

Amendment to HB 459-FN

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

2

3 AN ACT defining hemp, relative to its growth and use in New Hampshire, establishing a
4 committee to study the federal guidelines on growing hemp, and relative to costs of
5 care for animals seized in animal cruelty cases and prohibiting the future ownership
6 of animals in certain animal cruelty cases.
7

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

9

10 1 Findings. The general court finds:

11 I. Hemp has been continuously cultivated for millennia, is accepted and available in the
12 global marketplace, and has numerous beneficial, practical, and economic uses, including: high-
13 strength fiber, textiles, clothing, bio-fuel, paper products, protein-rich food containing essential
14 fatty acids and amino acids, biodegradable plastics, resins, nontoxic medicinal and cosmetic
15 products, construction materials, rope, and value-added crafts.

16 II. The many agriculturally and environmentally beneficial uses of hemp include: livestock
17 feed and bedding, stream buffering, erosion control, water and soil purification, and weed control.

18 III. The hemp plant, an annual herbaceous plant with a long slender stem ranging in
19 height from 4 to 15 feet and a stem diameter of $\frac{1}{4}$ to $\frac{3}{4}$ of an inch is morphologically distinctive and
20 readily identifiable as an agricultural crop grown for the cultivation and harvesting of its fiber and
21 seed.

22 IV. Hemp cultivation will enable the state of New Hampshire to accelerate economic growth
23 and job creation and promote environmental stewardship.

24 2 New Chapter; Hemp. Amend RSA by inserting after chapter 439 the following new chapter:

25

CHAPTER 439-A

26

HEMP

27 439-A:1 Purpose. The intent of this chapter is to define hemp so that farmers and other
28 businesses in the New Hampshire agricultural industry can take advantage of this market
29 opportunity afforded by the passage of the Agricultural Improvement Act of 2018.

30 439-A:2 Definitions. In this chapter:

31 I. "Cannabidiol" or "CBD" is a phytocannabinoid extracted from hemp plants.

32 II. "Commissioner" means the commissioner of the department of agriculture, markets, and
33 food.

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1 III. "Department" means the department of agriculture, markets, and food.

2 IV. "Hemp products" means all products made from hemp, including cloth, cordage, fiber,
3 food, fuel, paint, paper, construction materials, plastics, seed, seed meal, seed oil, and certified seed
4 for cultivation.

5 V. "Hemp" means the plant *Cannabis sativa* L. and any part of the plant, whether growing
6 or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3 percent on a
7 dry weight basis.

8 439-A:3 Hemp Permitted. Hemp is an agricultural product which may be grown as a crop,
9 processed, possessed, and commercially traded in New Hampshire. Any grower, processor, or
10 commercial trader of hemp shall be licensed by the United States Department of Agriculture.

11 3 Controlled Drug Act; Marijuana; Hemp Exception. Amend RSA 318-B:2-c, I(a) to read as
12 follows:

13 (a) "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant
14 genus *cannabis*, but shall not include the resin extracted from any part of such plant and every
15 compound, manufacture, salt, derivative, mixture, or preparation from such resin including
16 hashish, and further, shall not include the mature stalks of such plant, fiber produced from such
17 stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt,
18 derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of
19 such plant which is incapable of germination. ***Marijuana shall not include hemp grown,***
20 ***processed, marketed, or sold under RSA 439-A.***

21 4 Therapeutic Cannabis; Industrial Hemp Excepted. Amend 126-X:1, III to read as follows:

22 III. "Cannabis" means all parts of any plant of the *Cannabis* genus of plants, whether
23 growing or not; the seeds thereof; the resin extracted from any part of such plant; and every
24 compound, salt, derivative, mixture, or preparation of such plant, its seeds, or resin. Such term
25 shall not include the mature stalks of such plants, fiber produced from such stalks, oil, or cake made
26 from the seeds of such plants, any other compound, salt, derivative, mixture, or preparation of such
27 mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such
28 plants which are incapable of germination. ***In this chapter, cannabis shall not include hemp***
29 ***grown, processed, marketed, or sold under RSA 439-A.***

30 5 Committee Established. There is established a committee to study the administrative
31 mechanisms for permitting growing hemp in New Hampshire consistent with the federal
32 Agricultural Improvement Act of 2018 and determining labeling requirements for hemp products
33 sold in New Hampshire.

