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HOUSE RECORD

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Calendar and Journal of the 2019 Session

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Friday, March 29, 2019

No. 18

Contains: Bills Laid on Table; House Deadlines; Reports and Amendments;
Meetings and Notices

HOUSE CALENDAR

MEMBERS OF THE HOUSE:

The House will meet on **Thursday, April 4, 2019 at 10:00 a.m.** and again on **Thursday, April 11, 2019 at 10:00 a.m.**

All members are urged to attend the House Finance Committee budget briefings on HB-1A and HB 2-FN-A on **Tuesday, April 9th from 10:00 a.m. to 11:30 a.m.** in Representative's Hall. Members who attend will be eligible for mileage reimbursement.

Finally, I'd like to acknowledge a former House colleague, Barbara Hull Richardson, who passed away on March 23rd at the age of 96. A truly remarkable woman, Barbara was known as "a rebel without a pause," passionately representing the Monadnock Region for 18 years in the House. We are grateful for her service in the House and extend our deepest condolences to her friends and family.

Stephen J. Shurtleff, Speaker

NOTICE

There will be a meeting of the chairs and vice chairs on **Tuesday, April 2nd at 8:30 a.m.** in Rooms 206-208 of the Legislative Office Building.

Stephen J. Shurtleff, Speaker

NOTICE

There will be a Democratic caucus on **Thursday, April 4th at 9:00 a.m.** in Representatives Hall.

Rep. Doug Ley

NOTICE

There will be a Republican caucus on **Thursday, April 4th at 9:00 a.m.** in Rooms 301-303, LOB.

Rep. Richard Hinch

The **Finance** Committee will hold **budget briefings** on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2019, and **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures in Representatives Hall on **Tuesday, April 9th from 10:00 a.m. to 11:30 a.m.**

Rep. Mary Jane Wallner, Chairwoman
Finance Committee

NOTICE

ALL reports, scheduling and notices are due in the House Clerk's Office by **3:00 p.m. on WEDNESDAYS**. Reports and scheduling shall be turned in to House Committee Services for processing **no later than 1:00 p.m.** on Wednesday. Please be sure to complete that work in a timely fashion to meet the Calendar deadline.

CLOSES AT 3:00 p.m. ON:

Wednesday, April 3, 2019

Wednesday, April 10, 2019

Wednesday, April 17, 2019

AVAILABLE ON:

Friday, April 5, 2019

Friday, April 12, 2019

Friday, April 19, 2019

Paul C. Smith, Clerk of the House

2019 HOUSE DEADLINES

Thursday, April 4, 2019	Last day to report budget bills
Thursday, April 11, 2019	Last day to act on House Bills, except budget bills
Thursday, May 2, 2019, noon	BUDGET CROSSOVER – Last day to act on budget bills
Thursday, May 9, 2019	Last day to report Senate Bills going to a second committee
Thursday, May 30, 2019, noon	Last day to act on SBs going to a second committee
	Last day to report all remaining SBs
	Last day to report list of retained SBs
Thursday, June 6, 2019	Last day to act on SBs
Thursday, June 13, 2019	Last day to form Committees of Conference
Thursday, June 20, 2019	Last day to sign Committee of Conference reports (4:00 p.m.)
Thursday, June 27, 2019	Last day to act on Committee of Conference reports

BILLS LAID ON THE TABLE

CACR 5, relating to the right to vote. Providing that 17 year olds who will be eligible to vote in the general election be permitted to vote on that election's primary election. (No Pending Question)

CACR 6, relating to elections. Providing that any inhabitant who so desires may vote by absentee ballot in primary and general elections. (No Pending Question)

CACR 11, relating to taxes. Providing that a broad-based sales tax shall be prohibited. (Pending Question: Inexpedient To Legislate)

HB 101, relative to regulating possession of firearms in a school district. (Pending Question: Inexpedient To Legislate)

HB 144, relative to changes in property assessments. (Pending Question: Majority Committee Amendment)

HB 192-FN-LOCAL, abolishing fluoridation in water. (Pending Question: Ought To Pass)

HB 204, establishing a committee to review and update the penalties for contaminating drinking water and groundwater. (Pending Question: Majority Committee Amendment)

HB 230, prohibiting smoking in motor vehicles when a passenger is under 16 years of age. (Pending Question: Inexpedient To Legislate)

HB 249, permitting restaurant owners to allow dogs in restaurants. (Pending Question: Inexpedient To Legislate)

HB 275, relative to school nurse certification. (Pending Question: Ought To Pass)

HB 289, relative to the recitation of the Lord's prayer in public elementary schools. (Pending Question: Inexpedient To Legislate)

HB 314, relative to the submission of evidence prior to hearings in divorce cases. (Pending Question: Inexpedient To Legislate)

HB 378, raising the minimum age for marriage. (Pending Question: Ought To Pass with Amendment)

HB 451, relative to term and reimbursement alimony. (Pending Question: Inexpedient To Legislate)

HB 537, relative to the release of motor vehicle records. (Pending Question: Ought To Pass)

HB 632-FN, relative to the education tax credit. (Pending Question: Ought To Pass)

HB 672-FN, relative to driving to the left of an unbroken painted line. (Pending Question: Ought To Pass)

HB 688-FN, relative to transfer and inspection of animals. (No Pending Question)

HB 694-FN, establishing a take-back program for illegal controlled drugs. (Pending Question: Inexpedient To Legislate)

HB 732-FN, relative to over-sentencing and racial profiling. (No Pending Question)

HCR 1, rescinding all requests by the New Hampshire legislature for a federal constitutional convention. (Pending Question: Ought To Pass)

HJR 1, supporting efforts to develop wind power off the New Hampshire coast. (Pending Question: Ought To Pass)

HR 6, urging the United States to lead a global effort to prevent nuclear war. (Pending Question: Inexpedient To Legislate)

HR 8, affirming revenue estimates for fiscal years 2019, 2020, and 2021. (No Pending Question)

THURSDAY, APRIL 4

CONSENT CALENDAR

COMMERCE AND CONSUMER AFFAIRS

HB 508, relative to direct primary care. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edward Butler for Commerce and Consumer Affairs. Although it is clear that Direct Primary Care is not a provision of health care that is paid through a traditional insurance product, it is not as clear what

oversight is provided or can be provided by the Board of Medicine. Could the Insurance Department, which is geared for oversight responsibilities, still have a role to play? How does the Board of Medicine currently oversee these practices? Are there impacts of the provision of Direct Primary Care on the current market that need a closer look? These concerns will be considered by the study proposed here. **Vote 14-1.**

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 113, relative to qualifications for and exceptions from licensure for mental health practice. **OUGHT TO PASS.** Rep. Carol McGuire for Executive Departments and Administration. This bill addresses the problem of mental health professionals (master licensed alcohol and drug counselors, social workers, mental health counselors, and marriage and family therapists) who wish to obtain a license in a second specialty and expand their ability to practice. Without affecting the educational requirements, this bill allows them to satisfy up to half the required 3,000 hours of supervised practice for a second specialty with the experience from their first profession. This bill is supported by the boards and regulated professions, with no opposition expressed. **Vote 17-0.**

PUBLIC WORKS AND HIGHWAYS

HB 594-FN, (New Title) establishing a committee to study the installation of rumble strips on state roads and highways. **INEXPEDIENT TO LEGISLATE.**

Rep. Barry Faulkner for Public Works and Highways. Rumble strips are an important highway safety measure. The committee concluded that decisions regarding the design and location of these strips are better left to those with engineering expertise. We heard the concerns of neighbors about the lack of public input and the noise these strips create in some areas. These are concerns that the Department of Transportation is addressing through revised design and implementation guidelines. **Vote 13-0.**

WAYS AND MEANS

HB 292-FN, relative to including brokers fees in the calculation of the insurance premium tax. **OUGHT TO PASS.**

Rep. David Karrick for Ways and Means. This bill was filed at the request of the Insurance Department. The bill would include brokers' and other fees and assessments from foreign (non-New Hampshire) insurance companies in the calculation of the insurance premium tax. The revenue increase will be insignificant. **Vote 20-0.**

HB 407-FN, clarifying the non taxability of certain telecommunications devices and equipment. **OUGHT TO PASS.**

Rep. Thomas Southworth for Ways and Means. This bill clarifies that antennas shall not be taxable as real estate. Antennas are equipment that get removed from and added to poles, which are real estate. The only change to current law is the addition of "antennas" to the list of other devices and equipment that are not taxable as real estate. **Vote 20-0.**

HB 620-FN, relative to the penalty fee structure for late premium tax payments. **OUGHT TO PASS.**

Rep. Jerry Stringham for Ways and Means. This bill is a request of the Insurance Department to simplify the penalty fee for insurers when they pay their premium taxes late. Currently, such penalties vary widely, depending upon the type of insurer or the statute under which the premium tax is filed. The current method requires the computation of different penalty percentages based on those differences. The Insurance Department believes an established penalty fee schedule will improve operations in the department by simplifying the way penalty fees are calculated. This is a second committee bill and was unchanged by the Ways and Means Committee. The fiscal note indicates the revised late fee structure is anticipated to result in approximately \$140,000 less fees annually. **Vote 20-0.**

HB 625-FN, relative to an aquatic invasive species decal for boats. **OUGHT TO PASS.**

Rep. Lisa Bunker for Ways and Means. This bill creates an aquatic invasive species decal for power boats registered in states other than New Hampshire. The purpose is twofold: to make at least a small step toward adequate funding of a drastically underfunded program, and, more importantly in the committee's view, to reach a key population not yet addressed in any systematic way with a message about keeping New Hampshire's lakes free of invasive species. Out-of-state boaters would be able to register their boats for the sticker program on the spot using a smart phone. Of the \$20 fee, \$3 would be retained for administrative overhead, and the remaining \$17 would go to the Department of Environmental Service's Lake Restoration and Preservation Fund, which is used to pay for prevention (through the lake host program), remediation, and research. **Vote 20-0.**

THURSDAY, APRIL 4 REGULAR CALENDAR

CRIMINAL JUSTICE AND PUBLIC SAFETY

HB 564, relative to possession of firearms in safe school zones. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Sandy Swinburne for the **Majority** of Criminal Justice and Public Safety. This bill, as amended, restricts the carrying of firearms on school property to law enforcement officers, members of the armed services of the US or National Guard, and any person authorized in writing by the school board. The bill has already been passed once by the full House and complements federal law. The majority of the committee feels that the implementation of this bill is in the best interest of the students and teachers of our state. It is the majority opinion of the committee that firearms do not belong on school property, with the exception of trained personnel authorized by school administration. This bill is an important step toward safer schools. **Vote 12-8.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. This bill creates the illusion of safety by attempting to remove firearms from schools and school grounds. The actual effect of the bill is the disarming of law-abiding citizens creating even a greater danger for the children that attend public schools. The bill prohibits carrying a self defense firearm on school grounds and assigns a class A misdemeanor, including a penalty of up to a year in jail under RSA 625:9,IV(a). Numerous citizens testified against the bill as a clear violation of the bill of rights, both in the United States and the New Hampshire Constitutions. Testimony was also heard that single mothers who have had violent partners in the past and live in fear of another attack would be likely targets when walking their children to school because restraining orders have not been effective at keeping their partners away. Much of the testimony centered around the current paradigm where law-abiding citizens are allowed to carry firearms and any potential threat is not aware of who is on the property and their ability to respond in real time. The minority believes the bill would not make the schools any safer because criminals will ignore a law and a sign and only the law abiding will be affected.

