

# Senate Judiciary Committee

*Ryan Meleedy 271-4151*

**HB 1633-FN-A**, relative to the legalization and regulation of cannabis and making appropriations therefor.

**Hearing Date:** April 25, 2024

**Members of the Committee Present:** Senators Carson, Gannon, Abbas, Whitley and Chandley

**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.

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**Sponsors:**

Rep. Layon

Rep. T. Mannion

Rep. T. Lekas

Rep. Burroughs

Rep. Hoell

Rep. Calabro

Rep. Berezhny

Rep. Prout

Rep. Wheeler

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**Who supports the bill:** 40 People signed in support of the bill. Full sign in sheets are available upon request of the committee aide ([Matthew.Schelzi@leg.state.nh.us](mailto:Matthew.Schelzi@leg.state.nh.us))

**Who opposes the bill:** 151 People signed in opposition to the bill. Full sign in sheets are available upon request of the committee aide ([Matthew.Schelzi@leg.state.nh.us](mailto:Matthew.Schelzi@leg.state.nh.us))

**Who is neutral on the bill:** 5 People signed in neutrality to the bill. Full sign in sheets are available upon request of the committee aide ([Matthew.Schelzi@leg.state.nh.us](mailto:Matthew.Schelzi@leg.state.nh.us))

**Summary of testimony presented in support:**

**Representative Erica Layon**

- Representative Erica Layon began by outlining HB1633, emphasizing that legalizing cannabis in New Hampshire is necessary because many residents are already using it despite existing laws.

- Representative Layon shared the story of a woman in her town who lost her son after he consumed cannabis contaminated with fentanyl, emphasizing the dangers of unregulated products in the black market.

- Representative Layon argued that if cannabis is legalized and regulated, consumers would be able to access safer, tested products rather than relying on dangerous street sources.
- Representative Layon stated that New Hampshire could capture a share of the revenue generated from cannabis sales, rather than letting it go to other states with legal markets.
- Representative Layon emphasized that the bill must include a proper definition of cannabis to ensure that the state's existing hemp market is not negatively impacted.
- Representative Layon emphasized the importance of clarifying the definition of a public place, advocating for language that would allow individuals to consume cannabis on their own private property.
- Representative Layon underscored the need to limit public consumption penalties to avoid unduly criminalizing individuals who are consuming in private settings.
- Representative Layon highlighted the need for specific enforcement language to ensure that the Liquor Commission's role remains focused on commerce, rather than turning them into a drug enforcement agency.
- Representative Layon noted the importance of protecting therapeutic cannabis patients from taxes and excessive regulations to avoid undermining the existing therapeutic cannabis program.
- Representative Layon argued for the importance of a low tax rate to help the legal market compete with the black market and emphasized the need for additional funding for drug recognition experts and law enforcement training.
- Senator Gannon asked if HB1633 allocates any of its revenue to drug education programs or drug prevention initiatives.
- Representative Layon acknowledged that although a specific percentage of revenue wasn't allocated for drug education in the bill, it includes a provision to appropriate half a million dollars to the governor's commission on alcohol and drugs.
- Senator Gannon also asked if Representative Layon had seen empirical evidence that cannabis legalization doesn't lead to increased cannabis usage among youth.
- Representative Layon replied saying that she had seen studies that show youth cannabis use decreases after legalization but admitted she hadn't thoroughly reviewed the studies' methodologies.
- Senator Gannon expressed concern that people might assume cannabis from any source is safe and unintentionally consume fentanyl-contaminated products due to legalization.
- Representative Layon responded that once the legal market is established, reputable brands will become known and trusted, reducing reliance on dangerous unregulated sources.

- Senator Abbas asked why the bill limits the enforcement authority of the Liquor Commission, despite its historical role in addressing black-market alcohol sales.
- Representative Layon clarified that the bill aims to limit the Liquor Commission's enforcement scope to commercial cannabis activities to prevent it from becoming a general drug enforcement agency.
- Senator Abbas also asked whether limiting the Liquor Commission's enforcement abilities could affect cannabis commerce since the black market impacts legal sales.
- Representative Layon emphasized that the Liquor Commission should focus on commercial activities rather than individual home growers since expanding its role could require excessive funding and administrative changes.

### **Senator Rosenwald**

- She mentioned that she has been focusing on the financial aspects of the bill, working closely with Senator Abbas to ensure the language regarding appropriations is drafted correctly.
- Senator Rosenwald pointed out that the financial details she focused on are primarily found on pages 23 and 34 of the bill.
- Addressing Senator Gannon's earlier question about prevention funding, she clarified that the amendment includes a \$500,000 appropriation for the Governor's Commission on Alcohol and Other Drugs, to be used for prevention efforts.
- Additionally, she noted that beyond the initial appropriation, 15% of the revenue generated from cannabis sales would continuously go into the fund for prevention purposes.

### **Jim Riddle (NOFA-NH)**

- Jim Riddle argued that people would continue buying cannabis out of state if HB1633 is rejected, technically making them criminals.
- Mr. Riddle emphasized the economic potential of a regulated cannabis market, citing that many businesses and farmers are supportive of legalization.
- Mr. Riddle raised concerns about the replace-all amendment, arguing that it could create a state-controlled monopoly over cannabis distribution that would hinder the free market.
- Mr. Riddle suggested that the current iteration of HB1633 offers more flexibility than the proposed amendment, allowing for gradual adjustments to licensing limits.
- Mr. Riddle advocated for a model that promotes competition and suggested that government control could negatively impact market growth and innovation.