34 6 Membership and Compensation.

35 I. The members of the committee shall be as follows:

36 (a) Three members of the house of representatives, appointed by the speaker of the
37 house of representatives.

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1 (b) One member of the senate, appointed by the president of the senate.

2 II. Members of the committee shall receive mileage at the legislative rate when attending to
3 the duties of the committee.

4 7 Duties. The committee shall:

5 I. Review the statutes relating to hemp in the Agricultural Improvement Act of 2018 and
6 the United States Department of Agriculture rules and guidelines for states choosing to license the
7 growing, processing, marketing, and sale of hemp and hemp products.

8 II. Determine whether it is preferable for the state of New Hampshire to establish a state
9 level oversight program for hemp within the department of agriculture, markets, and food or to
10 request the federal government to oversee hemp production in New Hampshire.

11 III. Determine labeling requirements for hemp products in New Hampshire, and in
12 particular, those products that may be intended for human consumption or for application to human
13 skin and further, determine what department would be charged with oversight of labeling, and
14 determine enforcement policies.

15 8 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
16 among the members. The first meeting of the committee shall be called by the first-named house
17 member. The first meeting of the committee shall be held within 45 days of the effective date of this
18 section. Three members of the committee shall constitute a quorum.

19 9 Report. The committee shall report its findings and any recommendations for proposed
20 legislation to the speaker of the house of representatives, the president of the senate, the house
21 clerk, the senate clerk, the governor, and the state library on or before November 1, 2019.

22 10 Animal Cruelty. RSA 644:8, IV is repealed and reenacted to read as follows:

23 IV.(a)(1) Any person charged with animal cruelty under paragraphs III or III-a may have
24 his or her animals confiscated by the arresting officer.

25 (2) Courts shall give cases in which animals have been confiscated by an arresting
26 officer priority on the court calendar. In cases in which animals have been confiscated by an
27 arresting officer or his or her agency, a preliminary hearing shall be held by the court within 14
28 days of the confiscation of the animals.

29 (3) Any person with proof of sole ownership or co-ownership of an animal
30 confiscated by an arresting officer in an animal cruelty case and who is not a defendant or party of
31 interest in the criminal case may petition the court for temporary custody of the animal. The court
32 shall give such person priority for temporary custody of the animal if the court determines it is in
33 the best interest of the animal's health, safety, and wellbeing.

34 (4) No custodian of an animal confiscated under this section shall spay or neuter or
35 otherwise permanently alter the confiscated animal in his or her custody pending final disposition
36 of the court case unless a treating veterinarian deems such procedure necessary to save the life of
37 the animal.

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1 (5) Upon a person's conviction of cruelty to animals, the court shall dispose of the
2 confiscated animal in any manner it decides except in a case in which the confiscated animal is
3 owned or co-owned by persons other than the defendant. If the defendant does not have an
4 ownership interest in the confiscated animal, the court shall give priority to restoring full
5 ownership rights to any person with proof of ownership if the court determines that such is in the
6 best interest of the animal's health, safety, and wellbeing. If the confiscated animal is co-owned by
7 the defendant, the court shall give priority to transferring the defendant's interest in the property
8 to the remaining owner or co-owners equitably if the court determines that such is in the best
9 interest of the animal's health, safety, and wellbeing.

10 (6) The costs to provide the confiscated animals with humane care and adequate
11 and necessary veterinary services, if any, incurred in boarding and treating the animal, pending
12 disposition of the case, and in disposing of the animal upon a conviction of said person for cruelty to
13 animals, shall be borne by the person so convicted in accordance with rules adopted by the
14 department of agriculture, markets, and food.