HB 630-FN, increasing certain fines for OHRV and snowmobile operation violations. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Julie Radhakrishnan for the **Majority** of Criminal Justice and Public Safety. The current structure of fines is not a deterrent to the misuse of OHRV's. In fact, when law enforcement officers fine people for the misuse of vehicles, there is often a request for a selfie by the fining officer. At the hearing there were no objections to increasing fines. We hope that an increase in fines will act as a deterrent to the misuse of OHRV's. **Vote 18-2.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. The minority knows this bill only allows the state to collect more money. This bill does not help the land owner with cost for damages as there was testimony that many of these fines happen once an OHRV or snowmobile does damage to private property. The state should not profit from private property damage done by an OHRV or snowmobile.

HB 696-FN, establishing a protective order for vulnerable adults. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Robert Renny Cushing for the **Majority** of Criminal Justice and Public Safety. This bill establishes a procedure to enable vulnerable adults to seek temporary and permanent relief from abuse, exploitation, and neglect. The bill is important and necessary because our criminal statutes do not provide adequate protection for our state's most vulnerable citizens; too often, by the time abuse, neglect, or exploitation can be proven, assets are long gone or the vulnerable adult has been subjected to unsafe conditions for far too long. Language in the bill is modeled on RSA 173-B Protection of Persons From Domestic Violence, which has been in place for 20 years, has withstood constitutional challenges, and has been an effective tool for stopping and preventing future abuse. Providing vulnerable adults with a similar tool will allow them access to a user-friendly and affordable method to obtain civil remedies. Contrary to claims by some, the purpose of the bill is not to confiscate weapons. As compared to RSA 173-B, relinquishment of firearms is not mandatory, but would take place only if an order of the court "makes a specific finding that it is necessary for the protection of a plaintiff." The majority recognizes that vulnerable adults may face the same risk of harm by a defendant as a victim of domestic violence and believes a vulnerable adult should be afforded the same ability to seek protection from the court. The penalties in this bill are similar to those in RSA 173-B, which the majority finds to be consistent and just. The bill has the support of the NH Attorney General's Office, AARP-New Hampshire, the Alzheimer's Association, the New Hampshire Bankers Association, the NH Chapter of the National Academy of Elder Law Attorneys and the Disabilities Rights Center-NH. The majority recommends ought to pass to send a clear message that in New Hampshire we will protect our vulnerable citizens from those who would abuse, exploit, and neglect them. **Vote 12-8.**

Rep. John Burt for the **Minority** of Criminal Justice and Public Safety. This bill claims to add additional protections for elders and venerable adults. The language was lifted from some of the domestic violence statutes and includes some of the same due process violations that are present in that section of law. The

criminal justice system is based on the innocent until proven guilty model, yet this bill creates several loopholes to the basic principles of American jurisprudence. The bill allows for ex-parte hearings, telephonic orders and the seizing of firearms without the defendant even being aware of the accusations that have been made. The bill as drafted violates numerous articles of the New Hampshire Constitution, including Article 2 the right to “..the enjoying and defending life and liberty; acquiring, possessing, and protecting, property”; Article 2-a “..right to keep and bear arms in defense of themselves, their families, their property and the state”; Article 3 regarding the organization of society; Article 15, the rights of the accused; Article 20, the right to a jury trial, “In all controversies concerning property, and in all suits between two or more persons except those in which another practice is and has been customary and except those in which the value in controversy does not exceed \$1,500 and no title to real estate is involved, the parties have a right to a trial by jury.” The bill allows for the taking of cars, homes and even pets in addition to firearms. The initial committee for the bill was Health and Human Services and those testifying pointed out that there are gaping holes in the civil legal procedures that need a thorough vetting by the Judiciary committee. The minority of the committee saw that the bill was unworkable in the current state and should either be retained or found inexpedient to legislate.

FINANCE

HB 116-FN, relative to the job classification of positions in the retirement system. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for the **Majority** of Finance. This bill allows for changes to the reclassification of some Department of Corrections employees in the retirement system from group I to group II if their existing job meets the standards of correctional line personnel. An example would be teachers who work directly with prisoners. In consideration of the policy committee’s passage and corrections reported the change can be absorbed in the current budget the committee recommends ought to pass. **Vote 14-8.**

Rep. Lynne Ober for the **Minority** of Finance. The division discovered the cost of this bill would be \$200,000 for the department. The department stated they would cover this from existing funds so no appropriation was needed. In the past the legislature has examined these requests and approved or not. With this bill, only the Department of Corrections will be allowed to make these decisions with no oversight. One can expect that once this bill passes, every agency will ask for this right and since there is a financial impact the minority believes the legislature should make these decisions and should have oversight of this type of work.

HB 120-FN, relative to the regulation of body art establishments. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for the **Majority** of Finance. This bill requires licensure and inspections of establishments for tattooing, body piercing or branding, massage therapists and massage establishments. It clarifies the licensure renewal for practitioners and apprentices in these practices. The oversight of the issue of licenses and inspections will be conducted by the office of professional licensure and certification. **Vote 13-9.**

Rep. Erin Hennessey for the **Minority** of Finance. This bill is yet another roadblock for NH young adults looking to stay in our fine state and make a living. Not previously in statute, this bill requires a body art apprentice to pay a biannual fee of \$110. An apprentice can only learn under the direct supervision of a licensed body art professional. Should NH also charge an apprentice fee for students learning poetry under the supervision of a professor at UNH, students studying accounting under supervision of an adjunct professor at CCSNH, or a student studying automotive technology under the supervision of their teacher at a CTE? No, we should not. NH needs to stop adding costs to those looking to learn and live in our state. As amended, this bill also adds a new fee for massage establishments employing two or more massage therapists. This fee is in addition to the licensing fees paid by each of the massage therapists.

HB 457-FN, (New Title) establishing a committee to study the making, preservation, and Internet availability of audio and video recordings of proceedings of committees of the house of representatives. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for the **Majority** of Finance. This bill would establish a committee to study the making, preservation and internet availability of audio and video recordings of proceedings of committees. Considering passage in the policy committee and no fiscal impact the committee recommends ought to pass. **Vote 14-8.**

Rep. Kenneth Weyler for the **Minority** of Finance. The prospect of making and preserving and indexing all the meetings of all our committees has been suggested before. The preliminary estimates at that time were very costly, and determined to be of little value. The minority does not believe having a new study would find out anything different. Most chairmen allow organizations to record meetings now. So interested party’s have that right presently.

HB 616-FN, relative to a cost of living adjustment for retirees in the state retirement system. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. William Hatch for the **Majority** of Finance. The amendment changes the Cost of Living Adjustment that was previously passed by the full House to apply the 1.5% COLA only to the first \$50,000 of pension benefit. Therefore, if a retiree who has been retired for at least 60 months prior to or on July 1, 2019 has a pension of \$70,000 they will only receive the COLA on \$50,000. Ninety-four percent of all retirees have a pension of \$50,000 or less. **Vote 12-8.**

Rep. Lynne Ober for the **Minority** of Finance. While this is a well-meaning bill, COLAs are not part of the New Hampshire Retirement System, which has never had COLAs as part of the plan. In order to pay for this amended bill, the majority raised the cost of retirement system for municipalities, school districts, and state. The minority believes this is an unfunded mandate for municipalities and school districts, but also recognizes that the New Hampshire Retirement System is unable to determine if a retiree came from the state, a municipality or school district. If the desire is for the state to be able to provide COLAs for retirees who worked for the state, the retirement computer system should be modified to track retirees appropriately or a commission could be formed to gain approval of municipalities and school districts for payment of said COLAs. Without one of these two being accomplished the minority believes this is an unfunded mandate that will cost towns and school districts millions.

HB 729-FN-A, establishing a citizen's right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor. **MAJORITY: INEXPEDIENT TO LEGISLATE. MINORITY: OUGHT TO PASS.**

Rep. Mary Beth Walz for the **Majority** of Finance. This bill establishes a right-to-know commission and creates an ombudsman who can act on right-to-know complaints. The bill sets forth extensive requirements for the ombudsman's job, including a requirement of ten years of legal practice, but only appropriates \$48,000 for the position. The majority believes it will be impossible to find someone who meets the extensive qualifications and is willing to work for the appropriated compensation. Even if someone is qualified and willing to take the job, nothing is appropriated for a computer or office expenses. Also, the majority is concerned about the strict limitations as to who may serve on the commission, as many of the logical and most qualified people are banned from serving. **Vote 13-9.**

Rep. Kenneth Weyler for the **Minority** of Finance. Providing an ombudsman to hear disputes over right-to-know requests, is a mechanism to expedite claims and save going to court, is a concept that has been supported twice in the Judiciary Committee and the House. To block this idea over nitpicking the details of a \$48,000 appropriation is a disservice to the public.

