, the general court finds that:

4 I. The presence of unapproved substances in the illicit drug supply poses an immediate and
5 severe threat to the health and safety of the citizens of New Hampshire.

6 II. The state of New Hampshire currently provides widespread access to harm-reduction
7 testing resources.

8 III. The intentional adulteration of controlled substances with unapproved additives
9 demonstrates a reckless disregard for human life.

10 IV. The distribution of controlled substances without verification of contents, given the
11 availability of testing resources, constitutes a significant public safety hazard warranting enhanced
12 penalties.

13 6 New Section; Criminal Adulteration and Distribution of Adulterated Controlled Substances.
14 Amend RSA 318-B by inserting after section 2-e the following new section:

15 318-B:2-f Criminal Adulteration and Distribution of Adulterated Controlled Substances.

16 I. A person is guilty of a class B felony if they knowingly combine, mix, or adulterate a
17 controlled substance with any substance not approved for human consumption, with the intent to
18 distribute the resulting mixture. The state may establish intent through the presence of processing
19 equipment, including but not limited to, scales, cutting agents, blenders, presses, or the
20 simultaneous possession of a controlled substance and an unapproved additive in a manufacturing
21 context.

22 II. A person is guilty of a class A felony if they possess with intent to distribute, or
23 distribute, any controlled substance which they know or have reasonable cause to believe contains
24 an unapproved additive. For the purposes of this section, "reasonable cause to believe" includes the
25 failure to utilize accessible harm-reduction testing resources or the distribution of substances in a
26 market known to be contaminated with unapproved additives.

27 III. The penalties provided for in this section shall be in addition to, and not in lieu of, any
28 other penalties or offenses provided for under this chapter or any other provision of law, and shall
29 not be construed to limit the state's authority to prosecute any other applicable criminal offense.

30 7 Effective Date. This act shall take effect January 1, 2027.

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AMENDED ANALYSIS

This bill:

I. Prohibits certain hemp-derived products, directs liquor licensees to comply with the prohibition, and amends the definition of hemp.

II. Establishes the offenses of criminal adulteration and distribution of adulterated controlled substances.