

Amendment to SB 419-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to certain changes in the law governing the therapeutic use of cannabis.
4

5 Amend the bill by replacing all after the enacting clause with the following:
6

7 1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1
8 by inserting after paragraph VI the following new paragraph:

9 VI-a. "Facility caregiver" means a residential care facility, nursing home, hospital or
10 hospice house licensed under RSA 151 which has agreed to allow one or more qualifying patients
11 who are residents or patients of the facility to utilize therapeutic cannabis obtained by the resident
12 or the resident's designated caregiver from an alternative treatment center, and which has agreed
13 to assist such residents in the therapeutic use of their cannabis in accordance with a policy
14 developed by the facility, and in accordance with rules adopted by the commissioner of health and
15 human services pursuant to RSA 541-A.

16 2 Use of Cannabis for Therapeutic Purposes; Definitions. RSA 126-X:1, VII(a) is repealed and
17 reenacted to read as follows:

18 (a) "Provider" means:

19 (1) A physician licensed to prescribe drugs to humans under RSA 329 and who
20 possesses an active registration from the United States Drug Enforcement Administration to
21 prescribe controlled substances;

22 (2) An advanced practice registered nurse licensed pursuant to RSA 326-B:18 and
23 who possesses an active registration from the United States Drug Enforcement Administration to
24 prescribe controlled substances; or

25 (3) A physician or advanced practice registered nurse licensed to prescribe drugs to
26 humans under the relevant state licensing laws in Maine, Massachusetts, or Vermont and who
27 possesses an active registration from the United States Drug Enforcement Administration to
28 prescribe controlled substances and who is primarily responsible for the patient's care related to his
29 or her qualifying medical condition.

30 3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, VII(b) to read
31 as follows:

32 (b) For a visiting qualifying patient, "provider" means an individual licensed to

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1 prescribe drugs to humans in the state of the patient's residence and who possesses ~~[certification]~~
2 ***an active registration*** from the United States Drug Enforcement Administration to prescribe
3 controlled substances. Such visiting patient shall not be eligible to purchase or transfer cannabis
4 from an eligible New Hampshire patient.

5 4 New Paragraph; Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis
6 Protections. Amend RSA 126-X:2 by inserting after paragraph XV the following new paragraph:

7 XVI. A facility caregiver and those employees designated by the facility to assist qualifying
8 patients, shall not be subject to arrest by state or local law enforcement, prosecution or penalty
9 under state or municipal law, or search, for acting pursuant to this chapter and department rules to
10 possess cannabis on the premises of the facility for the purpose of assisting a qualifying patient who
11 is a resident or patient of the facility in the therapeutic use of the qualifying patient's cannabis.

12 5 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic
13 Use of Cannabis. Amend RSA 126-X:3, III(c) to read as follows:

14 (c) Any accommodation of the therapeutic use of cannabis on the property or premises
15 of any place of employment or on the property or premises of any ***residential care facility,***
16 ***nursing home, hospital or hospice house,*** jail, correctional facility, or other type of penal
17 institution where prisoners reside or persons under arrest are detained. This chapter shall in no
18 way limit an employer's ability to discipline an employee for ingesting cannabis in the workplace or
19 for working while under the influence of cannabis.

20 6 New Paragraph; Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on
21 the Therapeutic Use of Cannabis. Amend RSA 126-X:3 by inserting after paragraph VII the
22 following new paragraph:

23 VIII. A facility caregiver shall treat cannabis in a manner similar to medications with
24 respect to its storage, security, and administration when assisting qualifying patients with the
25 therapeutic use of cannabis.

26 7 Use of Cannabis for Therapeutic Purposes; Departmental Administration; Registry
27 Identification Cards. Amend RSA 126-X:4, II-a to read as follows:

28 II-a. In addition to the information required pursuant to paragraph II, the department shall
29 also receive ~~[results of a criminal history records check]~~ ***notification of any felony convictions***
30 from the division of state police. A person applying to be a designated caregiver shall submit
31 directly to the department of safety a notarized criminal history records release form, as provided
32 by the New Hampshire division of state police, authorizing the release of ~~[his or her criminal history~~
33 ~~record, if any,]~~ ***any felony convictions*** to the department. The applicant shall submit with the
34 release form a complete set of electronic fingerprints taken by a qualified law enforcement agency or
35 an authorized employee of the department of safety. In the event that the first set of fingerprints is
36 invalid for whatever reason, a second set of fingerprints shall be necessary in order to complete the
37 criminal history records check. If, after 2 attempts, a set of fingerprints is invalid due to

insufficient pattern, the department may, in lieu of the criminal history records check, accept police clearances ***showing no felony convictions*** from every city, town, or county where the person has lived during the past 5 years. The division of state police shall conduct a criminal history records check through its records and through the Federal Bureau of Investigation. Upon completion of the records check, the division of state police shall ~~[submit a copy of the criminal history records]~~ ***report*** to the department ***whether or not there are any felony convictions***. The department shall maintain the confidentiality of ~~[all]~~ criminal history ~~[records]~~ ***record*** information received pursuant to this section. The applicant shall bear the cost of a criminal history records check.

8 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, VII(b) to read as follows:

(b) The department shall track the number of qualifying patients certified by each provider and registered with the department. ~~[Any concerns regarding provider conduct shall be referred to the New Hampshire board of medicine or the New Hampshire board of nursing.]~~

(c) ***Any concerns regarding provider conduct shall be referred to the New Hampshire board of medicine, the New Hampshire board of nursing, or the appropriate regulatory entity in Maine, Massachusetts, or Vermont. The New Hampshire board of medicine, the New Hampshire board of nursing, or the appropriate regulatory entity in Maine, Massachusetts, or Vermont may direct the department to prohibit a provider's participation in New Hampshire's therapeutic cannabis program if the regulatory entity takes disciplinary action against a provider regarding the provider's involvement in the therapeutic cannabis program in New Hampshire or in his or her respective state.***

9 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, IX(c) to read as follows:

(c) When a qualifying patient or a designated caregiver notifies the department of any change to a name[,] or address, ~~[or alternative treatment center,]~~ the department shall issue the qualifying patient or designated caregiver a new registry identification card with a new random 10-digit identification number within 20 days of receiving the updated information.

10 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA 126-X:4, XI(b)(4) to read as follows:

(4) ***Requests by law enforcement officials under this section to the department pursuant to a sworn affidavit, search warrant, or court order, regardless of whether or not the name or address was found in the registry, shall be confidential under this chapter and exempt from disclosure under RSA 91-A. Aggregate data relative to such requests may be made public if it does not contain any identifying information regarding the specific law enforcement request.***

(5) Counsel for the department may notify law enforcement officials about falsified or fraudulent information submitted to the department where counsel has made a legal

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- 1 determination that there is probable cause to believe the information is false or falsified.
- 2 11 Effective Date. This act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill clarifies the providers who are qualified to prescribe cannabis for therapeutic purposes. This bill authorizes certain facilities licensed under RSA 151 to assist qualifying patients in the therapeutic use of their cannabis. This bill also clarifies the confidentiality for requests by law enforcement officials for information under the use of cannabis for therapeutic purposes law.