

Senate Judiciary Committee

Brendan Bunnell 271-4063

SB 651-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor.

Hearing Date: January 22, 2026

Time Opened: 1:56 p.m.

Time Closed: 2:14 p.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill establishes procedures for the legalization, regulation, and taxation of cannabis; the licensing and regulation of cannabis establishments; and makes appropriations therefor.

Sponsors:

Sen. Fenton

Sen. Rosenwald

Sen. Watters

Sen. Long

Sen. Prentiss

Sen. Altschiller

Sen. Perkins Kwoka

Rep. Simpson

Rep. Telerski

Who supports the bill: 51 individuals signed in support of this bill. For a complete list of those who signed in support please email Brendan.Bunnell@gc.nh.gov.

Who opposes the bill: Sue Homola (SAM NH), Elizabeth Sargent (NH Assoc. of Chiefs of Police), Kate Frey (New Futures), Bill Bright (NH State Police), Mary McGahan, Daniel Richardson, and Robert Dunn

Who is neutral on the bill: None.

Summary of testimony presented:

Senator Donovan Fenton (SD-10), introduced Senate Bill 651 and explained that New Hampshire is now the only state in New England that has not legalized and regulated cannabis. He argued that prohibition is no longer effective because residents simply travel to Massachusetts, Maine, or Vermont to legally purchase cannabis and bring it back, meaning New Hampshire experiences the downsides of use without any of the financial benefits.

- Noted that President Trump signed an executive order directing the reclassification of marijuana from a Schedule I to a Schedule III drug, meaning it is no longer treated like heroin and is instead regulated more like common medications, which he described as a major shift in federal policy.
- Stated that New Hampshire is losing tens of millions of dollars each year in potential revenue that could otherwise support schools, substance use prevention, mental health services, and public safety, while property taxes continue to rise.
- Described SB 651 as a responsible and regulated approach similar to alcohol, requiring users to be 21, mandating ID, prohibiting sales to minors, banning impaired driving, requiring product testing and labeling, and giving law enforcement better tools. He explained that revenue would be split, with a large portion going to the Education Trust Fund to stabilize school funding, along with funding for substance use prevention, treatment, recovery, mental health services, impaired driving enforcement, and even paying down retirement system liabilities.
- Argued that prohibition does not protect kids, does not stop use, and wastes law enforcement resources, and that regulation is a more realistic and responsible approach.
- Senator Gannon questioned Senator Fenton about road safety, citing that about 30 percent of traffic accidents involve poly-substance use, often alcohol combined with marijuana, and noted that road deaths are rising. He asked whether legalizing cannabis could worsen impaired driving.
 - Senator Fenton responded that the concern is valid and serious, but other states that have legalized cannabis have not seen the same 30 percent increase, and that SB 651 includes funding for law enforcement training, including drug recognition experts, to address impaired driving. He emphasized that the bill does not allow people to smoke and drive, but instead allows regulation and enforcement.
- Senator Gannon asked whether legalization sends the wrong message to children and makes cannabis seem acceptable.
 - Senator Fenton replied that children already have access through neighboring states, especially in border areas like Keene, and that legalization does not remove age restrictions, since only people 21 and over could legally purchase cannabis, similar to alcohol.

Matt Simon, from GraniteLeaf Cannabis, testified in support of the bill, stating that SB 651 takes a thoughtful and balanced approach by increasing personal freedom while imposing effective regulation. He argued that prohibition is not regulation but rather an abdication of responsibility.

- Stated that the bill carefully integrates the existing therapeutic cannabis program, ensuring that current medical cannabis providers and patients are not pushed aside in the transition to adult-use legalization.
- Said the bill allows current businesses to participate while also allowing new regulated businesses to enter the market.

Sue Homola, representing Smart Approaches to Marijuana, testified in opposition. She argued that neighboring states are experiencing serious problems, citing Vermont having the highest rate of cannabis use disorder among 13 to 17 year olds, Maine struggling with hundreds of illegal marijuana farms, and Massachusetts voters expressing regret, including a recent petition effort with over 74,000 signatures seeking to repeal recreational marijuana sales.

- She stated that public attitudes toward marijuana have shifted negatively according to Gallup, with people increasingly viewing marijuana as harmful to society and users. She argued that states across the country are experiencing legalization regret.

Kate Frey, representing New Futures, testified that her organization does not support the bill as written but is open to working on amendments. She explained that New Futures is a nonprofit focused on reducing alcohol and drug harms and evaluates cannabis bills using public health principles.

- She said the bill meets some of their criteria, such as regulation and oversight, but has gaps in protecting children and youth, particularly because THC potency limits are left to rulemaking instead of statute, serving sizes are set too high at 20 milligrams, and public health representatives are not included in leadership roles on the regulatory commission.
- Raised concerns about insufficient funding for prevention, treatment, and recovery, noting that the bill allocates only 10 percent of revenue capped at \$25,000.
- Senator Altschiller asked whether New Futures was recommending that public health authorities be placed in leadership or formal roles within the regulatory structure. She wanted to clarify that the concern was about putting public health and prevention experts directly on the commission or advisory body that would oversee cannabis regulation.
 - o Kate Frey responded that yes, that was exactly the concern. She explained that earlier versions of cannabis bills had included an advisory board with public health and prevention representation, but SB 651 does not include such a board. She said New Futures believes public health voices should be formally included in the regulatory framework, even if only in an advisory role, to ensure prevention and population health are considered from the start.

- Senator Altschiller asked her about the absence of public health authorities in the regulatory structure and about community reinvestment.
 - Frey explained that some states create community reinvestment funds to support communities historically impacted by the war on drugs and suggested similar provisions. She also clarified that earlier versions of cannabis bills included advisory boards with public health representation, which is missing in SB 651.
- Senator Altschiller asked whether New Futures’ position had evolved over time, noting that the organization had previously opposed legalization.
 - Frey confirmed that their stance has changed over the past several years, moving toward a principle-based approach that does not oppose legalization if strong public health safeguards are included, while still never supporting increased access for youth.

BMB

Date Hearing Report completed: January 26, 2026