

Senate Judiciary Committee

Pete Mulvey 271-4063

HB 53, permitting qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

Hearing Date: April 1, 2025

Time Opened: 1:41 p.m.

Time Closed: 2:37 p.m.

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

Members of the Committee Absent : Senator Carson

Bill Analysis: This bill permits qualifying patients and designated caregivers to cultivate cannabis for therapeutic use.

Sponsors:

Rep. W. Thomas

Rep. H. Howard

Rep. Kofalt

Who supports the bill: 124 individuals signed in support of HB 53. Contact Pete Mulvey (peter.mulvey@gc.nh.gov) for further details.

Who opposes the bill: 6 individuals signed in opposition to HB 53. Contact Pete Mulvey (peter.mulvey@gc.nh.gov) for further details.

Who is neutral on the bill: N/A

Summary of testimony:

Representative Wendy Thomas

Hillsborough – District 12

- HB 53 permitted qualifying patients, and designated care givers to cultivate cannabis.
- HB 53 was necessary as cannabis was not covered by insurance and could be expensive.
- Approved patients could have difficulty with employment or mobility.
- There were only seven Alternative Treatment Centers (ATCs) in the entire state. In Merrimack alone there were five pharmacies.
- Everyone reacted differently to cannabis strains, and growing would enable individuals to have what worked for them regardless of discontinuation elsewhere.
- Since 2009 the NH house had consistently supported enabling qualifying patients to grow their own products.

- Similar efforts had gotten very close to being successfully passed and incorporated before according to Rep. Thomas.
- Patients were still bound by program guidelines under HB 53. If plants were grown outside, they must be invisible from other properties.
- Under HB 53 an individual may have 3 mature plants, 3 immature plants, and 3 seedlings which are 6" or less.
- Patients must secure access to plants and will have access to testing labs for contamination and safety.
- HB 53 did not mean every patient would grow plants. Growing plants was not easy or quick.
- Qualified patients may face penalties or removal from the program if caught violating the guidelines established in HB 53.
- Therapeutic cannabis is not recreation; it is medical care for patients.
- Rep. Thomas added that growing locations must be reported to the State.
- Connecticut, Maine, Massachusetts, Vermont, and Rhode Island all allow a variety of plants to be possessed in some capacity.
- HB 53 is a bipartisan effort which continually passed the house.
- HB 53 was a compassionate, humane bill which encouraged business growth, while allowing patients to take better control over their care and wallets.
- Sen. Gannon asked how outdoor plants would be kept under control and not become a neighborhood hot spot.
 - Rep. Thomas said the plants would have to be fenced and locked and clarified that given the weather many would grow indoors.
- Sen. Altschiller asked for confirmation that if somebody were to choose exterior growing, any plants would have to be enclosed and sealed in some capacity, and or locked in the home.
 - Rep. Thomas confirmed.
- Sen. Altschiller asked if a renter could not engage in growing.
 - Rep. Thomas confirmed. You had to own the property in question to grow.
- Sen. Abbas asked if an externally grown plant had to be locked in statute and suggested that he did not see the supporting language.
 - Rep. Thomas clarified that page two, line 18 had the requirement in question.

Sue Homola

Smart Approaches to Marijuana New Hampshire

- Ms. Homola and SAM NH opposed HB 53.
- HB 53 stated that a qualified patient may grow on a rental property with permission from the property owner or a leased property with permission of the tenant in possession. Ms. Homola believed it was unclear whether the homeowner or someone else would fit under those terms.
- HB 53 was well meaning, but authorized every cardholder to grow marijuana, indoors or outdoors.
- There was no mechanism for oversight in HB 53 according to Ms. Homola.
- The State's Therapeutic Cannabis program did not have the capacity to track, log, and monitor all growers.
- There was no mechanism to ensure that no more than \$500 in annual sales were made.
- HB 53 lacked any mention of barter payments, which could lead to malfeasance of the sales limit.
- The State was not compelled to give information to law enforcement under HB 53.

- If an individual grew, or sold more marijuana than allowed, the only punishment was loss of the medical marijuana card under HB 53.
- HB 53 allowed ATCs to become a seedling business, or instructional resource without any limitations according to Ms. Homola.
- Ms. Homola noted that Governor Hassan was weary of home grow in the past.

Pat Sullivan

New Hampshire Association of Chiefs of Police

- Mr. Sullivan opposed HB 53.
- HB 53 allowed up to 8oz of marijuana to be grown.
- Mr. Sullivan offered a visual for the committee to detail how much half a pound of marijuana is.
- The NHACP believed that HB 53 lacked sufficient accountability for patients or certified care providers.
- A legal drug dealer may profit handsomely under HB 53's framework.
- Any property/plants grown under HB 53 may still be subject to federal seizure. Mr. Sullivan believed it was unfair to subject property owners to such a liability stemming from a lessee's decision to grow.

Alicia Bennet

Educational Outreach, GraniteLeaf Cannabis.

- Ms. Bennet spoke in support of HB 53.
- Ms. Bennet is a registered therapeutic cannabis patient.
- Affordability was a significant challenge for patients.
- Legalized home cultivation empowered patients to provide their own medicine.
- It was fully legal to grow lethal, deadly, poisonous plants. Yet home cultivation of cannabis was illegal.
- Ms. Bennet urged the committee to support HB 53.