## **Matt Simon (Granite Leaf Cannabis)**

- Matt Simon, representing Granite Leaf, testified in support of HB1633 as it was originally written, despite acknowledging potential issues with the bill.
- Mr. Simon explained that the legalization of recreational cannabis has resulted in significant declines in medical cannabis registrations in most states.
- Mr. Simon expressed concern that excluding Alternative Treatment Centers (ATCs) from the retail cannabis market could be catastrophic for these entities.
- Mr. Simon emphasized the importance of aligning medical and recreational cannabis programs to ensure that ATCs have a clear path forward and do not lose relevance in the market.
- Mr. Simon noted that if ATCs are not integrated into the recreational cannabis market, they could be overshadowed by wealthier entities that may dominate the industry.
- Mr. Simon stressed that exclusion from the retail market could lead to financial instability for ATCs, potentially resulting in them being phased out of the industry altogether.
- Senator Abbas asked about how the amendment handles the experience of local cannabis operators compared to those from other states, wondering if it fairly recognizes local experience.
- Mr. Simon explained that the amendment treats local and out-of-state operators the same, which he believes doesn't adequately value the local experience gained within New Hampshire.
- Senator Abbas followed up with questions about how interstate commerce laws might affect the evaluation of in-state versus out-of-state experience.
- Mr. Simon noted his understanding of cannabis regulations in different states, pointing out that New Hampshire would stand out negatively if it didn't prioritize local experience more.
- Senator Abbas then discussed how the proposed fees for cannabis sales could affect consumer prices, specifically asking if having therapeutic cannabis available in all retail stores would undermine the market for specialized treatment centers.
- Mr. Simon argued that therapeutic cannabis should remain tax-exempt to support patients and prevent the medical program from becoming obsolete, similar to issues seen in Vermont.
- Senator Abbas expressed concerns about whether patients would continue receiving specialized advice and products at dispensaries once marijuana is legalized more broadly.
- Mr. Simon acknowledged these concerns and emphasized the need for careful planning and rulemaking to ensure patients still receive proper care in a market that includes both medical and recreational cannabis.

## **Nathaniel Gurrien (NH Cannabis Party)**

- Nathaniel Gurrien expressed support for House Bill 1633 and criticized Senator Abbas's amendment.
- Mr. Gurrien highlighted the complexities of cannabis legalization due to federal illegality, necessitating strict adherence to legal pathways to avoid repercussions.
- Mr. Gurrien elaborated on the proposed business models for the cannabis industry in NH: state-owned stores, franchised operators, and a free enterprise model.
- Mr. Gurrien stressed the importance of flexibility within the chosen model to navigate unforeseen obstacles effectively.
- Mr. Gurrien emphasized the necessity of a well-informed cannabis advisory board with diverse expertise to guide the program successfully.
- Mr. Gurrien cautioned about the imminent rescheduling of cannabis by the DEA, potentially leading to competition from pharmacies dispensing cannabis with prescriptions.
- Mr. Gurrien recommended transitioning franchises into a state-run model for a smoother integration process.
- Mr. Gurrien advocated for adopting a franchise model similar to House Bill 1633 for its flexibility and alignment with customer expectations.
- Senator Abbas sought clarification on Mr. Gurrien's preference for converting franchises to a state-run model over Abbas's amendment.
- Mr. Gurrien explained that franchises would offer a more seamless transition due to their similarity to state-run stores, ensuring smoother integration and customer experience.

## **Devon Chaffee (ACLU-NH)**

- Devon Chaffee emphasized the disproportionate impact of cannabis prohibition on marginalized communities, highlighting the importance of legalization for social justice.
- Ms. Chaffee explained that cannabis prohibition leads to unnecessary criminal records, fines, and prison sentences, particularly affecting low-income individuals and people of color.
- Ms. Chaffee argued that HB1633 would reduce the burden on the criminal justice system by decriminalizing cannabis possession and establishing a regulated market.
- Ms. Chaffee emphasized that legalization should include measures to ensure fair licensing processes, making sure opportunities are available for communities most affected by prohibition.

- Ms. Chaffee advocated for provisions that would automatically expunge the records of individuals with past cannabis-related offenses to address past injustices.
- Ms. Chaffee mentioned that legalizing cannabis would allow for the tax revenue generated to be reinvested into community services.
- Ms. Chaffee urged the committee to consider the significant benefits of legalization, not just from an economic perspective but also for reducing the stigma and penalties associated with cannabis use.
- Senator Whitley asked Chaffee how HB1633 could be improved to address the needs of communities affected by cannabis prohibition.
- Ms. Chaffee suggested including provisions to prioritize licensing for applicants from communities disproportionately impacted by cannabis prohibition, as well as reinvesting tax revenue in these communities.
- Senator Whitley also asked if there was data to support the claims that cannabis legalization reduces the burden on the criminal justice system.
- Ms. Chaffee referenced studies from other states that have legalized cannabis, showing significant reductions in cannabis-related arrests and prosecutions.
- Senator Abbas asked Chaffee if she believed that legalizing cannabis could lead to an increase in usage rates.
- Ms. Chaffee acknowledged that usage rates might increase initially, but emphasized that the criminal justice system should not be the tool used to address potential increases in use.
- Senator Abbas then inquired if she believes that legalizing cannabis could result in impaired driving becoming more widespread.
- Ms. Chaffee highlighted studies indicating that impaired driving has not significantly increased in states that have legalized cannabis.
- Senator Abbas asked if she had concerns that legalization could send the wrong message about drug use to young people.
- Ms. Chaffee responded that she believes education and public health initiatives are more effective in preventing drug abuse among youth, and emphasized that criminalization has not successfully addressed the issue of youth cannabis use.

