

1 Committee of Conference Report on HB 1633-FN-A, relative to the legalization and regulation of  
2 cannabis and making appropriations therefor.

3  
4 Recommendation:

5 That the House recede from its position of nonconcurrence with the Senate amendment, and  
6 concur with the Senate amendment, and

7 That the Senate and House adopt the following new amendment to the bill as amended by the  
8 Senate, and pass the bill as so amended:

9  
10 Amend RSA 318-F:4, II as inserted by section 5 of the bill by replacing it with the following:

11  
12 II. No person shall smoke or vaporize cannabis while the person is a passenger in a motor  
13 vehicle that is being driven on a way.

14  
15 Amend RSA 318-F:13, II(c)(6) as inserted by section 5 of the bill by replacing it with the following:

16  
17 (6) Prior experience of the applicant in operating an alternative treatment center or  
18 other facility that cultivates, manufactures, or sells cannabis and/or cannabis products pursuant to  
19 and in accordance with, first, the laws of the state of New Hampshire or, second, another state.

20  
21 Amend RSA 318-F:22, II(i) as inserted by section 5 of the bill by replacing it with the following:

22  
23 (i) Two representatives of the cannabis industry with experience operating an  
24 alternative treatment center or other facility that cultivates, manufactures, or sells cannabis and/or  
25 cannabis products pursuant to and in accordance with the laws of the state of New Hampshire or  
26 another state.

27  
28 Amend the bill by inserting after section 5 the following and renumbering the original sections 6  
29 through 34 to read as 9 through 37, respectively:

30  
31 6 Temporary Language until 2026; Personal Possession of Marijuana. Amend RSA 318-B:2-c,  
32 II-III to read as follows:

1 II. Except as provided in RSA 126-X, any person who knowingly possesses [~~3/4 of an ounce~~]  
2 **one ounce** or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and  
3 subject to the penalties provided in paragraph V.

4 III. Except as provided in RSA 126-X, any person who knowingly possesses [5] **10** grams or  
5 less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the  
6 penalties provided in paragraph V.

7 7 Temporary Language until 2026; Personal Possession of Marijuana. Amend RSA 318-B:2-c,  
8 VI(d) to read as follows:

9 (d) Any person in possession of an identification card, license, or other form of  
10 identification issued by the state or any state, country, city, or town, or any college or university,  
11 who fails to produce the same upon request of a police officer or who refuses to truthfully provide his  
12 or her name, address, and date of birth to a police officer who has informed the person that he or she  
13 has been found to be in possession of what appears to the officer to be [~~3/4 of an ounce~~] **one ounce** or  
14 less of marijuana, a personal-use amount of a regulated marijuana-infused product, or [5] **10** grams  
15 or less of hashish, may be arrested for a violation of paragraph II, III, or IV.

16 8 Temporary Language Until 2026; Penalties for Marijuana Possession. Amend RSA 318-B:26,  
17 II(c)-(d) to read as follows:

18 (c) In the case of more than [~~3/4 ounce~~] **one ounce** of marijuana or more than [5] **10**  
19 grams of hashish, including any adulterants or dilutants, the person shall be guilty of a  
20 misdemeanor. In the case of marijuana-infused products possessed by persons under the age of 21 or  
21 marijuana-infused products as defined in RSA 318-B:2-e, other than a personal-use amount of a  
22 regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a  
23 person 21 years of age or older, the person shall be guilty of a misdemeanor.

24 (d) In the case of [~~3/4 ounce~~] **one ounce** or less of marijuana or [5] **10** grams or less of  
25 hashish, including any adulterants or dilutants, the person shall be guilty of a violation pursuant to  
26 RSA 318-B:2-c. In the case of a person 21 years of age or older who possesses a personal-use amount  
27 of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty  
28 of a violation pursuant to RSA 318-B:2-c.

29  
30 Amend the bill by replacing section 12 with the following:

31  
32 12 2026 Language; Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c)-(d) to read as  
33 follows:

34 (c) In the case of more than one ounce of marijuana or more than 10 grams of hashish,  
35 including any adulterants or dilutants[,] **is possessed by a person who is under 21 years of age,**  
36 **or, in the case of an amount exceeding the possession limit defined in RSA 318-F:1,**  
37 **possessed by a person who is 21 years of age or older, except if possessed by a person**  
38 **authorized pursuant to RSA 126-X,** the person shall be guilty of a misdemeanor. [~~In the case of~~

1 ~~marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products~~  
2 ~~as defined in RSA 318-B:2-c, other than a personal-use amount of a regulated marijuana-infused~~  
3 ~~product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older, the~~  
4 ~~person shall be guilty of a misdemeanor.]~~

5 (d) In the case of one ounce or less of marijuana or 10 grams or less of hashish, including  
6 any adulterants or dilutants, ***that is possessed by a person who is under 21 years of age***, the  
7 person shall be guilty of a violation pursuant to RSA 318-B:2-c. ~~[In the case of a person 21 years of~~  
8 ~~age or older who possesses a personal-use amount of a regulated marijuana-infused product as~~  
9 ~~defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.]~~

10  
11 Amend the bill by replacing section 14 with the following:

12  
13 14 2026 Language; Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-  
14 B:2-c to read as follows:

15 318-B:2-c ~~[Personal]~~ Possession of Marijuana ***by a Person Under 21 Years of Age***.