Jerry Knirk, M.D

Chair, Therapeutic Medical Cannabis Oversight Board

- Mr. Knirk was in support of HB 53.
- Home cultivation enabled affordability, accessibility, and availability of certain strains.
- Different cannabinoid and terpene profiles presented different benefits and treatment options.
- HB 53 enabled home cultivators to submit their products for testing.
- Mr. Knirk reiterated the language between lines 18-20 on page two.
- Lines 3-7 on the first page also clarified cultivation practices and cultivation's requisites.
- Mr. Knirk emphasized that sales to non-certified patients and otherwise were covered under RSA 318, and were illegal.
- Patients did not seek to grow for profit but rather for convenience of care.
- Mr. Knirk clarified that the \$500 designated care giver compensatory benefit limit was strict, and that labor costs among other expenses could not be considered for surreptitious profiteering.
- Mr. Knirk urged passage of the bill.

- Sen. Abbas asked if the 8oz limit on page two was exclusive to cannabis flower, or if edibles could be produced in the home to that end.
- Mr. Knirk said the figure in question was in reference to flowers as edibles were mentioned elsewhere in statute. Mr. Knirk recalled the limit was 12oz, to acknowledge that there were ingredients other than cannabis in an edible product.
- Sen. Abbas noted that 8oz of flower and 8oz of edibles were quite different yet not distinguished in HB 53.
- Mr. Knirk speculated that was the case because the definition already existed in statute, namely RSA 126-1:III, and said that the figure in question wasn't just flower but the whole plant excluding the stalk.
- Sen. Abbas asked if sharing was permissible between qualified patients.
- Mr. Knirk said he believed so.

Michael Bisson

Franklin Resident

- Mr. Bisson resided in California, Michigan, and now New Hampshire. Mr. Bisson had experience with each state's medical program.
- Mr. Bisson did not believe growing would become prolific, given there was still a stigma, most people did not appreciate the stench, and growth was not necessarily easy.
- Most growers were above the age of 45, homeowners, and were serious individuals.
- Chronic pain patients were not going to just give away what they needed to feel comfortable.
- Dispensaries were cost prohibitive for therapeutic patients to the extent their care options would be limited.
- Mr. Bisson referred to former President George H.W Bush preventing additional applicants to the Compassionate Investigational New Drug Program; a federal therapeutic cannabis distribution model which received over 5,000 applicants to receive 300 marijuana cigarettes a month.
- Individuals subject to the partially discontinued program still receive their benefit, and remain eligible for drivers' licenses, firearms licenses, commodities trading, etc.
- Mr. Bisson hoped to sit down with each senator to secure a successful vote on the bill.

Matt Simon

GraniteLeaf Cannabis

- Mr. Simon provided handouts which he created as a staffer at the Marijuana Policy Project to support home cultivation.
- Home cultivation was legal for patients and adults 21 and older in every New England state except the State of New Hampshire.
- Other states had not reported significant issues with their home grow policies.
- The concerns and opposition have come from groups that have consistently opposed all therapeutic cannabis efforts, indicative of an impasse to Mr. Simon.
- Currently, home cultivation of cannabis is a felony in New Hampshire according to RSA 318: B-26.

- Some states allowed unlimited possession in the event an individual is at their cultivation location. The therapeutic possession limit in New Hampshire is 2oz, unless at the cultivation facility, in which its 8oz.
- Mr. Simon referred to Mr. Sullivan's comments surrounding property owner liability, and stated that was the reason behind lessees requiring written permission from their landlord.
- ATCs supported the measure even if it undercut their business interests because patient care and support was the bottom line.
- Sen. Gannon said marijuana was harmful and indicated that Mr. Simon maintained otherwise.
- Mr. Simon emphasized that home grow policies were not harmful and maintained that cannabis certainly presented health harms. Mr. Simon attested that government should balance personal liberty, and safe regulation.
- Sen. Reardon asked how many certified patients there were.
- Mr. Simon estimated the current figure to be 16,000 patients.
- Sen. Reardon asked if there were only 7 dispensaries in New Hampshire, for 16,000 people.
- Mr. Simon believed that was correct, and clarified that patients were likely going out of state or to the black market if in-state therapeutic cannabis is difficult to obtain.
- Sen. Gannon asked Mr. Simon how many ounces of flower may come from a plant.
- Mr. Simon said it varied significantly. A first timer may be lucky to get an ounce of flower from a plant.
- Sen. Abbas asked how a law enforcement officer would know that 8oz of marijuana were truly from the cultivation center in question, and not just purchased from the black market.
- Mr. Simon said the burden of proof would be law enforcement to prove that the flower in question is not from the plant at the scene.
- Sen. Abbas asked how law enforcement would know that all 8oz are from the individual's plant and not purchased illegally.
- Mr. Simon said they technically wouldn't know and reiterated that the current law enabled a certain quantity of possession for certified patients regardless of the source and indicated such would apply at the cultivation center as well.
- Sen. Abbas asked if two qualified patients lived together, and grew, if they would be permitted to share their own cultivated product.
- Mr. Simon reiterated that certified patients may share amongst each other under current law, RSA 126-X.

Dr. Joe Hannon

- Dr. Hannon supported HB 53.
- New Hampshire was the only state which prohibited home grow for certified patients.
- Other states had successfully implemented home grow policies without issue.
- HB 53 was a modest, controlled, compassionate measure to improve patient access.
- New Hampshire enabled more than a modest amount of home alcohol brewing with very little oversight or inspection.
- Dr. Hannon found the denial of patient's ability to grow their own medicine was a rejection of trust and dignity.

PM

Date Hearing Report completed: April 1, 2025