**Brandon Pollock (Temescal Wellness)**

- Brandon Pollock, president of Theory Wellness, testified, representing three therapeutic centers in New Hampshire located in Dover, Keene, and Lebanon.
- Mr. Pollock addressed concerns related to the licensing structure of Alternative Treatment Centers (ATCs), expressing willingness to reduce the maximum number of retail licenses from three to fewer licenses.

- Mr. Pollock emphasized that ATCs don't require three retail stores to support their operations and would be satisfied with one retail license, as previously mentioned by Matt Simon.
- Mr. Pollock suggested that the criteria for participation in the market should include a clear path for ATCs to be involved in cultivation, manufacturing, and retail sales, while also being allowed to relocate if municipalities don't permit their stores.
- Mr. Pollock cautioned the committee that the current licensing criteria could unintentionally favor wealthy out-of-state operators, which could lead to out-of-state businesses dominating the cannabis market in New Hampshire.
- Mr. Pollock advocated for a licensing structure that gives ATCs a clear path to participate in the supply chain to ensure local operators can sustain their businesses.
- Mr. Pollock expressed his support for regulating cannabis and pointed out that legalizing it would not significantly increase usage but would help bring tax revenue back to New Hampshire instead of neighboring states.
- Mr. Pollock clarified that Theory Wellness doesn't feel a need to have three retail permits and acknowledged that 15 permits would be excessive.
- Senator Abbas asked about the impact of excluding ATCs from paying a franchise fee and the rationale behind this exemption, noting that the ATCs would benefit from the overall operations of the franchise.
- Mr. Pollock responded that the exemption was intended to support the 14,000 patients who would benefit from improved access to cannabis.
- Mr. Pollock highlighted that medical sales typically make up only around 5% of overall sales, adding that medical patients don't usually pay taxes, which is consistent with regulated markets in other states.
- Mr. Pollock emphasized that exempting medicinal cannabis products from the fee would be a gesture of good faith towards patients, particularly as many rely on cannabis to replace other medications.
- Mr. Pollock also noted that the revenue from medical cannabis is not a significant part of the state's income and reiterated that the exemption would mainly benefit patients with higher usage needs.

### **Summary of testimony presented in opposition:**

#### **Senator Abbas**

- Senator Abbas introduced the replace-all amendment, 2024-1584S, and clarified that while no cannabis policy is perfect, this amendment seeks to balance public safety concerns with the legalization of recreational cannabis.

- Senator Abbas emphasized that negative social impacts related to cannabis already exist in New Hampshire due to neighboring states with legal markets, leading many Granite Staters to shop at out-of-state dispensaries.
- Senator Abbas highlighted that a state-regulated market would allow New Hampshire to have more control over cannabis commerce, with a limited number of stores and strict regulations.
- Senator Abbas pointed out that the amendment seeks to control public cannabis use through penalties, such as imposing violations for a first offense and misdemeanors for subsequent offenses.
- Senator Abbas argued that penalties are necessary for repeated offenses to prevent public consumption from becoming a significant issue in the state.
- Senator Whitley asked why the amendment differentiates between public consumption of cannabis and other substances, and why it includes misdemeanors, given that such laws could still lead to arrests.
- Senator Abbas explained that cannabis differs from tobacco and alcohol because it is still illegal federally, and public perception of cannabis is more negative due to its intoxicating effects. He added that a second offense is challenging to obtain, requiring repeated violations.
- Senator Gannon raised concerns about the amendment potentially leading to increased cannabis use and fatalities, particularly in the southern region of the state.
- Senator Abbas responded that due to New Hampshire's smaller population and proximity to states with legal cannabis, the state won't see as significant a spike in use as other regions like Colorado. He emphasized the need to control cannabis commerce while minimizing negative impacts.

### **Senator Bradley**

- Senate President Jeb Bradley expressed his opposition to HB 1633 but acknowledged the necessity of improving the bill if it is to pass, emphasizing the importance of proper oversight, public health, and safety.
- Senator Bradley commended Senator Abbas for improvements made in the amendment, which he viewed as significant enhancements over the original House-passed version.
- Senator Bradley suggested that the bill should include provisions similar to open container laws for alcohol, which are currently absent.
- Senator Bradley argued for tamper-proof containers for edibles and enhanced penalties for parents or caregivers who allow children access to cannabis.
- Senator Bradley outlined his amendments starting with the need to end a sentence in the bill on page five to prevent misunderstanding about the seizure of illegal cannabis shipments.

- Senator Bradley opposed home growth provisions and suggested removing sections that allow the gifting of cannabis, which he believes could encourage unregulated distribution.
- Senator Bradley proposed amendments to enhance misdemeanor charges and limit business entities to owning no more than one cannabis establishment to prevent monopolies.
- Senator Bradley stressed the necessity of establishing THC limits for cannabis products to ensure public health and safety.
- Senator Bradley suggested that the cannabis advisory board should have regulatory authority and proposed including the Attorney General on the board due to significant legal and public health concerns.
- Senator Bradley criticized the bill for its lack of robust lobbying restrictions and suggested a total ban on lobbying by entities involved in the cannabis industry.
- Senator Bradley also called for the Chair of the Liquor Commission to lead the cannabis commission to ensure balanced and effective regulation.
- Senator Bradley concluded by reiterating his opposition to the bill but emphasized that if it must pass, these amendments are crucial to ensure it serves the best interest of New Hampshire's citizens, particularly in maintaining public health and safety standards.

### **Representative Tim Cahill**

- Representative Tim Cahill testified in opposition to HB1633, expressing his disapproval of both the original bill and the replace-all amendment.
- Representative Cahill argued that legalizing cannabis would lead to increased usage and could significantly affect public health and safety.
- Representative Cahill expressed concerns about the accessibility of cannabis to minors and believed that legalization might encourage underage use.
- Representative Cahill emphasized the potential for increased addiction rates and questioned whether the state has adequate resources to address possible mental health and addiction challenges.
- Representative Cahill mentioned that the bill's regulatory framework is not robust enough to manage the adverse effects that may arise from increased cannabis availability.