16 ~~[I.]~~ In this section:

17 ~~[(a)]~~ ***I. "Marijuana" is defined as stated in RSA 318-F:1, II.*** ~~[includes the leaves, stems,~~  
18 ~~flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted~~  
19 ~~from any part of such plant and every compound, manufacture, salt, derivative, mixture, or~~  
20 ~~preparation from such resin including hashish, and further, shall not include the mature stalks of~~  
21 ~~such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other~~  
22 ~~compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or~~  
23 ~~cake, or the sterilized seed of such plant which is incapable of germination. Marijuana shall not~~  
24 ~~include hemp grown, processed, marketed, or sold under RSA 439-A.~~

25 (b) ~~"Personal-use amount of a regulated marijuana-infused product" means one or more~~  
26 ~~products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is~~  
27 ~~intended for use or consumption, such as, but not limited to, edible products, ointments, and~~  
28 ~~tinctures, which was obtained from a state where marijuana sales to adults are legal and regulated~~  
29 ~~under state law, and which is in its original, child-resistant, labeled packaging when it is being~~  
30 ~~stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol.]~~

31 II. Except as provided in RSA 126-X, any person ***under 21 years of age*** who knowingly  
32 possesses one ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a  
33 violation, and subject to the penalties provided in paragraph V.

34 III. Except as provided in RSA 126-X, any person ***under 21 years of age*** who knowingly  
35 possesses 10 grams or less of hashish, including adulterants or dilutants, shall be guilty of a  
36 violation, and subject to the penalties provided in paragraph V.

37 IV. ~~[Except as provided in RSA 126-X, any person 21 years of age or older possessing a~~  
38 ~~personal-use amount of a regulated marijuana-infused product shall be guilty of a violation, and~~

1 ~~subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21~~  
2 ~~years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.]~~

3 V.(a) Except as provided in this paragraph, any person 18 years of age or older who is  
4 convicted of violating paragraph II or III~~], or any person 21 years of age or older who is convicted of~~  
5 ~~violating paragraph IV]~~ shall be subject to a fine of \$100 for a first or second offense under this  
6 paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any  
7 person convicted based upon a complaint which alleged that the person had 3 or more prior  
8 convictions for violations of paragraph II~~]~~ **or** III ~~[or IV]~~, or under reasonably equivalent offenses in  
9 an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period  
10 preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the  
11 marijuana~~], regulated marijuana-infused products,~~ or hashish to the state. A court shall waive the  
12 fine for a single conviction within a 3-year period upon proof that person has completed a substance  
13 abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A  
14 person who intends to seek an assessment in lieu of the fine shall notify the court, which shall  
15 schedule the matter for review after 180 days. Should proof of completion of an assessment be filed  
16 by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

17 (b) Any person under 18 years of age who is convicted of violating paragraph II or III  
18 shall forfeit the marijuana or hashish and shall be subject to a delinquency petition under RSA 169-  
19 B:6.

20 VI.(a) Except as provided in this section, no person shall be subject to arrest for a violation  
21 of paragraph II~~]~~ **or** III~~], or IV]~~ and shall be released provided the law enforcement officer does not  
22 have lawful grounds for arrest for a different offense.

23 (b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from  
24 investigating or charging a person for a violation of RSA 265-A.

25 (c) Nothing in this chapter shall be construed as forbidding any police officer from taking  
26 into custody any minor who is found violating paragraph II~~]~~ **or** III~~], or IV]~~.

27 (d) Any person ***under 21 years of age who is*** in possession of an identification card,  
28 license, or other form of identification issued by the state or any state, country, city, or town, or any  
29 college or university, who fails to produce the same upon request of a police officer or who refuses to  
30 truthfully provide his or her name, address, and date of birth to a police officer who has informed the  
31 person that he or she has been found to be in possession of what appears to the officer to be one  
32 ounce or less of marijuana~~], a personal-use amount of a regulated marijuana-infused product,~~ or 10  
33 grams or less of hashish, may be arrested for a violation of paragraph II~~]~~ **or** III~~], or IV]~~.

34 VII. All fines imposed pursuant to this section shall be deposited into the alcohol abuse  
35 prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed  
36 substance abuse prevention programs.

1 VIII.(a) No record that includes personally identifiable information resulting from a  
2 violation of this section shall be made accessible to the public, federal agencies, or agencies from  
3 other states or countries.

4 (b) Every state, county, or local law enforcement agency that collects and reports data  
5 for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the  
6 number of violations of paragraph II[;] **or** III[~~;-or-IV~~]. The data collected pursuant to this paragraph  
7 shall be available to the public. A law enforcement agency may update the data annually and may  
8 make this data available on the agency's public Internet website.

9  
10 Amend the bill by replacing section 37 with the following:

11  
12 37 Effective Date.

13 I. RSA 318-F:13, RSA 318-F:19, RSA 318-F:20, RSA 318-F:21, and RSA 318-F:22, as inserted  
14 by section 5 of this act, and sections 6, 7, 8, 19, 20, 21, 22, 23, 24, 25, 26, and 33 of this act, shall take  
15 effect upon its passage.

16 II. Section 35 of this act shall take effect July 1, 2029.

17 III. The remainder of this act shall take effect January 1, 2026.

The signatures below attest to the authenticity of this Report on HB 1633-FN-A, relative to the legalization and regulation of cannabis and making appropriations therefor.

Conferees on the Part of the Senate

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Sen. Bradley, Dist. 3

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Sen. Lang, Dist. 2

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Sen. Chandley, Dist. 11

Conferees on the Part of the House

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Rep. Hunt, Ches. 14

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Rep. S. Smith, Sull. 3

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Rep. Burroughs, Carr. 2

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Rep. Spier, Hills. 6

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~~Rep. Osbourne, Rock. 2~~

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~~Rep. Beaulieu, Hills. 19~~

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~~Rep. Ammon, Hills. 42~~