WAYS AND MEANS

HB 295-FN-A, establishing a special marriage officiant license. **MAJORITY: OUGHT TO PASS. MINORITY: OUGHT TO PASS WITH AMENDMENT.**

Rep. Jennie Gomarolo for the **Majority** of Ways and Means. This bill allows the temporary authorization of any individual to solemnize a marriage in New Hampshire. The sponsor's intent is to increase destination marriages and tourism. The majority of the committee felt the bill's \$85 fee is reasonable. The bill is modeled after Vermont's law, where the fee is \$100. This bill sends \$80 to the DHHS for domestic violence programs, in like manner to our marriage license statute. It is estimated to raise \$25-80,000 for that purpose, with a potential for matching federal funds. **Vote 12-8.**

Rep. Alan Bershtein for the **Minority** of Ways and Means. The primary purpose of this bill, as stated by the sponsor during introduction to the Ways and Means Committee, is to encourage destination weddings in NH. Enabling temporary authorization for individuals to solemnize a wedding will allow NH to be a more attractive venue for destination weddings. Amendment 1205h reduces the fee for the temporary license from \$85 to \$30. The reduction of the fee makes this bill even more persuasive towards the goal of attracting more destination weddings to the Granite State.

HB 481-FN-A-LOCAL, relative to the legalization and regulation of cannabis and making appropriations therefor. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Richard Ames for the **Majority** of Ways and Means. This bill provides for the legalization, regulation, and taxation of cannabis and cannabis products for use by adults age 21 and over. On February 27, following a 209-147 House Ought to Pass vote, the bill was sent to the Ways and Means Committee for second committee review of the bill's revenue-related components. The resulting majority amendment makes several important revisions to the bill's well-crafted regulatory provisions. With regard to taxation, the amendment removes the original bill's proposal for a fixed excise tax at the cultivator/ wholesale level of \$30 per ounce on cannabis flowers (and lower rates per ounce on other parts of the cannabis plant). Instead, the amended bill levies a tax at two levels: a 5% tax on the wholesale/ cultivator sales price; and a 9% tax on the retail cannabis store sales price. This method of taxation is similar to that used for our existing taxes on other tobacco products

and on meals and rentals. The proposed cannabis tax rates, taken together with the other fees and fines established by the bill, will be below comparable rates in other competing states (for example, the effective rate in Massachusetts, combining local and state taxes but excluding fees, ranges from 17% to 20% of price). Mandated annual tax and fee reports by the new Cannabis Control Commission to the legislature will ensure timely review of the continuing viability of this tax and fee system. The price sensitivity of the proposed tax system, and the relatively low rates, are designed to enable the legal market to compete with, shrink, and eventually displace the black market, a principal goal of the bill. Projecting from work reported by the 2018 Marijuana Commission and from the revenue experiences of other states, the majority expects that this tax plan will produce more revenue in the start-up years than would be generated by the original bill's \$30 per ounce proposal. Given market and start-up uncertainties, however, the majority believes that the fiscal note estimate attached to the original version of the bill, which projected a starting revenue range per year of about \$19.7 million to \$31.2 million, should continue to be used for budgeting purposes. This level of revenue will be more than sufficient to cover all projected Cannabis Control Commission and Department of Revenue Administration (DRA) administrative costs. The majority amendment requires that all revenues flow into a new Cannabis Control Fund and subjects all expenditures from the fund to the regular appropriation process. The amended bill identifies funding priorities (29% for education, prevention, treatment, and recovery programs; 5% for public safety drug-related work; 33% for broad-based and other aid to municipalities; and 33% for the general fund) for legislative allocation by appropriation of revenues above amounts appropriated for administrative costs. The amended bill also provides start-up appropriations for the new Cannabis Control Commission and for the DRA. At the prime sponsor's request, all references to hemp were removed in deference to other relevant legislative initiatives. **Vote 14-6.**

Rep. Patrick Abrami for the **Minority** of Ways and Means. The Commission to Study the Legalization, Regulation, and Taxation of Marijuana concluded that NH should not legalize and commercialize marijuana for the revenue other than to pay for regulation as well as for addiction prevention and treatment. In making that recommendation, the commission concluded that addiction was real and that with THC levels now in the 15-30% level and concentrates like "shatter" reaching 94% THC, the reality of addiction will only grow. This amended bill calls for a tax of 5% at the cultivator level and 9% at the retail level which does not uphold the commission's recommendation. Using commission data, revenues will reach a level more than is needed for regulation as well as for addiction prevention and treatment. The reason this is a problem is that the legislature will quickly become addicted to this revenue, making it difficult for the program to be terminated if future metrics show that the many warnings of the negative effects to society, as discussed in the policy debate, come true. Once this program begins, there will be no turning back. Taxing at a percentage of product cost, instead of based on weight at the cultivator level only, as per the original bill, will require more resources for the Department of Revenue Administration to administer. It should be noted that the tax at the retail level is a sales tax. Taxing at the retail level means that higher potency products will now bring in more tax revenue. Knowing that these products are more addictive will make the state an unwitting partner to addiction. One provision allocates 23% of the revenue, after funding regulation and the Department of Safety's Information and Analysis Center Drug Monitoring Initiative, to municipalities, and may include special allocations to certain towns. This violates a long-standing tradition in NH that municipalities benefit equally based upon a metric such as population. A disproportionate allocation which favors municipalities who have a marijuana retail store, grow site, or manufacturing business may entice municipalities not to opt-out. The bill actually should have an opt-in provision to ensure residents of a town or a city council have a say before allowing a marijuana business to move in. The last 5% of revenue allocation goes to public agencies in part to train additional drug recognition experts because no roadside impairment test exists. Lawyers told the commission that these non-quantitative methods never hold up in court. With marijuana still illegal at the federal level, no NH bank will touch marijuana money meaning that taxes will be paid in cash. In addition, there will be no revenue to the state from cross border sales like we get from tobacco or alcohol because such sales will be illegal. Remember that just because other states around us are legalizing and commercializing marijuana does not mean NH has to as well. NH can still keep its brand as a wholesome place to raise a family, have a business, and to have visitors come which can only help state revenue.

HB 641-LOCAL, allowing municipalities to collect an occupancy fee from operators of local room rentals. **MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.** Rep. Tom Loughman for the **Majority** of Ways and Means. Meals and rooms tax revenue is one of the highest performing revenue sources in the state. Each year it grows, as do the demands on municipal services and infrastructure for areas that serve as hubs for tourism, business, higher education, and healthcare. Unfortunately, the portion of meals and rooms revenue shared back to municipalities has declined steadily over time. New Hampshire is on an unsustainable path of putting increased budgetary pressure on the very towns helping most to raise essential state revenue. This bill gives municipalities with major itinerant traffic and related costs the choice of implementing a hotel occupancy fee of up to \$2 per day per room. This revenue would stay local and provide much needed funding to meet the increased demands on municipal services and infrastruc-

ture. This local option would provide a reliable, stable revenue stream for those municipalities under greatest pressure to provide regional services, free from the political forces of the state. Every dollar in municipal revenue generated from out of state tourists and travelers through this optional fee is a dollar that will not need to be raised through property taxpayers. Whether this passes or not, the larger, system-wide problem of reduced state support for municipal services would remain for all communities, large or small. **Vote 12-8.** Rep. Charles Burns for the **Minority** of Ways and Means. Passage of this bill would be a major change of mindset for NH. Last term, the legislature refused to allow a local occupancy tax or fee to support local needs. Passage of this bill establishes a dangerous precedent by allowing local jurisdictions to impose a local occupancy fee. If a local occupancy fee is allowed, we would be opening up a Pandora's box for future local fees and taxes on other types of sales. Hotels generate significant property taxes and spur other economic activity without adding significantly to the local education costs. The minority believes these funds are adequate to support the level of services required to handle this increase in local activity.

HB 682-FN, establishing a water resources fund in the department of environmental services and charging certain application and permit fees. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Edith Tucker for Ways and Means. This bill consolidates the wetlands and shoreland review fund and terrain alteration fund into a single water resources fund. It also adjusts the fees charged to current and near-future needs of the Water Division of the Department of Environmental Services (DES). DES permits are issued within a federal framework of water permits managed by the U.S. Army Corps of Engineers, whose representative visits DES weekly to ensure permits are properly handled. Our state and the construction industries have a major stake in making the permitting process efficient, effective, and speedy. A bill last session mandated a 50/75-day time limit before a permit would be automatically granted regardless of compliance, but provided no additional resources. As a fee-driven agency, DES cannot hire additional staff without generating the income to do so. As a result, the agency has depleted its reserve fund in order to employ the 33 people needed to meet the mandated time limits. If they are not met, the Army Corps would issue its own permits in our state, substituting its more cumbersome, costly, and time-consuming process. DES' fees were last changed in 2007, with a promise to keep to 75/105 days. Costs of both staff and overhead have risen substantially in the intervening 12 years and legislative mandates have also increased, making DES fall behind. The bill as introduced sought a 115% fee increase plus authority to set fees through rules. The Ways and Means Committee is opposed on principle to setting fees through rules. After analyzing historical and current DES data, including the Governor's budget data, the committee agreed to a 74% fee increase with no rules authority. Assuming there are no large unforeseen changes, this should allow DES to function well until 2023, or possibly 2025. The construction industries, for whom time is money, have neither supported nor opposed passage of this bill, but have remained silent. **Vote 20-0.**

COMMITTEE MEETINGS

FRIDAY, MARCH 29

INFORMATION TECHNOLOGY COUNCIL (RSA 21-R:6), New Hampshire Liquor Commission Division of Enforcement, 50 Storrs Street, Concord

1:00 p.m. Regular meeting.

PUBLIC-PRIVATE PARTNERSHIP TRANSPORTATION INFRASTRUCTURE OVERSIGHT COMMISSION (RSA 228:107), Rooms 206-208, LOB

10:00 a.m. Regular meeting.

MONDAY, APRIL 1

COMMISSION TO REVIEW CHILD ABUSE FATALITIES (RSA 169-C:39-k), Room 100, SH

1:00 p.m. Organizational meeting.

FINANCE, Rooms 210-211, LOB

1:00 p.m. Executive session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021; **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17-I:1), Room 104, LOB

1:00 p.m. Regular meeting.

STATE COMMITTEE ON AGING (RSA 161-F:7, I), New Hampshire Department of Health and Human Services, Brown Building, Room 232, 129 Pleasant Street, Concord

10:00 a.m. Regular meeting.