### **Victor Muzzey (NH State Police)**

- Officer Victor Muzzey, representing the New Hampshire State Police, testified in opposition to HB1633, particularly focusing on the burden of automatic annulment of cannabis offenses on the criminal records unit.

- Officer Muzzey emphasized that the requirement to annul misdemeanor and violation-level offenses would be a significant burden on the records unit, especially for older cases that require manual research.
- Officer Muzzey argued that the six-month timeframe specified in the bill is insufficient given the workload and research required.
- Officer Muzzey highlighted the difficulty of identifying eligible cases due to vague records from before marijuana was decriminalized, which would require extensive manual research.
- Officer Muzzey explained that the labor-intensive process would make it nearly impossible to meet the proposed timeline in the bill.
- Officer Muzzey recommended that the committee extend the timeframe for automatic annulments to realistically handle the significant research required and the associated workload.

### **Representative Margaret Drye**

- Representative Margaret Drye expressed concerns about the implications of legalizing recreational marijuana without addressing key issues of law enforcement and public safety.
- Representative Drye highlighted a critical case to underscore her concerns, referencing the tragic incident from 2018 involving Kevin Cushman. After consuming marijuana, Cushman caused a fatal accident that killed his passenger, Theodore Haley. Due to the absence of a legal standard for marijuana impairment, he received only a suspended sentence.
- Representative Drye voiced the opinion that pushing for legalization without adequate tools for law enforcement is "unconscionable." Stressed the danger of establishing a legal framework that does not equip police officers with necessary resources to manage risks associated with impaired driving.
- Representative Drye urged reconsideration of the bill to include stringent standards and tools for law enforcement to ensure public safety is not compromised.

### **Jordan Davidson**

- Jordan Davison spoke strongly against House Bill 1633, emphasizing his personal struggles with cannabis use disorder, which he developed while attending high school in New Hampshire. Described his addiction as having spiraled out of control, affecting his school performance and relationships.
- Mr. Davidson testified as the Government Affairs Manager for Smart Approaches to Marijuana, a national group advocating for public health-based marijuana policies. Highlighted the group's commitment to preventing marijuana legalization due to public health and safety concerns.

- Mr. Davidson cited concerns about the involvement of foreign organized crime in the legalized cannabis market. Mentioned that illegal marijuana farms in Maine, allegedly run by Chinese cartels, generate substantial revenue while engaging in serious criminal activities, which could spill over into New Hampshire if marijuana were legalized.
- Mr. Davidson warned that legalization would serve as an invitation to these groups, potentially increasing crime and exploitation associated with the marijuana trade.
- Mr. Davidson argued that any reduction in youth marijuana use statistics often cited by proponents does not take into account the rise in daily use figures, which he claimed were more reflective of the true impact on public health.

### **Dr. Deb Naro**

- Dr. Deb Naro testified as the Executive Director of CATI, a substance misuse prevention nonprofit serving central New Hampshire, emphasizing the public health risks associated with marijuana, particularly high-potency THC.
- Dr. Naro expressed concerns about the lack of public awareness of these risks and emphasized the urgent need for informed decisions in public health policy, especially regarding children and youth.
- Dr. Naro cited experiences from the Cannabis Study Commission, which included testimonies from experts in neurology and addiction medicine, all advising against legalization due to risks such as psychosis, anxiety, and other severe mental health issues in adolescents.
- Dr. Naro criticized the current legislative measures as insufficient, mentioning the lack of strict THC limits and proper regulatory guidelines which could protect vulnerable groups.
- Dr. Naro warned against the marketing strategies of the marijuana industry, comparing them to historical tactics used by the tobacco industry, highlighting the potential for misleading the public about the safety of marijuana products.

### **Elizabeth Brochu (CPS – Central NH)**

- Elizabeth Brochu strongly criticized the potential legalization of marijuana, highlighting the dire public health implications, especially for youth.
- Ms. Brochu shared a poignant story of a family tragedy linked to marijuana-induced impairment, underscoring the lack of legal standards for marijuana impairment and its devastating consequences.
- Ms. Brochu criticized the bill for its potential to normalize marijuana use among the youth, pointing to data suggesting increased risks of psychosis, addiction, and other mental health issues in adolescents exposed to marijuana.

- Ms. Brochu argued that the state's financial gains from legalization are outweighed by the long-term social costs, including increased medical, law enforcement, and social services expenditures.

- Ms. Brochu emphasized the importance of maintaining strict drug regulations to prevent the commercialization of marijuana, which she compared unfavorably to the public health challenges posed by alcohol and tobacco.

### **Marissa McGlynn**

- Marissa McGlynn shared her direct experiences with marijuana exposure among peers as a freshman high school student and youth action member of the Raymond Coalition for Youth

- Ms. McGlynn described frequent encounters with marijuana use at school, including being offered a marijuana vape in the school restroom and observing peers under the influence.

- Ms. McGlynn cited a survey indicating high rates of recreational marijuana use among New Hampshire adolescents, underscoring the ease of access even under prohibition.

- Ms. McGlynn expressed concerns about the potential increase in marijuana use among teens should the bill pass, highlighting the risk of addiction and other negative impacts on her generation's health and safety.

- Ms. McGlynn urged lawmakers to consider the long-term social costs rather than potential profits from legalization.

