

Floor Amendment to HB 1633-FN-A

1 Amend RSA 318-F:19 as inserted by section 5 of the bill by replacing it with the following:

2

3 318-F:19 Enactment of Municipal Ordinance.

4 I. Any town or city may allow cannabis retail outlets in their municipality according to the
5 provisions of this subdivision, in the following manner:

6 (a) In a town, the question shall be placed on the warrant of an annual town meeting
7 under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative
8 body may vote to place the question on the official ballot for any regular municipal election, or, in the
9 alternative, shall place the question on the official ballot for any regular municipal election upon
10 submission to the legislative body of a petition signed by 5 percent of the registered voters.

11 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question
12 at least 15 days but not more than 30 days before the question is to be voted on. Notice of the
13 hearing shall be posted in at least 2 public places in the municipality and published in a newspaper
14 of general circulation at least 7 days before the hearing.

15 (c) The wording of the question shall be substantially as follows: "Shall we allow the
16 operation of cannabis establishments within this town or city?"

17 (d) The recount of any local option vote, the procedures for holding such a recount, the
18 declaration of the results of such a recount, and the procedure for an appeal from such a recount
19 shall be as provided in RSA 660:13 through RSA 660:15.

20 (e) Notwithstanding any other provision of law to the contrary, the provisions of RSA
21 664:14 through RSA 664:22 shall apply to any election or meeting at which the voters of a
22 municipality decide the question set forth in this subsection.

23 II. If a majority of those voting on the question vote "yes," cannabis retail outlets may be
24 operated within the town or city.

25 III. If the question is not approved, the question may later be voted upon according to the
26 provisions of paragraph I at the annual town meeting or regular municipal election held not less
27 than 3 years after the election or meeting at which the question failed.

28 IV. A municipality that has voted to allow cannabis retail outlets may consider rescinding
29 its action in the manner described in paragraph I of this section.

30 V. A municipality may enact an ordinance limiting the number of each type of cannabis
31 establishment that may be permitted within the municipality and regulating the time, place, and
32 manner of the operation of a cannabis establishment permitted within the municipality.

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1 VI. A municipality may enact an ordinance specifying the entity within the municipality
2 that shall be responsible for reviewing applications submitted for a license or franchise to operate a
3 cannabis establishment within the municipality. The entity designated by the municipality, or the
4 municipality if no such entity is designated, shall be responsible for indicating whether the
5 application is in compliance with municipal ordinances and notifying the applicant and the
6 commission within 90 days.

7 VII. A municipality may not negotiate or enter into an agreement with a cannabis
8 establishment or a cannabis establishment applicant requiring that the cannabis establishment or
9 applicant provide money, donations, in-kind contributions, services, or anything of value to the
10 locality.

11 VIII. In a municipality that voted to permit cannabis establishments, if the municipality has
12 a zoning ordinance, it shall consider adoption of an innovative land use control pursuant to RSA
13 674:21, II, specifying where a cannabis establishment will be a permitted use and further provide
14 what, if any, conditions will be placed upon cannabis establishments. If a municipality has passed
15 an innovative land use control relative to cannabis establishments, it shall notify the liquor
16 commission within 90 days of passage. Municipalities without zoning ordinances or which have
17 failed to pass an innovative land use control relative to cannabis establishments will be governed by
18 the provisions of RSA 318-F and administrative rules relating to cannabis establishments enacted
19 pursuant to RSA 541-A. No local ordinance may be less restrictive than the provisions of RSA 318-F
20 or administrative rules enacted pursuant to RSA 541-A.