TUESDAY, APRIL 2

COMMERCE AND CONSUMER AFFAIRS, Room 302, LOB

- 10:00 a.m. **SB 115**, establishing a commission to study the business environment for mental health providers in New Hampshire.
- 10:30 a.m. **SB 176**, establishing a committee to study mental health and human service business process alignment and information system interoperability.
- 11:00 a.m. **SB 250-FN**, relative to forgery of a certificate of insurance.
- 1:00 p.m. **SB 149**, relative to voluntary application of the uniform prudent management of institutional funds act to certain charitable trusts.
- 1:15 p.m. **SB 252-FN**, relative to the detection and prevention of financial exploitation of vulnerable adults.
- 1:45 p.m. **SB 193-FN**, prohibiting the sale of certain furniture and carpeting with flame retardant chemicals.

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 10:00 a.m. Committee Process; Scheduling of Senate Bills; Audit Reviews.
- 1:15 p.m. **SB 50**, relative to testing to determine alcohol concentration.
- 2:00 p.m. **SB 173-FN**, relative to criminal history background checks by employers and public agencies.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **SB 27**, relative to certain unclassified positions within the department of health and human services.
- 10:30 a.m. **SB 96**, establishing a film production incentive fund in the state film office.
- 11:00 a.m. **SB 174**, proclaiming an annual observance of Juneteenth.
- 11:30 a.m. **SB 233**, relative to the classification of certain state employee positions.
- 1:00 p.m. **SB 257-FN**, prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires.
- 1:30 p.m. **SB 273-FN**, establishing a committee to study the regulation of nursing assistants by the board of nursing and criminal history record checks for nurses.
- 2:00 p.m. **SB 29**, establishing a commission to study incidents of workplace violence against state employees.

FINANCE, Rooms 210-211, LOB

- 10:00 a.m. Continued executive session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021; **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

- 10:00 a.m. Subcommittee work session on **SB 11-FN-A**, relative to mental health services and making appropriations therefor.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. Executive session on **HB 25-A**, making appropriations for capital improvements.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 10:00 a.m. **SB 121-FN**, relative to acquisition rights and easements at Weeks Crossing Dam in the town of Warren by the department of environmental services.
- 10:30 a.m. **SB 269-FN-A**, making an appropriation to the department of natural and cultural resources to perform an ecological integrity assessment.
- 11:00 a.m. **SB 76**, relative to the prohibition of offshore oil and natural gas exploration.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 10:00 a.m. **SB 307-FN**, relative to outdoor lighting.
- 11:00 a.m. **SB 284-FN**, establishing a statewide, multi-use online energy data platform.
- 1:30 p.m. **SB 93-FN-A**, relative to prepaid wireless telecommunications service and voice over Internet protocol communications under the communications service tax.
- 2:30 p.m. **SB 275-FN**, requiring that all of the state's motor vehicles will be zero emissions vehicles by the year 2039.

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), New Hampshire State Veterans Home, 139 Winter Street, Tilton

- 5:00 p.m. Regular meeting.

TRANSPORTATION, Room 203, LOB

- 10:00 a.m. **SB 37**, relative to the registration of motor vehicles.
- 10:30 a.m. **SB 40-FN**, relative to online driver education.
- 11:00 a.m. **SB 55**, authorizing the Harris Center for Conservation Education to issue decals for multi-use decal plates.

WEDNESDAY, APRIL 3

EDUCATION, Room 207, LOB

- 9:00 a.m. Committee briefing before hearings on tracking sponsor's bills and committee bills and an update on bills in the Senate.
- 10:00 a.m. **SB 136**, relative to classification of students for tuition purposes in the university system.
- 10:15 a.m. **SB 140**, relative to credit for alternative, extended learning, and work-based programs.
- 10:45 a.m. **SB 141**, establishing a committee to study violence against school personnel.
- 11:00 a.m. **SB 82-FN**, relative to school food and nutrition programs.
- 11:15 a.m. **SB 139**, establishing a committee to study options for lowering student debt.
- 11:30 a.m. **SB 142-L**, requiring feminine hygiene products in school restrooms.
- 1:00 p.m. **SB 196**, relative to non-academic surveys administered by a public school to its students.
- 1:30 p.m. **SB 282-FN**, relative to suicide prevention education in schools.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 10:00 a.m. **SB 28**, relative to an active retirement system member appointment to the independent investment committee.
- 10:30 a.m. **SB 109-FN**, relative to paid details by personnel of the division of fire safety.
- 11:00 a.m. **SB 110**, relative to the investigations by the state fire marshal.
- 1:00 p.m. **SB 114**, establishing a committee to study state oversight and regulation of life coaches.
- 1:30 p.m. **SB 210**, relative to emergency medical and trauma services.
- 2:00 p.m. **SB 207**, relative to rules adopted by the department of environmental services pursuant to the 2014 report of the coastal risks and hazards commission.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

- 10:00 a.m. **SB 26**, relative to the New Hampshire health care quality assurance commission.
- 10:30 a.m. **SB 51**, establishing a commission to study expanding mental health courts statewide.
- 1:00 p.m. **SB 274**, relative to the newborn home visiting program.
- 2:00 p.m. **SB 292-FN**, relative to implementation of the new mental health 10-year plan.

FINANCE, Rooms 210-211, LOB

- 1:00 p.m. Continued executive session on **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021; **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 10:00 a.m. **SB 19**, relative to the privacy of certain information concerning public employees.
- 11:00 a.m. **SB 18**, relative to authorized employee wage deductions.
- 1:00 p.m. **SB 151-FN**, establishing an administrative hearing procedure and penalty for an employer who fails to make payment of wages or who fails to secure workers' compensation coverage.
- 2:00 p.m. **SB 197**, relative to noncompete agreements for low-wage employees.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

- 10:00 a.m. Continued executive session, if necessary, on **HB 25-A**, making appropriations for capital improvements.

STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 206, LOB

- 10:00 a.m. **SB 56**, establishing a committee to study motor vehicle registrations of active duty military personnel.
- 11:00 a.m. **SB 208**, renaming the adjutant general's department to the department of military affairs and veterans services.

SUNDAY, APRIL 7

LEGISLATIVE YOUTH ADVISORY COUNCIL (RSA 19-K:1), New Hampshire Technical Institute, Sweeney Crocker Building, Room 225, Concord

- 1:00 p.m. Regular meeting.

MONDAY, APRIL 8

INTERBRANCH CRIMINAL AND JUVENILE JUSTICE COUNCIL (RSA 651-E:2), Room 204, LOB

- 1:30 p.m. Regular meeting.

NEW HAMPSHIRE COMMISSION ON DEAFNESS AND HEARING LOSS (RSA 125-Q), Room 205, LOB

- 1:30 p.m. Regular meeting.

NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER ADVISORY COMMISSION (RSA 485-F:4), Rooms 301-303, LOB

10:00 a.m. Regular meeting.

TUESDAY, APRIL 9**CHILDREN AND FAMILY LAW, Room 206, LOB**

10:00 a.m. **SB 14-FN**, relative to child welfare.

11:00 a.m. **SB 125-FN**, relative to parental reimbursement for voluntary services provided under the child in need of services (CHINS) program.

11:30 a.m. **SB 6-FN-A-L**, relative to child protection staffing and making an appropriation therefor. Pursuant to House Rule 43 (b), Executive Session may be held at the conclusion of committee hearings.

FISH AND GAME AND MARINE RESOURCES, Room 307, LOB

10:00 a.m. **SB 200**, relative to wildlife corridors.

11:00 a.m. **SB 201**, requiring the department of transportation and the fish and game department to develop a plan for the construction of a ramp, dock, and parking at Great Bay Waters at Hilton Park in Dover.

11:30 a.m. **SB 160**, relative to swimming and non-motorized boating at public boat access areas.

WEDNESDAY, APRIL 10**STATE-FEDERAL RELATIONS AND VETERANS AFFAIRS, Room 206, LOB**

10:00 a.m. Executive session on **SB 56**, establishing a committee to study motor vehicle registrations of active duty military personnel; **SB 208**, renaming the adjutant general's department to the department of military affairs and veterans services.

FRIDAY, APRIL 12**ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 303, LOB**

9:30 a.m. Regular meeting.

FISCAL COMMITTEE (RSA 14:30-a), Rooms 210-211, LOB

10:00 a.m. Regular meeting.

NEW HAMPSHIRE STATE HOUSE BICENTENNIAL COMMISSION (RSA 17-R:1), Room 307, LOB

10:00 a.m. Regular meeting.

MONDAY, APRIL 15**NEW HAMPSHIRE VETERANS HOME BOARD OF MANAGERS (RSA 119:3-a), New Hampshire Veterans Home, Tarr South Conference Room, 139 Winter Street, Tilton**

9:00 a.m. Regular meeting.

THE DIVISION FOR CHILDREN, YOUTH AND FAMILIES ADVISORY BOARD (RSA 170-G:6-a), Room 104, LOB

2:00 p.m. Regular meeting.

WEDNESDAY, APRIL 17**COMMISSION ON THE SEACOAST CANCER CLUSTER INVESTIGATION (RSA 126-A:74), Room 205, LOB**

10:00 a.m. Regular meeting.

JUDICIARY, Room 208, LOB

10:00 a.m. **SB 127**, relative to the Hampton Circuit Court.

10:15 a.m. **SB 183-FN**, relative to salaries of certain circuit court judges.

10:30 a.m. **SB 262-FN**, relative to the property interest in abandoned personal materials.

11:15 a.m. **SB 296-FN**, relative to live medical testimony in courts.

THURSDAY, APRIL 18**COMMISSION ON POST-TRAUMATIC STRESS DISORDER AND TRAUMATIC BRAIN INJURY (RSA 115-D), Walker Building, Room 274, 21 South Fruit Street, Concord**

2:30 p.m. Regular meeting.

FRIDAY, APRIL 19

ENERGY EFFICIENCY AND SUSTAINABLE ENERGY BOARD (RSA 125-O:5-a), New Hampshire Public Utilities Commission, 21 South Fruit Street, Hearing Room A, Concord

9:00 a.m. Regular meeting.

HEALTH AND HUMAN SERVICES OVERSIGHT COMMITTEE (RSA 126-A:13), Room 205, LOB

10:00 a.m. Regular meeting.