### **Katelyn McGlynn**

- Katelyn McGlynn provided a perspective on public health implications as a sophomore at Southern New Hampshire University studying criminal justice, homeland security, and psychology with a focus on addiction,

- Ms. McGlynn emphasized the ongoing drug use epidemic in New Hampshire and questioned the wisdom of introducing another drug into the mix for recreational use.

- Ms. McGlynn pointed to statistics from Colorado to illustrate a significant increase in DUIs and traffic deaths involving marijuana following its legalization.

- Ms. McGlynn warned of the potential for increased substance dependence and public safety issues, urging legislators to oppose the bill in order to protect the community from further drug-related challenges .

### **Celeste Clark (Raymond Coalition for Youth)**

- Celeste Clark addressed the committee as the director of the Raymond Coalition for Youth, expressing strong opposition to the legalization of marijuana due to the public health risks involved.
- Ms. Clark critiqued the push for the bill's passage as overly hasty, emphasizing the need for a well-considered plan to address the myriad public health issues that would accompany legalization.
- Ms. Clark provided a copy of an op-ed she had written, which discussed the pervasive smell of marijuana and its negative impact on community environments, as exemplified by her experiences and those reported in other states.
- Ms. Clark warned of the broader social ramifications seen in states that have legalized marijuana, citing increased public nuisance and the decline in public spaces' quality.
- Ms. Clark encouraged the committee to consider the potential long-term consequences of increased marijuana use facilitated by legalization, especially the impact on New Hampshire's youth and public safety.

### **Bertha Madras**

- Bertha Madras expressed serious concerns about the impact of marijuana on brain development, especially among adolescents, citing long-term studies that have shown an increase in psychiatric disorders such as schizophrenia and depression.
- Ms. Madras warned that prenatal exposure to marijuana has been linked to developmental issues in children, stressing the need for more public education on the risks of marijuana use during pregnancy.
- Ms. Madras criticized the bill for not adequately addressing these public health risks, particularly the absence of limits on THC potency, which she believes is crucial to preventing negative outcomes.
- Ms. Madras raised concerns about the potential increase in substance misuse among the elderly population, a demographic increasingly using marijuana for pain management without sufficient understanding of the risks.
- Ms. Madras suggested that the committee to reconsider the legalization strategy, and stated that a more cautious approach would be beneficial to safeguard public health, particularly for vulnerable populations.
- Senator Carson questioned Bertha M. about her observations regarding potential drug interactions in elderly patients using marijuana, especially concerning their other prescribed medications.
- Ms. Madras confirmed concerns about the complexities and risks of marijuana use among the elderly. Mentioned limited data on THC interactions but more on CBD,

emphasizing the need for increased research and patient education on the risks of combining marijuana with other medications.

- Ms. Madras highlighted the necessity for healthcare providers to discuss these potential drug interactions with their patients, given the growing use of marijuana for pain management in this demographic.

### **Chief Tim Crowley (Atkinson Police Department)**

- Chief Tim Crowley Voiced strong opposition to NH House Bill 1633, drawing from his extensive experience as a former police officer in Lowell, Massachusetts, where he observed firsthand the effects of marijuana legalization.

- Chief Crowley detailed the increase in public visibility of marijuana use, especially among young people, noting his experiences as a youth high school coach where the normalization of marijuana significantly affected student behaviors and attitudes.

- Chief Crowley highlighted the challenges faced by law enforcement in controlling public consumption of marijuana, despite existing regulations meant to curb this behavior. Described enforcement as largely ineffective, with frequent public use that was hard to manage or penalize.

- Chief Crowley discussed the community's response to marijuana legalization in Massachusetts, pointing out an increase in public nuisance complaints and a general decline in community standards, which he believes were directly related to the ease of access to and visibility of marijuana.

- Chief Crowley warned that similar effects could be expected in New Hampshire if marijuana were to be legalized, predicting a degradation in quality of life due to increased marijuana presence in public spaces.

- Chief Crowley stressed the difficulty in enforcing public consumption laws, mentioning that the fines and penalties were often insufficient to deter behavior, which could lead to more widespread use and less community control.

- Chief Crowley raised concerns about the message legalization sends to youth, particularly emphasizing the risk of increased drug experimentation and lowered perceptions of drug danger among teenagers and young adults.

- Chief Crowley expressed worries about the potential for increased traffic incidents and public safety issues related to marijuana impairment, which he observed to be a growing problem in areas where marijuana is legal.

- Chief Crowley cautioned against the economic and social costs of legalization, arguing that any financial benefits from marijuana sales could be outweighed by increased public health and safety expenditures.

- Senator Abbas asked about the practical challenges of enforcing marijuana laws in public spaces, especially considering Tim Crowley's experiences in Massachusetts. He

queried whether the difficulty in enforcing these laws was due to the fines being too low to act as a deterrent.

- Chief Crowley responded by emphasizing the broad acceptance of public marijuana use in communities where it is legalized, which complicates enforcement. He noted that even when penalties are imposed, the pervasive attitude of tolerance makes enforcement efforts less effective and often ignored by the public.

- Senator Gannon inquired about the impact of marijuana legalization on youth, specifically questioning whether the increased visibility and accessibility led to higher usage rates among teenagers and young adults.

- Chief Crowley confirmed this concern, citing observations from his coaching experience that marijuana use became more normalized among youths post-legalization. He discussed how this normalization has altered perceptions of marijuana's risks, potentially leading to increased usage and experimentation among young people.

### **Bob Dunn (Roman Catholic Bishop of Manchester)**

- Bob Dunn, representing the Catholic Diocese, testified in opposition to HB1633, arguing that it would be detrimental to the common good.

- Mr. Dunn asked the committee to consider whether the passage of the bill would improve families, children's public health, and communities or strengthen the workforce.

- Mr. Dunn emphasized that the answer to these questions is "no," citing the potential social and financial costs of legalization outweighing any potential revenue.

