

HB 380-FN - AS AMENDED BY THE HOUSE

26Mar2025... 0130h

2025 SESSION

25-0445

09/08

HOUSE BILL

380-FN

AN ACT relative to penalties for criminal violations of the therapeutic use of cannabis.

SPONSORS: Rep. Vail, Hills. 6; Rep. H. Howard, Straf. 4; Rep. Newell, Ches. 4; Rep. W. Thomas, Hills. 12; Rep. A. Murray, Hills. 20; Rep. Seibert, Hills. 21

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill amends the penalty for the unauthorized sale of cannabis by a qualifying patient or designated caregiver.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struckthrough]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT relative to penalties for criminal violations of the therapeutic use of cannabis.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Use of Cannabis for Therapeutic Purposes; Prohibitions and Limitations on the Therapeutic
2 Use of Cannabis. Amend RSA 126-X:3, VI to read as follows:

3 VI. Any qualifying patient or designated caregiver who sells cannabis to another person who
4 is not a qualifying patient or designated caregiver under this chapter shall be subject to the
5 **criminal** penalties specified in RSA 318-B:26~~[, IX-a,]~~ **and** shall have his or her registry
6 identification card revoked~~[, and shall be subject to other penalties as provided in RSA 318-B:26].~~

7 2 Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, I(h) to
8 read as follows:

9 (h) A statement signed by the applicant, pledging not to divert cannabis to anyone who
10 is not allowed to possess cannabis pursuant to this chapter and acknowledging that his or her
11 diversion of cannabis is punishable ~~[as a class B felony and]~~ **by** revocation of his or her registry
12 identification card, in addition to other penalties for the illegal sale of cannabis, **established in**
13 **RSA 318-B.**

14 3 Departmental Administration; Registry Identification Cards. Amend RSA 126-X:4, II(f) to
15 read as follows:

16 (f) A signed statement from the applicant agreeing to act as the designated caregiver for
17 the qualifying patient named in the application and pledging not to divert cannabis to anyone who is
18 not allowed to possess cannabis pursuant to this chapter and acknowledging that the diversion of
19 cannabis is punishable ~~[as a class B felony and]~~ **by** revocation of one's registry identification card, in
20 addition to other penalties for the illegal sale of cannabis **established in RSA 318-B.**

21 4 Alternative Treatment Centers; Requirements. Amend RSA 126-X:8, XVI(a) to read as
22 follows:

23 XVI.(a) All cannabis dispensed by an alternative treatment center shall include a label
24 specifying the commercial strain name of the cannabis, the weight of the cannabis, and any other
25 information the department requires to appear on the label. The label shall also specify that the
26 cannabis is for therapeutic use and that diversion ~~[is a class B felony requiring]~~ **may result in**
27 revocation of one's registry identification card, **in addition to other penalties for illegal sale of**
28 **cannabis established in RSA 318-B.** An alternative treatment center may list the commercial
29 strain names of the cannabis available to be dispensed on its public Internet website.

30 5 Repeal. RSA 318-B:26, IX-a, relative to penalties for the sale of cannabis to a person who is
31 not a qualifying patient or designated caregiver, is repealed.

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- Page 2 -

1 6 Effective Date. This act shall take effect January 1, 2026.

**HB 380-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0130h)**

AN ACT relative to penalties for criminal violations of the therapeutic use of cannabis.

FISCAL IMPACT:

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0	\$0	\$0
<i>Revenue Fund</i>	None			
Expenditures*	Indeterminable			
<i>Funding Source</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source</i>	None			

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	Indeterminable			
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	Indeterminable			

METHODOLOGY:

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

AGENCIES CONTACTED:

Judicial Branch, Judicial Council, Department of Justice, Department of Corrections, New Hampshire Association of Counties, and New Hampshire Municipal Association