

# Senate Judiciary Committee

*Pete Mulvey 271-4063*

**HB 380-FN**, relative to penalties for criminal violations of the therapeutic use of cannabis.

**Hearing Date:** April 15, 2025

**Time Opened:** 2:31 p.m.

**Time Closed:** 2:41 p.m.

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

**Members of the Committee Absent :** None

**Bill Analysis:** This bill amends the penalty for the unauthorized sale of cannabis by a qualifying patient or designated caregiver.

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**Sponsors:**

Rep. Vail

Rep. H. Howard

Rep. Newell

Rep. W. Thomas

Rep. A. Murray

Rep. Seibert

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**Who supports the bill:** 29 individuals signed in support of HB 380-FN. Contact peter.mulvey@gc.nh.gov for further details.

**Who opposes the bill:** Three individuals signed in opposition to HB 380-FN. Contact peter.mulvey@gc.nh.gov for further details.

**Who is neutral on the bill:** N/A.

**Summary of testimony:**

**Representative Suzanne Vail**

**Hillsborough – District 6**

- HB 380-FN amended the penalty for the unauthorized sale of therapeutic cannabis by a qualifying patient or caregiver.
- HB 380-FN eliminated the additional felony penalty which carried the potential of seven years in prison and an additional \$300,000 fine for patients who abuse their therapeutic cannabis prescription by diverting their supply to someone who is not a patient or caregiver.
- Accessibility was restricted upon implementation of the therapeutic cannabis program. There was no legal cannabis sold nearby at the time, providing a need to protect the therapeutic cannabis supply from being illicitly sold.
- Rep. Vail believed that removal from the program and standard charges were more appropriate than an additional felony commensurate with armed robbery.
- Patients should not be singled out and subject to penalties reserved for violent crimes.
- The four sections of HB 380 are simply where the language described existed in statute, and where it ought to be corrected.

**Representative Heath Howard  
Strafford – District 4**

- Rep. Howard spoke in favor of HB 380-FN.
- The duplicative penalties placed on therapeutic cannabis were unnecessary according to Rep. Howard.
- Current law governing the sale of drugs already encompassed every type of individual.
- Rep. Howard believed it was particularly wrong to single out therapeutic cannabis patients with secondary felonies.

**Dr. Jerry Knirk, M.D  
Chair, Therapeutic Medical Cannabis Oversight Board**

- Dr. Knirk spoke in support of the bill.
- The penalty for unauthorized sale under the therapeutic cannabis statutes were out of proportion compared to other drug distribution penalties.
- When initially established, cannabis was not easily accessible in neighboring states, so there was a risk for diversion. Now it was very different, and the risk for diversion was very small according to Dr. Knirk.
- Duplicative penalties were all that's being removed by HB 380. A patient engaged in illicit sale would still be subject to removal from the program and charges.
- The amendment adopted for HB 380 in the House of Representatives included appropriate wording regarding penalties, packaging requirements, and forms for certification.
- The therapeutic cannabis medical oversight board voted unanimously to support HB 380.

**Dr. Joe Hannon**

- Dr. Hannon spoke in support of the bill.
- The second additional penalty, which normal individuals were not subject to, was all that was being removed by HB 380.
- If someone, or a caregiver were caught, they would lose access to the therapeutic cannabis program and may face charges as anyone else would.
- The denial of access to medication for a patient was commensurate with unauthorized sale and was a sufficient penalty according to Dr. Hannon.
- Dr. Hannon asserted that HB 380 maintained fairness and stated that laws must apply to everybody.

**Sue Homola  
Smart Approaches to Marijuana**

- Ms. Homola opposed the bill
- There were no issues with the current penalties according to Ms. Homola.
- Ms. Homola found that HB 380 was another attempt to weaken the safeguards surrounding marijuana.
- Ms. Homola believed additional penalties were more important than ever given the list of qualifying conditions for the therapeutic cannabis program.
- Other bills, which were found inexpedient to legislate by the committee, in combination with HB 380, constituted an alarming expansion of marijuana in the state according to Ms. Homola.
- Sen. Gannon asked if anyone had ever been charged with the additional felony contemplated by HB 380.
- Ms. Homola was not aware and said she had not researched it.