- Mr. Dunn expressed concern that the bill would lead to increased substance abuse, particularly among young people, which could impact educational outcomes and the future workforce.

- Mr. Dunn highlighted the potential burden on public health resources due to increased addiction and mental health issues related to cannabis consumption.

### **Beth Scaer**

- Beth Scaer spoke out vehemently against the legalization of marijuana based on extensive research into its effects on mental health.

- Ms. Scaer highlighted studies linking marijuana use to increased risks of psychosis, depression, and other mental health disorders, particularly in adolescents and young adults.

- Ms. Scaer emphasized the potential for marijuana to exacerbate mental health issues, noting that legalization could lead to greater accessibility and higher consumption rates among vulnerable populations.

- Ms. Scaer warned of the social costs associated with increased marijuana use, including higher rates of hospital admissions and a potential increase in public safety incidents.
- Ms. Scaer criticized the bill for not adequately considering the long-term public health implications and for lacking measures to protect young people from the risks of marijuana.
- Ms. Scaer suggested that legislators consider the broader public health implications of legalization, suggesting that the potential revenue should not outweigh the costs to community health and safety.

### **Tamara Herbert**

- Tamara Herbert testified in opposition to NH House Bill 1633, focusing on the potential negative impacts of marijuana legalization on public health, particularly among young people.
- Ms. Herbert emphasized the increase in mental health issues such as anxiety and depression that have been observed in states where marijuana has been legalized.
- Ms. Herbert warned about the potential for increased use among teenagers and young adults, citing studies that suggest legalization normalizes the drug's use, potentially leading to higher rates of addiction.
- Ms. Herbert described concerns over the commercialization of marijuana, comparing it to the tobacco industry, and highlighted the aggressive marketing tactics that could target vulnerable populations.
- Ms. Herbert underscored the importance of considering the long-term societal costs associated with increased drug use, rather than focusing solely on the potential economic benefits from legalization.
- Ms. Herbert encouraged legislators to prioritize public health and safety over the commercial interests of the marijuana industry.

### **Chief Pat Sullivan (NHACOP)**

- Chief Pat Sullivan addressed the committee as the Executive Director of the New Hampshire Association of Chiefs of Police, expressing strong opposition to NH House Bill 1633.
- Chief Sullivan emphasized the association's concerns about the potential increase in marijuana use and related social problems if the bill is passed.
- Chief Sullivan highlighted the challenges law enforcement currently faces with enforcing marijuana laws and anticipated further complications should marijuana become legal.

- Chief Sullivan pointed out the disconnect between the state's efforts to combat the opioid crisis and the move to legalize another controlled substance, which could send mixed messages about drug use.
- Chief Sullivan cautioned the committee about the impact on public safety, particularly in terms of increased driving under the influence cases and other public disturbances.
- Chief Sullivan stressed the need for better resources and tools for law enforcement to manage the potential increase in marijuana-related offenses.
- Senator Carson asked if he had any recommendations of practically enforceable laws that could help to prevent public consumption, as she and other members of the committee believed that public consumption was a significant side effect of legalization.
- Chief Sullivan responded that the language in the amendment was a good start, and that he would like to see heightened punishments for all second offenders. He emphasized that educating someone that the second offense is a much stronger penalty when they commit their first offense could potentially deter public use.

### **Melissa Fernald**

- Melissa Fernald introduced herself as a licensed clinical social worker and a licensed alcohol and drug counselor with 27 years of experience in the mental health and addiction field.
- Ms. Fernald stressed that New Hampshire was unprepared for the opioid crisis due to insufficient resources for mental health and addiction services, leaving the state vulnerable to the epidemic's impacts.
- Ms. Fernald voiced strong opposition to HB1633, arguing that legalizing cannabis would be a risky decision that New Hampshire is currently too vulnerable to handle.
- Ms. Fernald emphasized that the state is still grappling with the effects of the opioid epidemic and that COVID-19 has only exacerbated addiction and mental health issues.
- Ms. Fernald highlighted that legalization would increase the risk of further addiction and mental health crises in an already risky environment.
- Ms. Fernald underscored the importance of reducing risk factors and increasing protective factors to effectively combat addiction.
- Ms. Fernald criticized the bill for increasing risk in a state that is already vulnerable, drawing parallels to New Hampshire's lack of preparation during the opioid epidemic.
- Ms. Fernald argued that legalizing cannabis would increase the potential for unintended consequences, citing her experience in Maine, where she observed an increase in violent crimes and health issues.

- Ms. Fernald urged for a change in how the state approaches addiction prevention, calling for broader education for parents, educators, and healthcare professionals to better manage the effects of cannabis use.

### **Kate Frey (New Futures)**

- Kate Frey, representing New Futures, emphasized that her organization aims to improve health and wellness policies in the state through evidence-based policy change.
- Ms. Frey noted that New Futures has developed a set of principles for cannabis policy and regulation and evaluates every cannabis-related bill against these standards.
- Ms. Frey stressed the importance of crafting a cannabis commercialization policy based on evidence and lessons learned from other states, with a focus on protecting children, promoting social justice, protecting public health, and ensuring funding to reduce potential harms from cannabis legalization.
- Ms. Frey criticized the original version of HB1633, highlighting its failure to establish a fund dedicated to substance abuse treatment and recovery, which was initially set to receive 10% of cannabis revenue.
- Ms. Frey expressed opposition to the original House version of the bill, arguing that it lacked funding for a mass media campaign to raise awareness about potential harms associated with cannabis use.
- Ms. Frey acknowledged that the Senate's replace-all amendment improved the bill by addressing funding issues and aligning more closely with New Futures' principles.
- Ms. Frey emphasized the importance of adopting a responsible cannabis commercialization model, advocating for a state-controlled or franchise model similar to Quebec's that has successfully limited cannabis potency, advertising, and youth appeal.
- Ms. Frey mentioned the need to carefully evaluate the impact of cannabis legalization on youth, pointing to studies indicating varied results regarding changes in youth cannabis use.
- Ms. Frey stressed the importance of continued research to ensure that policies are informed by accurate and up-to-date data, noting the most recent data in New Hampshire indicates rising cannabis use among youth.