LEGISLATIVE ETHICS COMMITTEE (RSA 14-B:2), Room 104, LOB

11:30 a.m. Regular meeting.

NEW HAMPSHIRE TRANSPORTATION COUNCIL (RSA 238-A:2), Room 203, LOB

10:00 a.m. Regular meeting.

MONDAY, APRIL 22

ADVISORY COUNCIL ON CAREER AND TECHNICAL EDUCATION (RSA 188-E:10-b), Room 101, LOB

9:00 a.m. Regular meeting.

CAPITAL BUDGET OVERVIEW COMMITTEE (RSA 17-J:2), Room 201, LOB

11:00 a.m. Regular meeting.

LONG RANGE CAPITAL PLANNING AND UTILIZATION COMMITTEE (RSA 17-M:1), Room 201, LOB

11:30 a.m. Regular meeting.

OIL FUND DISBURSEMENT BOARD (RSA 146-D:4), Room 305, LOB

9:00 a.m. Regular meeting.

TUESDAY, APRIL 23

WELLNESS AND PRIMARY PREVENTION COUNCIL (RSA 126-M:3), New Futures Conference Room, 10 Ferry Street, Concord

9:30 a.m. Regular meeting.

FRIDAY, APRIL 26

ADMINISTRATIVE RULES (RSA 541-A:2), Rooms 306-308, LOB

9:00 a.m. Regular meeting.

COMMISSION ON DEMOGRAPHIC TRENDS (RSA 4-C:37), Room 307, LOB

9:00 a.m. Regular meeting.

MONDAY, MAY 6

STATE COMMITTEE ON AGING (RSA 161-F:7, I), New Hampshire Department of Health and Human Services, Room 232, Brown Building, 129 Pleasant Street, Concord

10:00 a.m. Regular meeting.

TUESDAY, MAY 7

STATE VETERANS ADVISORY COMMITTEE (RSA 115-A:2), New Hampshire National Guard Regional Training Institute, 722 Riverwood Drive, Pembroke

5:00 p.m. Regular meeting.

OFFICIAL NOTICES**COUNTY DELEGATION NOTICE**

The **Rockingham** County Executive Committee will meet on **Friday, May 3rd at 9:30 a.m.** in the Hilton Auditorium at the Rockingham County Nursing Home in Brentwood. The purpose of the meeting is to conduct the fifth quarter budget review.

Rep. David A. Welch, Clerk

REVISED FISCAL NOTES

The following bills have a revised fiscal note: HB116, HB176, HB224, HB270, HB 363, HB506, HB518, HB521, HB557, HB623, HB625, HB636, HB 686, HB705, HB706, HB709, HB710, HB711, HB712, HB713, HB714, HB715, HB716, HB717, HB 718, HB719, HB721, HB722, HB723, HB724, HB725, HB726, HB727, HB730, HB731, HB732, HB733, HB735, SB 5, SB 6, SB 54, SB190, SB 193.

Paul C. Smith, Clerk of the House

MEMBERS' NOTICES

The following notices are published in the House Record as a courtesy to the member(s) requesting publication. These are not official public notices and will be limited to legislative policy or legislative social activities and political meetings or events. Publication should not be construed as support for either the events listed or the views espoused by the individual or organization sponsoring the event.

Our State House will be celebrating its Bicentennial in June of 2019. The New Hampshire State House Bicentennial Commission has produced several commemorative items, which are on sale in the State House Visitors' Center, including shirts, cups, bottle openers, stickers, and our challenge coin, all featuring the logo for our big anniversary. More items will be coming over the coming months and all the proceeds go the State House Bicentennial Commemorative Fund. You can follow us on Facebook and Instagram for event and merchandising updates.

Reps. Robert Renny Cushing and David Welch

The Veterans Interest Caucus and Legislative Squadron of the Civil Air Patrol have agreed to jointly plan and support the third softball game in an ongoing series between legislators. The date and time for the 2019-2020 Legislative Softball Game will be October 6, 2019 at 2:00 p.m. Please see your respective caucus leaders if you are interested in participating. All planning meetings will be announced and made public. We would like this year's event to meet and exceed the success of the past. The theme of this year's game is "Honoring Our Korean War Veterans."

Reps. Sean Morrison, Jess Edwards, and Jeff Salloway

The House Republican Alliance will meet on every **Tuesdays at 8:30 a.m.** in Room 307, LOB. All Republicans are welcome.

Reps. Carol McGuire, Jim Spillane, and Mike Sylvia

The New Hampshire Alliance for Healthy Aging (NH AHA) cordially invites all legislators to a hot legislative breakfast on **Tuesday, April 2nd from 7:30 a.m. to 9:00 a.m.** in the State House Cafeteria. NH AHA is a coalition of 265 stakeholders, representing over 170 organizations, united in advocating for older adults and their families. We are focused on improving the services and policies that affect all of us as we age. By 2030, one-third of New Hampshire's population will be over the age of 60. That represents a large change in the Granite State's demographics and presents numerous challenges and opportunities for New Hampshire in the coming years. Come sit down with one of our advocates and take a look at the unique characteristics of the communities you represent.

Reps. Polly Campion and Charles McMahon

The Pro-life caucus on **Wednesday, April 3rd at 8:30 a.m.** in Room LOB 208.

Rep. Kurt Wuelper

Please join UNH Cooperative Extension on **April 4th at 7:30 a.m.** in the State House cafeteria for breakfast. Learn about the things that UNH Cooperative Extension does that touches the lives of people throughout our state, like protecting our natural resources and addressing behavioral health workforce needs. UNH Cooperative Extension has more than 100 years of statewide impact.

Rep. Amanda Gourgue

All legislators and staff are cordially invited to join the New Hampshire Automobile Dealers Association (NHADA) for a Legislative Crossover Reception on **Thursday, April 4th at 3:30 p.m.** at the Holiday Inn, 172 North Main Street, Concord. NHADA has historically hosted this event which offers legislators a wonderful opportunity to unwind and enjoy the company of fellow legislators and staff in a fun, social gathering.

Reps. Douglas Ley and Sherman Packard

The NH Leadership Series and the NH Council on Developmental Disabilities cordially invite all legislators and staff to a screening of the Dan Habib film, *Intelligent Lives*, followed by a panel discussion. We will be holding the screening at St. Paul's Church in Concord on **Wednesday, April 10th at 11:30 a.m.**

Rep. Douglas Ley

The New Hampshire Snowmobile Association (NHSa) cordially invites House members and staff to a legislative breakfast from **8:00 a.m. to 9:30 a.m. on Thursday, April 11th** in the State House cafeteria. Please stop by to meet members of your local snowmobile clubs. These volunteer clubs groom and maintain the almost 7,000 miles of snowmobile trails throughout the state and help our tourism industry.

Reps. Douglas Ley and Richard Hinch

The Foundation for Healthy Communities invites all legislators and staff to attend a breakfast reception on **Tuesday, April 16th from 8:00 a.m. to 10:00 a.m.** in the State House cafeteria. April 16th is National Health Care Decisions Day, promoting the importance of advanced planning for health care decisions and end of life care. Educational materials and resources for planning care will be available, as well as volunteers of the Health Care Decisions Coalition to answer questions. Please stop by to learn how to support care planning for yourself, your family, and your constituents.

Rep. Lucy Weber

Representatives are invited to attend the 2019 Kickoff Breakfast for the NH Campaign for Legal Services, presented by Northeast Delta Dental and Brady Sullivan Properties, to benefit civil legal aid. The breakfast, to be held on **Tuesday, April 16th** at the Doubletree in downtown Manchester, will honor the Disability Rights Center – NH with the 4th Annual John E. Tobin, Jr., Justice Award, and will feature keynote remarks by 2018 MacArthur Genius Fellow Rebecca Sandefur. Doors open at **7:30 a.m.** for a buffet breakfast. The program and remarks begin at 8:00 a.m. To reserve your seat, please contact Sarah Palermo at 369-6650 by April 9.

Reps. Douglas Ley and Richard Hinch

The New Hampshire Association of Regional Planning Commissions (NHARPC) invites legislators to breakfast on **Thursday, April 18th from 8:00 a.m. to 10:00 a.m.** in the State House cafeteria. NHARPC is the affiliation of the 9 regional planning commissions in the state of New Hampshire. This breakfast gives NHARPC a chance to stay connected with NH legislators on the work of regional planning commissions, and to show our appreciation for what our legislators do.

Rep. David Meader

All are invited to bring your family and friends to New Hampshire Fish and Game Department's biggest and most popular free community event of the year, which is set for **Saturday, April 20th from 10:00 a.m. to 3:00 p.m.** on the grounds of the Fish and Game Department at 11 Hazen Drive in Concord. DISCOVER WILD NEW HAMPSHIRE DAY is a fun way for the whole family to explore New Hampshire's wildlife resources and legacy of outdoors traditions. Browse educational exhibits presented by environmental and conservation organizations from throughout the state. See live animals, big fish and trained falcons. Try your hand at archery, casting, fly-tying and B-B gun shooting. Watch retriever dogs in action. Get creative with hands-on craft activities for the kids, and check out the latest hunting and fishing gear and gadgets. This is an educational and fun-filled free event for all ages.

Rep. Robert L'Heureux

Acupuncture day is **Tuesday, April 23rd from 9:30 a.m. to 3:00 p.m.** in Room 303, LOB. Acupuncture will be offered for everyone by licensed acupuncturists and acupuncture detoxification specialists with the New England Public Health Acupuncture Network and the People's Organization of Community Acupuncture (New England Branch).

Rep. Ben Baroody

The University of New Hampshire is hosting the fourth annual University Day on the State House lawn on **Thursday, May 9th from 11:00 a.m. to 1:00 p.m.** Enjoy a BBQ lunch provided by UNH's award-winning dining services and music by a student band. Explore a wide range of exhibits and interactive demonstrations led by world-renowned researchers, students, faculty and staff. Learn more about how education, outreach and engagement programs at your state research university benefit New Hampshire.

Rep. Marjorie Smith

STATE HOUSE VISITATION SCHEDULE

As a convenience to the members of the NH General Court, the Visitors' Center offers the following schedule of schools and other groups visiting the State House in 2018-2019. These listings are to ensure all members be notified in a timely manner of visitors from their district. Our schedule is tightly booked for the school year and subject to changes. Note that large groups are divided into smaller groups for tours.

