

Senate Judiciary Committee

Pete Mulvey 271-4063

HB 198-FN, relative to legalizing certain quantities of cannabis and establishing penalties for the smoking or vaping of cannabis in public.

Hearing Date: April 15, 2025

Time Opened: 2:43 p.m.

Time Closed: 2:59 p.m.

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

Members of the Committee Absent : None

Bill Analysis: This bill legalizes the possession of a certain amount of cannabis for persons 21 years or older and prohibits public consumption of cannabis.

Sponsors:

Rep. J. Sullivan

Rep. Wheeler

Rep. H. Howard

Who supports the bill: 70 individuals signed in support of HB 198-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who opposes the bill: Seven individuals signed in opposition to HB 198-FN. Contact peter.mulvey@gc.nh.gov for further details.

Who is neutral on the bill: N/A

Summary of testimony:

Representative Jared Sullivan

Grafton – District 2

- Representative Sullivan recognized cannabis legalization as a perennial issue.
- The sale of cannabis was the common disagreement between bodies.
- HB 198-FN did not deal with sales.
- HB 198-FN absorbed language from the Senate’s legalization bill from the preceding session.
- Rep. Sullivan elaborated on the quantities permitted by the bill. Public smoking and public vaping were banned.
- Impaired driving, use under the age of 21, and transfer to minors were all subject to penalties under HB 198.
- The goal of the bill was to stop arresting people for something legal in nearly half the country for over a decade.

- There were 690 people arrested for cannabis possession in New Hampshire in 2023 according to Rep. Sullivan.
- Rep. Sullivan believed that continual prosecution was an injustice which must be stopped.
- Rep. Sullivan was not a consumer and was primarily motivated by ceasing arrests.
- There were not many differences between HB 198 and the Senate legislation from last year according to Rep. Sullivan.
- Vermont legalized cannabis under a similar framework and regulated the sale a few years later.
- Sen. Abbas asked Rep. Sullivan to elaborate on the injustices from the prohibition.
 - Rep. Sullivan said that if you were arrested, with a record, it would follow you. Records had an impact on employment, renting, etc. There was a financial impact as well.
- Sen. Altschiller pointed to page two and asked for clarity on the language on line 11.
- Sen. Altschiller asked if the intention was to keep consumption private.
 - Rep. Sullivan said that was true and found the language reasonable.
 - Individuals were concerned about secondhand smoke, the scent, and therefore there were valid reasons to find public consumption inappropriate.

Rep. Heath Howard

Strafford – District 4

- Rep. Howard spoke in favor of HB 198.
- Rep. Howard recognized that residents had been consuming cannabis for years, while all neighboring states legalized the substance.
- Individuals came in from over the border where they purchased cannabis legally.
- The State of New Hampshire missed out on profits, as a result.
- Rep. Howard stated that HB 198 banned the sale of cannabis, banned public use, and simply ensured personal liberty on an individual's private property.

Karen O'Keefe

Director of State Policy, Marijuana Policy Project

- Ms. O'Keefe urged the committee to pass the bill.
- HB 198 treated adults like grownups regarding a substance which is safer than alcohol.
- New Hampshire valued liberty and enabled adults to take risks.
- Ms. O'Keefe maintained that since the State profited from and sold alcohol, it was wrong to ban something safer.
- Cannabis was more beneficial in addition to being safer than alcohol.
- 61% of users said that they consumed cannabis as a sleep aid.
- Ms. O'Keefe noted that a lack of sleep caused a litany of health concerns.
- Ambien may cause death in sleep and was more dangerous than cannabis.
- 20% of adults in New Hampshire have said they had used cannabis in the last year.
- Many constituents supported legalization efforts according to Ms. O'Keefe.
- Only 19% of New Hampshire residents opposed legalization.
- Ms. O'Keefe said that the impact of a criminal record was devastating.
- Anyone caught with $\frac{3}{4}$ oz in New Hampshire, a quantity which was legal elsewhere, could face a misdemeanor conviction and a year in prison.

- The State had hundreds of collateral conditions for those with misdemeanor convictions which were unjust for cannabis offenses according to Ms. O’Keefe.

Sue Homola

Smart Approaches to Marijuana

- Ms. Homola spoke in opposition to the bill.
- Ms. Homola did not believe that legalization arguments were based on fact or data.
- Marijuana is still federally illegal, and schedule one drug.
- Public consumption was a public nuisance according to Ms. Homola.

Elizabeth Sargent

Sheehan Phinney Capitol Group

- Ms. Sargent spoke in opposition on behalf of the N.H Association of Chiefs of Police.
- Ms. Sargent maintained that there was still no roadside test for cannabis, and that the substance was still a schedule one drug.
- Ms. Sargent suggested that the 690 arrested individuals referred to previously could include summons following decriminalization.

PM

Date Hearing Report completed: April 21, 2025