### **Kevin Magner**

- Kevin Magner introduced himself, sharing that he has a son who started using marijuana around the age of 17.
- Mr. Magner explained that his son developed schizophrenia, which worsened over time, and now in his mid-30s, he is under Magner's care as his guardian.

- Mr. Magner recounted how his son has been in and out of hospitals numerous times, with one particular hospital admitting him five times.
- Mr. Magner described a conversation with a doctor during one of the early hospital visits. When he asked whether his son's brain could have been damaged by LSD or synthetic drugs like bath salts, the doctor dismissed the idea and said they were only concerned about cannabis.
- Mr. Magner stated that a year and a half later, during another hospital visit, he asked a different doctor the same question and received the same response: they were concerned solely about cannabis.
- Mr. Magner also spoke with his son's caseworker, who had started working at the hospital three years earlier. Initially, the caseworker was unsure about the connection between cannabis use and schizophrenia, estimating an 80-20 split on whether there was a link.
- After three years of experience, the caseworker became convinced there was a definite connection between cannabis use and schizophrenia, especially given the increased potency of THC.
- Mr. Magner emphasized that when the connection between cannabis use and schizophrenia hits home, it is devastating, not just for the individual but for families.
- Mr. Magner mentioned the correlation between homelessness and mental illness, noting that many homeless individuals lack access to the mental health care they need.
- Mr. Magner questioned how a group representing New Hampshire residents could legalize cannabis, knowing the evidence points to its harmful effects on individuals.
- Mr. Magner criticized the media for not covering the potential connection between cannabis and schizophrenia, arguing that denial of this connection is prevalent online, despite evidence suggesting otherwise.

## **Kathy Holmes**

- Kathy Holmes introduced herself and began by expressing her vision of the effects of cannabis legalization in New Hampshire.
- Ms. Holmes compared the scenario to the movie *\*Back to the Future 2\**, where Marty McFly returns to his town to find it overrun with vice, stating that once it reaches that point, it's impossible to fix without going back in time.
- Ms. Holmes emphasized that New Hampshire is currently in a position to avoid legalizing cannabis and prevent the negative consequences associated with it.
- Ms. Holmes mentioned that one of the bill's supporters described it as providing "safe weed," which she dismissed as an oxymoron akin to terms like "working vacation" and "civil war."

- Ms. Holmes emphasized that New Hampshire has enough problems without adding cannabis to the mix and praised the state for remaining a holdout compared to neighboring states that have legalized cannabis.
- Ms. Holmes recounted the story of a kindergartner she knew who grew up, and she heard from him again when he was about 30. He spoke incoherently and believed that burning down a house would return the property to the Indigenous people.
- Ms. Holmes noted that he had used marijuana and believed there was a link to his development of schizophrenia.
- Ms. Holmes cited examples from Colorado, noting that when marijuana becomes legal, it starts showing up in candy, which creates a trap that's hard to control.
- Ms. Holmes mentioned a handout she provided, which referenced typefaces with names like "a little pot," "nerve tonic," and "broken pen," drawing parallels to the issues associated with cannabis.
- Ms. Holmes dismissed the CDC as a credible source, questioning its agenda and noting that it had previously claimed vaccines were safe and effective.

## **Bob Guida**

- Bob Guida began by criticizing the American Medical Association (AMA), noting that only 15% of America's doctors are members, and questioned the reliability of AMA studies.
- Mr. Guida urged the committee to look to states like Colorado for extensive data on cannabis-related traffic accidents, medical issues, and fatalities, emphasizing that these states collect data to analyze the impact of legalization.
- Mr. Guida emphasized the importance of the testimony from the police chief of Atkinson, highlighting the consequences of cannabis legalization on communities.
- Mr. Guida mentioned his visits to cities like Spokane, Seattle, San Francisco, and Los Angeles, observing firsthand how cannabis legalization has negatively affected these areas.
- Mr. Guida argued that legalization has increased crime rates around dispensaries because addicts are drawn to areas where they believe drugs are available.
- Mr. Guida raised concerns about social justice, noting that cannabis shops tend to be located in lower-income neighborhoods, impacting marginalized communities.
- Mr. Guida urged the senators to recognize their moral obligation to prioritize the well-being of New Hampshire's citizens, businesses, and communities, stating that there's nothing beneficial in the bill.
- Mr. Guida shared that financial analysts were unaware of the full financial implications of the bill and that 14 state agencies would need to provide cost and revenue estimates.

- Mr. Guida warned that large cannabis companies are poised to dominate the market, buying out smaller stores to maximize profits, regardless of the regulatory model used.
- Mr. Guida emphasized that the black market continues to thrive in states where cannabis has been legalized because users seek out the lowest-cost provider.
- Mr. Guida highlighted the impact of cannabis on productivity, citing the average cost of emergency room admissions for cannabis use disorders in Colorado at \$6,300 per patient.
- Mr. Guida shared testimony from a physician in Pueblo, Colorado, who raised concerns about the cost to Medicaid, particularly since cannabis legalization disproportionately affects lower-income individuals.
- Mr. Guida argued that lawmakers have a moral duty to respect the foundational values of society, rooted in the Ten Commandments, which prioritize respect for others and oneself.

