CHAPTER 237
HB 611-FN - FINAL VERSION

05/18/2023 1930s
05/18/2023 1893s
29Jun2023... 2230CofC
29Jun2023... 2251EBA

2023 SESSION

23-0367
05/08

HOUSE BILL ***611-FN***

AN ACT relative to eligibility criteria for the therapeutic cannabis program and establishing a commission to study state-controlled sales of cannabis and relative to the prohibition on the sale of hemp products containing certain levels of THC.

SPONSORS: Rep. Vail, Hills. 6; Rep. W. Thomas, Hills. 12; Rep. Seibert, Hills. 21

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill:

I. Removes the requirement that severe pain be resistant to other treatment options in order to be considered a qualifying medical condition for therapeutic cannabis.

II. Establishes a commission to study with the purpose of proposing legislation, state-controlled sales of cannabis.

III. The bill also prohibits the sale of hemp products containing certain amounts of THC.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to eligibility criteria for the therapeutic cannabis program and establishing a commission to study state-controlled sales of cannabis and relative to the prohibition on the sale of hemp products containing certain levels of THC.

Be it Enacted by the Senate and House of Representatives in General Court convened:

237:1 Use of Cannabis for Therapeutic Purposes; Qualifying Medical Condition; Severe Pain. Amend RSA 126-X:1, IX(a)(2) to read as follows:

(2) A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, agitation of Alzheimer's disease, severe pain [~~that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects~~], constant or severe nausea, moderate to severe vomiting, seizures, severe, persistent muscle spasms, or moderate to severe insomnia; or

237:2 Use of Cannabis for Therapeutic Purposes; Qualifying Medical Condition; Severe Pain. Amend RSA 126-X:1, IX(b)(2) to read as follows:

(2) Severe pain [~~that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects~~].

237:3 New Section; Commission to Study with the Purpose of Proposing Legislation, State-Controlled Sales of Cannabis. Amend RSA 176 by inserting after section 16-a the following new section:

176:16-b Commission to Study with the Purpose of Proposing Legislation, State-Controlled Sales of Cannabis.

I. There is hereby established a commission to study with the purpose of proposing legislation, state-controlled sales of cannabis and cannabis products.

II. Notwithstanding RSA 14:49, the members of the commission shall be as follows:

(a) Five members of the senate, appointed by the senate president.

(b) Five members of the house of representatives, appointed by the speaker of the house.

(c) The attorney general, or designee.

(d) The governor, or designee.

(e) A representative of the New Hampshire Association of Chiefs of Police, chosen by that organization.

(f) A representative of the New Hampshire Bankers Association, chosen by that organization.

(g) The chairman of the New Hampshire liquor commission, or designee.

(h) A representative of the American Civil Liberties Union - New Hampshire, chosen by that organization.

(i) A medical professional, appointed by the New Hampshire Medical Society.

(j) A representative of Communities for Alcohol and Drug-free Youth, chosen by that organization.

III. The commission shall consult with and elicit testimony from, at a minimum, the following organizations: the New Hampshire Cannabis Association and the Alternative Treatment Centers.

IV. Legislative members of the commission shall receive mileage at the legislative rate while attending to the duties of the commission.

V. The commission shall study with the purpose of proposing legislation, the feasibility of establishing a state-controlled system to sell marijuana to adults 21 years and older that also:

(a) Allows the state to control distribution and access;

(b) Keeps marijuana away from kids and out of schools;

(c) Controls the marketing and messaging of the sale of marijuana;

(d) Prohibits "marijuana miles" or the over-saturation of marijuana retail establishments;

(e) Empowers municipalities to choose to limit or prohibit marijuana retail establishments;

(f) Reduces instances of multi-drug use; and

(g) Does not impose an additional tax so as to remain competitive.

VI. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Ten members of the commission shall constitute a quorum.

VII. The commission shall issue a final report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library. The report shall be submitted on or before December 1, 2023.

VIII. The commission shall be administratively attached to the department of justice.

237:4 Repeal. RSA 176:16-b, relative to the commission to study state-controlled sales of cannabis, is repealed.

237:5 New Subparagraph; Therapeutic Cannabis Medical Oversight Board; Duties. Amend RSA 126-X:12, IV by inserting after subparagraph (g) the following new subparagraph:

(h) Developing, reviewing, and updating cannabis product labels and educational material about the risks of cannabis use to be provided to qualifying patients by alternative treatment centers and certifying medical providers.

237:6 New Section; Agriculture, Horticulture and Animal Husbandry; Hemp; Hemp-Derived Products Containing THC Prohibited. Amend RSA 439-A by inserting after section 439-A:3 the following new section:

439-A:4 Hemp-Derived Products Containing THC Prohibited. Nothing in this chapter shall be construed to authorize the sale of products that are derived from hemp which contain natural or synthetic

tetrahydrocannabinol (THC) greater than 0.3 percent on a dry weight basis, which appear in any formulation, including delta-8 THC, delta-9 THC, or any other THC isomer variant.

237:7 Repeal; Prohibition on Hemp-Derived Products Containing THC. RSA 439-A:4, relative the prohibition on hemp-derived products containing THC, is repealed.

237:8 Effective Date.

I. Sections 1-2 and 5-6 of this act shall take effect 60 days after its passage.

II. Section 4 of this act shall take effect December 1, 2023.

III. Section 7 of this act shall take effect one year from the effective date of section 6 of this act.

IV. The remainder of this act shall take effect upon its passage.

Approved: August 08, 2023
Effective Date:
I. Sections 1-2 & 5-6 effective October 7, 2023
II. Section 4 effective December 1, 2023
III. Section 7 effective October 7, 2024
IV. Remainder effective August 8, 2023