15 (b) In addition, the court may prohibit any person convicted of a misdemeanor offense
16 of animal cruelty under RSA 644:8, RSA 644:8-aa, RSA 644:8-b, RSA 644:8-c, or RSA 644:8-d, or
17 violation of RSA 644:8-f from having future ownership or custody of, or residing with other animals
18 for any period of time the court deems reasonable or impose any other reasonable restrictions on the
19 person's future ownership or custody of animals as necessary for the protection of the animals. The
20 court shall prohibit or limit any person convicted of a felony offense of animal cruelty under RSA
21 644:8 or a misdemeanor or felony offense of bestiality under RSA 644:8-g from having future
22 ownership or custody of other animals for a minimum of 5 years, and may impose any other
23 reasonable restrictions on the person's future ownership or custody of, or residing or having contact
24 with animals as necessary for the protection of the animals. For the purposes of this paragraph, a
25 reasonable restriction on future contact may include limiting a person from engaging in any
26 employment in the care of animals or other similar contact as the court sees fit. Any animal
27 involved in a violation of a court order prohibiting or limiting ownership or custody of animals shall
28 be subject to immediate forfeiture. Any person violating such order may, in addition to being held
29 in criminal contempt of court or subject to a probation violation, be fined in the amount of \$1,000 in
30 any court of competent jurisdiction for each animal held in unlawful ownership or custody.

31 (c) If a person convicted of any offense of cruelty to animals appeals any part of the
32 conviction to the superior court or a higher court and any and any confiscated animal remains in
33 the custody of the arresting officer, the arresting officer's agency, or
34 the arresting officer's agency's designee pending disposition of the appeal, in order for the appellant
35 to maintain a future interest in the animal, the trial or appellate court may require the appellant to
36 post a bond or other security in an amount not exceeding \$2,000 for each animal in custody for costs
37 expected to be incurred for the board and care of the animal during the appeal. Such bond or

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1 security shall be posted to the court within 30 days. If such bond or security is not paid within 30
2 days after the court orders the bond or security to be posted, the animals shall be forfeited to the
3 arresting officer, the arresting officer's agency, or the arresting officer's agency's designee. The
4 court may, for good cause, extend the deadline by no more than 15 days. If the conviction is
5 affirmed on appeal, the costs incurred for the board and care of the animal, from the date the
6 animal or animals were originally confiscated, shall be paid to the custodian from the posted
7 security and the balance, if any, shall be returned to the person who posted it. A court shall order
8 the return of any bond or security upon a court approved agreement of the parties, a finding of not
9 guilty, or the reversal of a conviction, unless it is a reversal with remand for further proceeding.

10 11 New Paragraph; Health Certificates for Dogs, Cats, and Ferrets. Amend RSA 437:8 by
11 inserting after paragraph V the following new paragraph:

12 VI. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
13 without first being protected against infectious diseases using a vaccine approved by the state
14 veterinarian. No dog, cat, or ferret shall be offered for transfer by a licensee or by any individual
15 unless accompanied by an official health certificate issued by a licensed veterinarian. No transfer
16 shall occur unless the transferred animal is accompanied by a health certificate issued within the
17 prior 14 days. The certificate shall be in triplicate, one copy of which shall be retained by the
18 signing veterinarian, one copy of which shall be for the licensee's records, and one copy of which
19 shall be given to the transferee upon transfer as provided in paragraph III. If an official health
20 certificate is produced, it shall be prima facie evidence of transfer. The signing veterinarian shall
21 provide a copy of the health certificate to the department of agriculture, markets, and food upon
22 request.

23 12 Rulemaking; Authority; Care of Animals in Custody. Amend RSA 437:9, IV and V to read as
24 follows:

25 IV. Notice and hearing on the refusal to issue or the revocation of a license; ~~and~~

26 ***V. Setting limits for reasonable daily boarding and care costs for animals***
27 ***confiscated under RSA 644; and***

28 ~~[V.]~~ VI. Any other matter the commissioner may deem necessary to carry out the provisions
29 of this subdivision.

30 13 Effective Date.

31 I. Sections 10-12 of this act shall take effect January 1, 2020.

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

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2019-1976s

AMENDED ANALYSIS

This bill:

- I. Defines "hemp."
- II. Allows for the growth of hemp in New Hampshire.
- III. Establishes a study committee to study the federal guidelines on growing hemp.
- IV. Establishes a study committee to study the federal guidelines on growing industrial hemp.
- V. Further defines the meaning of priority on the calendar for animal cruelty cases in which animals must be held for the duration of a criminal prosecution.
- VI. Clarifies the process for a defendant to post bond after conviction in order to retain a legal interest in the animals through the appeals process.
- VII. Further defines the court's ability to ban a person convicted of animal cruelty from owning animals.
- VIII. Requires dogs, cats, and ferrets to be transferred with a health certificate.