

Amendment to HB 364

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

2

3 AN ACT permitting qualifying patients and designated caregivers to cultivate cannabis for
4 therapeutic use and permitting qualifying patients and designated caregivers to
5 donate excess cannabis to other qualifying patients.
6

7 Amend RSA 126-X:2, II-a(a)(1) as inserted by section 6 of the bill by replacing it with the following:

8

9 ***(1) Eight ounces of usable cannabis;***

10

11 Amend RSA 126-X:2, II-a(a)(3) as inserted by section 6 of the bill by replacing it with the following:

12

13 ***(3) Three mature cannabis plants, 3 immature cannabis plants and 12***
14 ***seedlings, where the plants are not subject to public view, including to view from another***
15 ***private property, without the use of optical aids, with a total canopy of no more than 50***
16 ***square feet.***

17

18 Amend RSA 126-X:2, II-b(a)(1) as inserted by section 6 of the bill by replacing it with the following:

19

20 ***(1) Eight ounces of usable cannabis;***

21

22 Amend RSA 126-X:2, II-b(a)(3) as inserted by section 6 of the bill by replacing it with the following:

23

24 ***(3) Three mature cannabis plants, 3 immature cannabis plants and 12***
25 ***seedlings, where the plants are not subject to public view, including to view from another***
26 ***private property, without the use of optical aids, with a total canopy of no more than 50***
27 ***square feet.***

28

29 Amend RSA 126-X:2, II-c as inserted by section 6 of the bill by replacing it with the following:

30

31 ***II-c.(a) A qualifying patient shall not be subject to arrest by state or local law***
32 ***enforcement, or prosecution or penalty under state or municipal law, for giving cannabis***
33 ***to a qualifying patient or a visiting qualifying patient where nothing of value is***

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1 *transferred in return, or for offering to do the same if the person giving the cannabis does*
2 *not knowingly cause the recipient to possess more cannabis than is permitted under this*
3 *section.*

4 (b) *A designated caregiver shall not be subject to arrest by state or local law*
5 *enforcement, or prosecution or penalty under state or municipal law, for giving cannabis*
6 *to a qualifying patient or a visiting qualifying patient or for offering to do the same if:*

7 (1) *The designated caregiver's qualifying patient or qualifying patients*
8 *consent to the gift, if they are alive;*

9 (2) *Nothing of value is transferred in return for the medical cannabis; and*

10 (3) *The person giving the cannabis does not knowingly cause the recipient*
11 *to possess more cannabis than is permitted under this section.*

12
13 Amend RSA 126-X:2, XV as inserted by section 7 of the bill by replacing it with the following:

14
15 XV. A laboratory, *and the employees thereof*, which conducts testing of cannabis
16 ~~[required under rules for]~~ *delivered to it by* alternative treatment centers, ~~[adopted under this~~
17 ~~chapter, and the employees thereof]~~ *qualifying patients, or designated caregivers*, shall not be
18 subject to arrest by state or local law enforcement, prosecution or penalty under state or municipal
19 law, or search, for acting pursuant to this chapter and department rules to possess cannabis on the
20 premises of the laboratory for the purposes of testing, and, in the case of a laboratory employee,
21 denied any right or privilege for working for such a laboratory.

22
23 Amend the bill by inserting after section 15 the following and renumbering the original section 16 to
24 read as 17:

25
26 16 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, XIV(b) and (c)
27 to read as follows:

28 (b) The person may notify local law enforcement and request that they dispose of the
29 cannabis; ~~[or]~~

30 (c) The person may dispose of the cannabis, after mixing the cannabis with other
31 ingredients such as soil to render it unusable; *or*

32 (d) *The person may give the cannabis to a qualifying patient or a visiting*
33 *qualifying patient, provided that:*

34 (1) *The person giving away the cannabis does not knowingly cause the*
35 *recipient to exceed his or her possession limit;*

36 (2) *If the person giving away the cannabis was a designated caregiver of a*
37 *qualifying patient who continues to qualify under the program, the qualifying patient*

1 *consents to the cannabis being given away.*

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AMENDED ANALYSIS

This bill permits qualifying patients and designated caregivers to cultivate cannabis for therapeutic use. This bill also permits qualifying patients and designated caregivers to donate excess cannabis to other qualifying patients.