Please contact the Visitor Center concerning school tour booking information. Legislators planning to meet with students should notify the Visitor Center. Thank you for your continued participation with your School Visitation Program.

Virginia J. Drew, Director
Deborah Rivers, Public Information Administrator

<i>DATE</i>	<i>TIME</i>	<i>GROUP</i>	<i>#/GRADE</i>
March 29	9:00	Gear Up Home Schoolers	
March 29	10:00	Milford Elementary School	50/4
March 29	11:00	Barnstead Elementary School	53/4
March 29	1:00	Milan Village School	32/5-6
April 1	9:45	Sanbornton Central School	45/4
April 1	10:00	Ernest P. Barka Elementary School – Derry	100/4
April 2	9:00	St. John's Regional School – Concord	14/4
April 2	10:00/11:00	Lamprey River Elementary School – Raymond	100/4
April 3	9:45/11:00 SH/HM	Derry Village School	70/4
April 3	9:45/10:45	Woodman Park School – Dover	90/4
April 4	9:15	Jaffrey Grade School	50/4
April 4	9:45	Plymouth Elementary School	48/4
April 4	10:15	Bishop Guertin HS – Girls Basketball team	15/HS
April 4	11:30	John Fuller School – North Conway	35/4
April 5	10:00	Bethlehem Elementary School	15/4
April 5	10:00	Lighthouse Home School Co-Op – Gilford	
April 8	9:00/10:30	Henniker Community School	90/4
April 8	9:30/11:00	Weston School – Manchester	70/4
April 8	1:00	Belmont High School	22/4
April 9	10:00/11:30	South Londonderry Elementary School	100/4
April 9	12:30	Christa McAuliffe School – Concord	25/4
April 10	9:15	Greenland Central School	50/4
April 10	10:00	Maple Wood School – Somersworth	45/4
April 10	9:45	Merrimack Valley High School – Penacook	23/HS
April 10	12:00	Presentation of Mary School – Hudson	52/4
April 11	9:15	Alton Central School	50/4
April 11	9:45	Lempster Community School	22/3&4
April 11	11:00	Pierce School @ Bennington & Francetown Elementary School	26/4
April 12	10:15	South Range Elementary School – Derry	41/4

DATE	TIME	GROUP	#/GRADE
April 12	11:00	Cornish Elementary School	17/4
April 12	12:30	Christa McAuliffe School – Concord	75/4
April 15	9:30	Infinite Learning Co-Op Homeschool	15/K-HS
April 15	10:00/11:30 SH/HM	Crescent Lake School – Wolfeboro	90/4

AMENDMENTS

(LISTED IN NUMERICAL ORDER)

Amendment to HB 120-FN (2019-1034h)

Proposed by the Majority of the Committee on Finance - r

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

AN ACT relative to the regulation of body art establishments and massage, reflexology, structural integrator and Asian bodywork therapy establishments.

Amend the bill by replacing all after section 7 with the following:

8 Regulation of Massage Establishments. Amend RSA 328-B:1 to read as follows:

328-B:1 Regulation of Massage Therapists and Massage Establishments. The general court, to protect the health, safety, and welfare of the people of the state of New Hampshire, establishes a regulatory program for massage therapists, including establishing basic qualifications for licensure of massage therapists **and massage establishments**.

9 New Paragraph; Massage Therapists and Massage Establishments; Definition Added. Amend RSA 328-B:2 by inserting after paragraph III the following new paragraph:

III-a. "Establishment" means the place issued a license by the executive director where the profession of massage is practiced. "Establishment" shall include any building in which 2 or more massage therapists work for the same employer.

10 New Paragraph; Massage Therapists and Massage Establishments; Definition Added. Amend RSA 328-B:2 by inserting after paragraph VIII the following new paragraph:

IX. "Sole proprietor" means any person who owns a business by himself or herself and does not have any employees within his or her business.

11 New Paragraphs; Prohibited Acts; Establishment Licensure. Amend RSA 328-B:3 by inserting after paragraph VI the following new paragraphs:

VII. Operate an establishment without an establishment license.

VIII. Operate an establishment unless such establishment is at all times under the direct supervision and management of a professional licensed under this chapter.

12 New Paragraph; Powers and Duties; Establishments. Amend RSA 328-B:4 by inserting after paragraph VII the following new paragraph:

VIII. Regulate and adopt rules on massage establishments, including:

(a) The issuance, suspension, revocation, renewal, and denial of massage establishment licenses.

(b) Holding hearings and conduct investigations under paragraph II concerning massage establishment licenses.

(c) Conditions, requirements, and standards for operation under an establishment license, including health and safety standards.

(d) Standards and procedures for inspections of establishments including, inspections conducted as part of the initial licensure process.

(e) Application forms and procedures to open, close, relocate, or renew an establishment.

(f) Requiring public display of licensure and secure recordkeeping procedures.

(g) Procedures for disciplinary action, including cease and desist orders, suspension, limitation, or revocation of establishment licensure.

(h) Requiring the licensee to obtain a certificate of good standing from the secretary of state.

(i) Qualifications for exemption of schools, health facilities, or others from massage establishment license requirements in RSA 328-B:14.

(j) Required documentation to verify sole proprietor or independent contractor designation.

13 Advisory Board of Massage Therapists. Amend the introductory paragraph of RSA 328-B:5 to read as follows:

The executive director shall establish the advisory board of massage therapists. The board shall consist of 3 massage therapists who are licensees in the state of New Hampshire. The members shall be appointed for 3 years, staggered so that the term of one member expires each year, and they shall hold office until successors

are appointed[, and shall serve on the board without any compensation]. ***Advisory board members shall be paid mileage and a per diem of \$50 for each day devoted to the work of the advisory board.*** In no event shall a member serve more than 2 full consecutive terms. The board shall:

14 New Paragraph; License Issuance. Amend RSA 328-B:6 by inserting after paragraph I the following new paragraph:

I-a. Initial licenses shall be valid until the next succeeding expiration date in accordance with 328-B:7.

15 License Fee; Establishment License. Amend RSA 328-B:7 to read as follows:

328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last day of the birth month of the licensee in the even-numbered year, upon approval of the executive director of the renewal application and submission of the required \$110 renewal fee ***for massage therapists or the required fee as determined in rules adopted by the executive director for massage establishments.***

16 New Paragraph; Revocation or Suspension. Amend RSA 328-B:8 by inserting after paragraph V the following new paragraph:

VI. Has engaged in illegal activity, including but not limited to prostitution or human trafficking.

17 New Paragraph; Massage; Exemptions. Amend RSA 328-B:10 by inserting after paragraph III the following new paragraph:

IV. Nothing in this chapter shall require a residential care or health facility licensed pursuant to RSA 151:2 to obtain an establishment license under this chapter.

18 New Sections; Massage Establishment Licensure; Inspectors. Amend RSA 328-B by inserting after section 13 the following new sections:

328-B:14 Massage Establishment Licensure.

I. It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish, conduct or maintain an establishment without first having obtained an establishment license from the board. Any New Hampshire licensed massage therapist may obtain an establishment license upon application and payment of fee provided that the establishment meets all requirements established in the rules of the board. Massage establishment licenses granted pursuant to this chapter shall be conspicuously posted within the establishment.

II. In addition to licenses issued under paragraph I, the board may issue an establishment license to an applicant who does not hold a personal massage therapist license provided that the owner employs a licensed massage therapist as manager. This section shall not authorize such owner to personally engage in massage therapy.

III. The requirement for establishment licensure under paragraph I shall not apply to a sole proprietor of his or her business or independent contractors. If a sole proprietor or independent contractor is providing services without a prior appointment, the sole proprietor or independent contractor shall obtain an establishment license.

IV. Only establishments issued a license by the executive director shall use the terms "licensed massage establishment" or "massage establishment."

V. The license fees for establishments shall be determined in rules adopted by the executive director under RSA 541-A. Establishments that are licensed as an establishment, shop, or facility under one of the occupations or professions regulated by the office of professional licensure and certification in RSA 310-A:1-a shall pay a reduced fee for a massage establishment license.

VI. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of massage establishments.

328-B:15 Inspectors.

I. The office of professional licensure and certification shall employ inspectors and authorize them to enter and inspect any establishment licensed under this chapter for the purpose of ascertaining whether or not the administrative rules of the board and the provisions of this chapter are being observed. Each inspector shall file a report of inspection findings and results with the executive director. Salaries and necessary expenses shall be charged against the office of professional licensure and certification fund.

II. The executive director shall adopt rules under RSA 541-A relative to the qualifications of an inspector under this section.

19 Grandfathering of Municipal Bylaws and Ordinances. Notwithstanding RSA 328-B:14, VI, a license for a massage establishment issued by a municipality in effect on the effective date of this act shall remain valid for purposes of RSA 328-B:14 until the expiration of the term of the license.

20 New Paragraph; Definitions; Reflexology, Structural Integration, and Asian Bodywork Therapy. Amend RSA 328-H:2 by inserting after paragraph II the following new paragraph:

II-a. "Establishment" means the place licensed by the executive director where the practitioners of reflexology, structural integration, and Asian bodywork therapy practice. "Establishment" shall include any building in which 2 or more licensed reflexologists, structural integrators, or Asian bodywork therapists work for the same employer.

21 New Paragraph; Definitions; Reflexology, Structural Integration, and Asian Bodywork Therapy. Amend RSA 328-H:2 by inserting after paragraph VII the following new paragraph:

VIII. "Sole proprietor" means any person who owns a business by himself or herself and does not have any employees within his or her business.

22 New Paragraphs; Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Prohibited Acts. Amend RSA 328-H:4 by inserting after paragraph V the following new paragraphs:

VI. Operate a reflexology, structural integration, or Asian bodywork therapy establishment without an establishment license.

VII. Operate a reflexology, structural integration, or Asian bodywork therapy establishment unless such establishment is at all times under the direct supervision and management of a practitioner licensed under this chapter.

23 New Subparagraph; Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Rulemaking. Amend RSA 328-H:5, VIII by inserting after subparagraph (l) the following new subparagraph:

(m) Regulate establishments including:

(1) Issue, suspend, revoke, renew, and deny licenses in accordance with rules adopted under RSA 541-A.