**Neutral Information Presented:**

**Myles Matteson (NH Attorney General's Office)**

- Myles Matteson, representing the New Hampshire Attorney General's Office, testified with technical feedback on HB1633.
- Mr. Matteson emphasized that the current annulment framework is governed by RSA 651:5 and Criminal Procedure Rule 31, which already provides guidelines for annulments.
- Mr. Matteson expressed concern that HB1633 introduces additional processes that could lead to inconsistencies and complications within the existing regime.
- Mr. Matteson raised concerns about the lack of judicial discretion in the bill, potentially resulting in annulments being improperly granted if no prosecutor objects.
- Mr. Matteson explained that the bill assumes automatic annulments at the request of the Department of Safety, which could lead to constitutional concerns regarding separation of powers.
- Mr. Matteson also noted that HB1633 does not clearly outline how existing sentences should be handled if there are concurrent or consecutive charges.
- Mr. Matteson highlighted the complexity of applying the proposed standards and warned that this could complicate the annulment process further.

**Holly Stevens (NAMI NH)**

- Holly Stevens, the Director of Public Policy at NAMI, testified on HB1633 and highlighted the potential impact of legalization on mental health.

- Ms. Stevens emphasized the need to ensure that any plan for legalization mitigates risks to public mental health, given the potential increase in mental health issues that could arise from increased cannabis use.
- Ms. Stevens expressed concern that the House version of the bill removed funding for mental health services and urged the committee to allocate a portion of the cannabis revenue towards supporting these services.
- Ms. Stevens underscored the importance of expanding resources for mental health care and substance use treatment, emphasizing the importance of preventative education.

### **Keen Meng Wong (NHDRA)**

- Keen Meng Wong identified outdated language in the version of the bill passed by the House, specifically on page 33, lines 2-4 and 14-15, which reference RSA 77 H. He suggested that these references, which relate to a previous version of HB 1633 and involve taxation of cannabis sales, should be removed.
- Mr. Wong compared the House version of the bill with the amendment from Senator Abbas, noting differences in how cannabis sales would be taxed.
- Mr. Wong mentioned that under Senator Abbas's amendment, organizations selling cannabis products would be subject to regular business taxes.
- Mr. Wong highlighted a discrepancy regarding deductions on business profits tax; the House version allows deductions for regular expenses, but this provision is missing from Senator Abbas's amendment.
- Mr. Wong He explained that New Hampshire business taxes align with federal tax returns, which typically restrict deductions for cannabis businesses to the cost of goods sold, disallowing other expenses. The House version, however, includes language that would allow these additional deductions for cannabis businesses.
- Mr. Wong concluded by emphasizing that his comments were intended to clarify potential oversights in the amendments and that the department does not have a position on the bill's content.

### **Abby Rodgers (DHHS)**

- Abby Rodgers introduced herself as the legislative liaison for the Division of Public Health Services, representing colleagues from the Therapeutic Cannabis Program and the Bureau of Drug and Alcohol Services.
- Ms. Rogers stated that the Department of Health and Human Services does not take a position on HB 1633 but provided information as a resource to the committee on public and behavioral health matters.

- Ms. Rogers noted that the original bill removed a proposed substance use prevention and recovery fund, which might be reinstated in an amendment by Senator Abbas.
- Ms. Rogers explained that reinstating this fund would support evidence-based prevention, treatment, and recovery services throughout New Hampshire for substance use, mental health, and suicide prevention.
- Ms. Rogers mentioned that current federal funds are restricted, and the proposed state funding would allow more robust and flexible services.
- Ms. Rogers discussed the potential for combining the proposed fund with the existing alcohol fund to better protect funding for its intended use.
- Ms. Rogers highlighted the importance of a media-based public service campaign to educate residents about the risks and safe storage of cannabis to prevent accidental poisonings.
- Ms. Rogers emphasized the importance of maintaining the Therapeutic Cannabis Program, which serves approximately 14,000 patients, ensuring they have access to safe, affordable cannabis products.
- Ms. Rogers concluded by offering the department's continued support as a resource for the committee and other legislative bodies as they proceed with the bill.

### **Michael McLaughlin (Sanctuary ATC)**

- Michael McLaughlin, representing Sanctuary ATC, testified with a neutral stance on HB1633, expressing concern about its potential impact on Alternative Treatment Centers (ATCs).
- Mr. McLaughlin highlighted that there are currently three therapeutic cannabis licenses in the state but seven dispensaries.
- Mr. McLaughlin emphasized that if the 15-store cap proposed in the bill is implemented, some ATCs might not be able to compete, disrupting the therapeutic cannabis market.
- Mr. McLaughlin expressed concern that the replace-all amendment did not guarantee licensing for ATCs, potentially leaving some dispensaries out of the recreational market.
- Mr. McLaughlin argued that without guaranteed licensing, the financial stability of ATCs could be at risk, which would also affect the broader therapeutic cannabis program.
- Mr. McLaughlin pointed out the need for a more comprehensive assessment of the financial stability of ATCs to ensure they can transition smoothly into the recreational cannabis market.

- Senator Abbas asked McLaughlin what would happen if an ATC was guaranteed a license and a municipality chose to opt out of the program. Would they lose their license completely?
- Mr. McLaughlin responded that the municipality opting out could lead to ATCs losing their licenses, further complicating their ability to operate within the recreational market.
- Senator Abbas then asked if the amendment allowed ATCs to be guaranteed a license, how should the financial stability of an ATC be evaluated?
- Mr. McLaughlin expressed concern that guaranteed licensing is not enough if ATCs are not financially stable to transition smoothly, implying that the overall structure needs to ensure fair competition and a level playing field.