(2) Hold hearings and conduct investigations, public or confidential, and issue orders relating to such hearings and investigations. The contested case provisions of RSA 541-A:31-36 shall apply when a person is aggrieved by a decision of the executive director under this chapter. Appeals shall be made in accordance with RSA 541.

(3) Conditions, requirements, and standards for operation under an establishment license, including health and safety standards.

(4) Standards and procedures for inspections of establishments, including inspections conducted as part of the initial licensure process.

(5) A fine schedule for violations of the administrative rules adopted by the executive director under this chapter.

(6) Application forms and procedures to open, close, relocate, or renew an establishment.

(7) Requiring public display of licensure and secure recordkeeping procedures.

(8) Procedures for disciplinary action, including cease and desist orders, suspension, limitation, or revocation of establishment licensure.

(9) Requiring an applicant for licensure to obtain a certificate of good standing from the secretary of state.

(10) Establishing the fees for licensure of a reflexology, structural integration, or Asian bodywork therapy establishment in rules adopted by the executive director under RSA 541-A. Establishments that are licensed as an establishment, shop, or facility under one of the occupations or professions regulated by the office of professional licensure and certification in RSA 310-A:1-a shall pay a reduced fee for a reflexology, structural integration, or Asian bodywork therapy establishment license.

(11) Qualifications for exemption of schools, health facilities, or others from reflexology, structural integration, or Asian bodywork therapy establishment license requirements in RSA 328-H:18.

(12) Required documentation to verify sole proprietor or independent contractor designation.

24 New Paragraph; License Revocation or Suspension. Amend RSA 328-H:10 by inserting after paragraph V the following new paragraph:

VI. Has engaged in illegal activity including but not limited to prostitution or human trafficking.

25 Exemptions. Amend RSA 328-H:13 as follows:

328-H:13 Exemptions.

I. Nothing in this chapter shall prevent a person licensed by this state pursuant to any other provision of law from performing the occupation for which he or she is licensed.

II. *Nothing in this chapter shall require a residential care or health facility licensed pursuant to RSA 151:2 to obtain an establishment license under this chapter.*

26 New Sections; Establishment Licensure; Inspectors. Amend RSA 328-H by inserting after section 17 the following new sections:

328-H:18 Establishment Licensure.

I. It shall be a misdemeanor for any person, as owner, manager, or agent to open, establish, conduct or maintain an establishment without first having obtained an establishment license from the executive director. Any New Hampshire licensed reflexologist, structural integrator, or Asian bodywork therapist may obtain an establishment license upon application and fee provided that the establishment meets all requirements established in the rules adopted by the executive director. Establishment licenses granted pursuant to this chapter shall be conspicuously posted within the establishment.

II. In addition to licenses issued under paragraph I, the board may issue an establishment license to an applicant who does not hold a personal reflexologist, structural integrator, or Asian bodywork therapist license provided that the owner employs a licensed reflexologist, structural integrator, or Asian bodywork therapist as manager. This paragraph shall not authorize such owner to personally engage in massage therapy act as a practitioner under this chapter.

III. This section shall not apply to licensed reflexologist, structural integrator, or Asian bodywork therapists who are sole proprietors of his or her business or an independent contractor. If a sole proprietor or independent contractor is providing services without a prior appointment, the sole proprietor or independent contractor shall obtain an establishment license.

IV. No town or city shall adopt or enforce a bylaw or ordinance for the licensure of reflexology, structural integration, or Asian bodywork therapy establishments.

328-H:19 Inspectors.

I. The office of professional licensure and certification shall employ inspectors and authorize them to enter and inspect any establishment licensed under this chapter for the purpose of ascertaining whether or not the administrative rules of the executive director and the provisions of this chapter are being observed. Each inspector shall file a report with the executive director of inspection findings and results. Salaries and necessary expenses shall be charged against the fees and other moneys collected under this chapter.

II. The executive director shall adopt rules relative to the qualifications of an inspector under this section.

27 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

I. One investigative paralegal position, labor grade 22, is hereby established as a classified position in the office of professional licensure and certification.

II. The amount necessary to pay for the position established in paragraph I, which shall be in addition to any sums appropriated in 01-21-21-215010-2406 for the division of health professions, is hereby appropriated to the executive director of the office of professional licensure and certification. Salaries and necessary expenses shall be charged against the office of professional licensure and certification fund established in RSA 310-A:1-e.

28 Effective Date. This act shall take effect July 1, 2019.

2019-1034h

AMENDED ANALYSIS

This bill requires the licensure and inspection of tattooing, body piercing, or branding establishments, massage establishments, and reflexology, structural integration, or Asian bodywork therapy establishments. The bill also clarifies the regulation of body art practitioners by the office of professional licensure and certification.

This bill is a request of the office of professional licensure and certification.

Amendment to HB 295-FN-A

(2019-1205h)

Proposed by the Minority of the Committee on Ways and Means - r

Amend the bill by replacing section 1 with the following:

1 New Section; Solemnization of Marriage; Special Marriage Officiant License. Amend RSA 457 by inserting after section 32-a the following new section:

457:32-b Special Marriage Officiant License.

I. The secretary of state may issue a special marriage officiant license to solemnize the marriage of a couple within the state. Any individual who applies for a special marriage officiant license under this section shall register with the secretary of state by completing such registration form as the secretary of state may prescribe. There shall be a fee of \$30 for each such license, and the secretary of state shall maintain a record of all such special licenses issued.

II. Upon registration as a special marriage officiant, the individual shall be authorized to solemnize only the civil marriage designated on the registration form and shall receive proof of such authority from the secretary of state. The individual's authority to solemnize the marriage shall expire at the same time as the corresponding license.

2019-1205h

AMENDED ANALYSIS

This bill establishes a special marriage officiant license to temporarily authorize an individual to solemnize a marriage.

Amendment to HB 481-FN-A-LOCAL

(2019-1310h)

Proposed by the Majority of the Committee on Ways and Means - r

Amend RSA 6:12, I(b) by inserting after subparagraph (343) the following new subparagraph:

(344) Moneys deposited in the cannabis control fund established in RSA 318-F:23.

3 Alcoholic Beverages; Statement From Purchaser as to Age. Amend RSA 179:8, I(d) to read as follows:

(d) A valid passport ~~from~~ *issued by the United States or by* a country with whom the United States maintains diplomatic relations.

4 Controlled Drug Act; Drug Forfeiture Fund. Amend RSA 318-B:17-c, I to read as follows:

I. There is hereby established within the office of the state treasurer a special revolving fund to be designated as the drug forfeiture fund. This fund shall be administered by the attorney general and may be used to pay the costs of local, county and state drug related investigations, ***costs of collection of baseline data related to marijuana regulation***, as well as drug control law enforcement programs within New Hampshire. The fund may also be used to pay extraordinary costs of local, county and state drug prosecutions and trial expenses.

5 Model Drug Dealer Liability Act; Definition of Illegal Drug. Amend RSA 318-C:4, I to read as follows:

I. "Illegal drug" means any drug which is a schedule I-IV drug under RSA 318-B, ***the possession, use, manufacture, sale, or transportation of which is not otherwise authorized by law***.

6 New Chapter; Regulation of Cannabis. Amend RSA by inserting after chapter 318-E the following new chapter:

CHAPTER 318-F

REGULATION OF CANNABIS

318-F:1 Definitions. In this chapter:

I. "Alternative treatment center" means an entity as defined in RSA 126-X:1, I.

II. "Consumer" means a person 21 years of age or older who purchases cannabis or cannabis products for personal use by a person 21 years of age or older, but not for resale.

III. "Commission" means the cannabis control commission established in RSA 318-F:7.

IV. "Department" means the department of health and human services.

V. "Disqualifying offense" means a violation of a state or federal controlled substances law that was classified as a felony in the jurisdiction in which the person was convicted, but not including:

(a) An offense for which the sentence, including any term of probation, incarceration, or supervised release was completed 5 or more years earlier; or

(b) An offense prior to the effective date of this chapter that consisted of cultivation or possession of an amount of cannabis not exceeding the possession limit.

VI. "Immature cannabis plant" means a cannabis plant that has not flowered and that does not have buds that may be observed by visual examination.

VII. "Cannabis" means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including cannabis concentrate. "Cannabis" shall not include hemp, fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination, or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product.

VIII. "Cannabis accessories" or "cannabis paraphernalia" means any equipment, products, or materials of any kind that are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting, inhaling, or otherwise introducing cannabis into the human body.

IX. "Cannabis cultivation facility" or "cultivation facility" means an entity registered to cultivate, prepare, and package cannabis, and sell cannabis to retail cannabis stores, to cannabis product manufacturing facilities, and to other cannabis cultivation facilities, but not to consumers. A cannabis cultivation facility shall not produce cannabis concentrates, tinctures, extracts, or other cannabis products.

X. "Cannabis establishment" means a cannabis cultivation facility, a cannabis testing facility, a cannabis product manufacturing facility, a retail cannabis store, a cannabis transporter, or any other type of cannabis business authorized and registered by the commission.

XI. "Cannabis product manufacturing facility" or "product manufacturing facility" means an entity registered to purchase cannabis, to manufacture, prepare, and package cannabis products, and sell cannabis and cannabis products to other cannabis product manufacturing facilities and to retail cannabis stores, but not to consumers.

XII. "Cannabis products" means concentrated cannabis products and cannabis products that are comprised of cannabis and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

XIII. "Cannabis testing facility" or "testing facility" means an entity registered to test cannabis for potency and contaminants.

XIV. "Cannabis transporter" means an entity registered to transport cannabis between cannabis establishments.

XV. "Municipality" means a city, town, or an unincorporated place.

XVI. "Possession limit" means:

(a) One ounce of cannabis in plant form;

(b) Five grams of concentrated cannabis, including hashish;

(c) Cannabis products containing no more than 500 milligrams of THC;

(d) Six cannabis plants, no more than 3 of which may be mature; and provided that no more than 12 plants, and no more than 6 mature plants, may be cultivated at any single dwelling unit regardless of the number of adults over the age of 21; and

(e) Any additional cannabis produced by the person's cannabis plants, provided that any amount of cannabis in excess of one ounce of cannabis, 5 grams of concentrated cannabis, and cannabis products containing no more than 500 milligrams of THC shall be possessed in the same secure facility where the plants were cultivated.

XVII. "Public place" means any place to which the general public has access.

XVIII. "Retail cannabis store" or "retail store" means an entity registered to purchase cannabis from cannabis cultivation facilities, to purchase cannabis and cannabis products from cannabis product manufacturing facilities, and to sell, transfer, and deliver cannabis and cannabis products to consumers.

XIX. "Resident" means a natural person who:

(a) Is domiciled in New Hampshire; and

(b) Has maintained a place of abode in New Hampshire for at least the past 2 years, unless the individual was homeless and residing in New Hampshire for at least 51 percent of the last 2 years.

XX. "Inflation" means the 12-month percentage change in the consumer price index for all urban consumers, northeast region as published by the Bureau of Labor Statistics, United States Department of Labor.

318-F:2 Personal Use of Cannabis.

I. Except as otherwise provided in this chapter, the following acts, if undertaken by a person 21 years of age or older, shall not be illegal under New Hampshire law or the law of any political subdivision of the state or be a basis for seizure or forfeiture of assets under New Hampshire law:

(a) Possessing, consuming, using, displaying, growing, obtaining, purchasing, processing, producing, or transporting an amount of cannabis that does not exceed the possession limit, except that no adult other than one who is acting in his or her capacity as a staffer of a cannabis product manufacturer may perform extractions using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol.

(b) Transporting no more than 6 cannabis plants, including no more than 3 mature plants, to his or her primary residence.

(c) Transferring an amount of cannabis that does not exceed the possession limit to a person who is 21 years of age or older without remuneration. For purposes of this section, a transfer is for remuneration if cannabis is given away contemporaneously with another transaction between the same parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of goods or services, or if the gift of cannabis is contingent upon a separate transaction for goods or services.

(d) Transferring or selling cannabis seeds or up to 6 cannabis seedlings to cannabis cultivation facilities.

(e) Transferring cannabis, including cannabis products, to a cannabis testing facility.

(f) Controlling property where the acts described under this section occur.

(g) Assisting another person who is 21 years of age or older in any of the acts described under this section.

II. No law enforcement officer employed by an agency that receives state or local government funds shall expend any state or local resources, including the officer's time, to effect any arrest or seizure of cannabis, or conduct any investigation, on the sole basis of activity the officer believes to constitute a violation of federal law if the officer has reason to believe that such activity is in compliance with this chapter, nor shall any such officer expend any state or local resources, including the officer's time, to provide any information or logistical support related to such activity to any federal law enforcement authority or prosecuting entity.

318-F:3 Restrictions on Personal Cultivation; Penalty.

I. Except as allowed under RSA 126-X, no person who is 21 years of age or older shall cultivate cannabis plants except as provided in this section.

II. Cannabis plants shall not be cultivated in a location where the plants are subject to view from public property or from another person's private property without the use of binoculars, aircraft, or other optical aids.

III. A person who cultivates cannabis shall take reasonable precautions to ensure the plants are secure from access by a person under 21 years of age. Cultivating cannabis in an enclosed, locked space to which unauthorized persons do not have access, or other similar security precautions, shall be prima facie evidence of reasonable precautions.

IV. Cannabis cultivation shall only occur on property the cultivator legally owns, leases, or controls, or with the consent of the person who legally owns, leases, or controls the property.

V. Any person who violates this section shall be guilty of a violation and may be fined not more than \$500 for a first offense and not more than \$1,000 for a second or subsequent offense.

318-F:4 Smoking or Vaporizing of Cannabis in Public Prohibited; Penalty. No person shall smoke or vaporize cannabis in a public place. Any person who violates this section shall be guilty of a violation and may be fined not more than \$100.

318-F:5 Smoking or Vaporizing of Cannabis in a Moving Vehicle Prohibited; Penalty.

I. No person shall consume cannabis while driving or attempting to drive a motor vehicle on a way, or while operating or attempting to operate an off-highway recreational vehicle, snowmobile, boat, vessel, aircraft, or other motorized device used for transportation.

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

III. Any person who violates this section shall be guilty of a violation and may be fined not more than \$500, or have his or her driver's license suspended for up to 6 months, or both, for the first violation.

IV. Any person who violates this section shall be guilty of a violation and may be fined not more than \$1,000 or have his or her driver's license suspended for up to one year, or both, for a second or subsequent violation.

V. In this section, "way" shall have the same meaning as in RSA 265-A:44.

318-F:6 Cannabis Accessories Authorized.

I. Except as provided by this section, it shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law for a person 21 years of age or older to manufacture, possess, or purchase cannabis accessories, or to distribute or sell cannabis accessories to a person who is 21 years of age or older.

II. Except as provided by this section, a person who is 21 years of age or older, or a business entity, may manufacture, possess, obtain, and purchase cannabis paraphernalia, and may distribute, deliver, or sell cannabis paraphernalia to a person who is 21 years of age or older.

III. No person or entity shall manufacture, distribute, or sell cannabis accessories that violate reasonable regulations enacted by the cannabis control commission. Any person or entity that violates this paragraph shall be guilty of a violation for a first offense and subject to a fine of up to \$1,000 and forfeiture of the cannabis accessories. A person shall be guilty of a class A misdemeanor for a second or subsequent offense and shall forfeit the cannabis accessories.

318-F:7 Cannabis Control Commission.

I. There is hereby established a cannabis control commission, which shall have regulatory and licensing authority over cannabis establishments. The commission shall consist of the chairperson of the commission, 2 commissioners, and staff.

II. No later than 30 days after the effective date of this chapter, the governor shall nominate the chairperson of the commission and the commissioners, who shall be confirmed with the advice and consent of the executive council following a public hearing before the executive council. Vacancies shall be filled in like manner for the unexpired term.

(a) The chairperson of the commission shall serve a term of 6 years.

(b) Commissioners shall each serve a term of 4 years.

(c) The chairperson of the commission and commissioners shall be appointed based on their ability and commitment to fully implement the provisions of this chapter as demonstrated by expertise in a vertically integrated enterprise operating in a regulated environment along with preferred competencies in public health or the production and distribution of cannabis or cannabis products. No person shall be appointed chairperson of the commission or a commissioner if the person is opposed to making cannabis legal and regulated for adults 21 and older at the time of the passage of this chapter.

(d) The chairperson shall be a full-time unclassified employee and shall engage in no other gainful employment during his or her term.

(e) The annual salary of the commission chairperson shall be as specified in RSA 94:1-a and shall be established by the joint committee on employee classification pursuant to the procedure set forth in RSA 14:14-c and RSA 94:1-d. The chairperson shall receive his or her reasonable expenses while traveling in the performance of his or her duties, provided that the chairperson shall not be allowed as expenses travel between his or her place of residence and the commission chairperson's office in Concord, nor shall the commission chairperson be allowed board or lodging while in Concord.

(f) Except as provided in this section, each commissioner shall be paid \$200 a day, or \$100 per half-day, plus mileage at the state employee rate while engaged in his or her official duties. These rates shall be adjusted annually to account for inflation or deflation based on the consumer price index.

III.(a) The chairperson of the commission shall be appointed and commissioned as such and shall be the administrative head of the commission.

(b) The commission shall meet at least once per month for the 12 months after the effective date of this section and at least once every 3 months thereafter.

(c) The chairperson of the commission shall lead the administration of the commission and oversee the licensing and regulation of cannabis, with guidance from the commissioners.

(d) The commission may hire and terminate such staff necessary to carry out the purpose of the commission and to fix their compensation, subject to the rules of the director of personnel. The commission may authorize expenditures that are reasonably necessary for the administration of this chapter and may secure any necessary technical or professional assistance.

IV.(a) The commission may, subject to rules adopted by the director of personnel, employ and dismiss cannabis control investigators. Cannabis control investigators shall, under the direction of the commission, investigate any or all matters arising under this chapter.

(b) Any cannabis control investigator employed by the commission shall, within 6 months of employment, satisfactorily complete a police training program as provided by RSA 106-L:6, unless he or she has already completed such a program.

(c) The chairperson of the commission, commissioner, staff, or cannabis control investigator may enter any cannabis establishment, at any time, and may examine any registration issued or purported to have been issued under the terms of this chapter.

V. The chairperson of the commission and commissioners shall not have any interest, directly or indirectly, in any business under the jurisdiction of the commission or any other cannabis business.

VI. The governor and council may remove a chairperson of the commission or a commissioner for neglect of duty, misconduct, or malfeasance in office, after providing the individual with a written statement of the charges and an opportunity to be heard.

VII. No member of the commission shall render any professional service for any cannabis establishment in this state, or any affiliate thereof, or act as attorney or render professional service against any such cannabis establishment or affiliate; nor shall he or she be a member of a firm which renders any such service; nor shall he or she directly or indirectly be a party to any contract with any such cannabis establishment. This prohibition shall remain in force for 12 months following membership on the commission.

VIII. In addition to any other type of behavior or activity of a chairperson of the commission or commissioner that is proscribed by law, a chairperson of the commission or commissioner shall conduct himself or herself in accordance with a code of ethics that shall include, but not be limited to, the following elements:

- (a) Avoidance of impropriety and the appearance of impropriety in all of his or her activities;
- (b) Performance of his or her duties impartially and diligently;
- (c) Avoidance of all ex parte communications concerning a case pending before the commission;
- (d) Abstention from public comment about a matter pending before the commission and require similar abstention on the part of commission personnel;
- (e) Require staff and personnel, subject to commission direction, to observe the standards of fidelity and diligence that apply to the chairperson of the commission and commissioners;
- (f) Initiate appropriate disciplinary measures against commission personnel for unprofessional conduct;
- (g) Disqualify himself or herself from proceedings in which his or her impartiality might be reasonably questioned;
- (h) Inform himself or herself about personal and fiduciary interests and make a reasonable effort to inform himself or herself about the personal financial interests of his or her spouse and minor children;
- (i) Regulate his or her extracurricular activities to minimize the risk of conflict with his or her official duties;
- (j) Refrain from solicitation of funds for any political purpose, nor shall they be listed as an officer, director, or trustee of such organizations; and
- (k) Refrain from financial or business dealings that would tend to reflect adversely on his or her impartiality.

IX. The chairperson of the commission or a commissioner may speak, write, or lecture concerning the regulatory process in New Hampshire but shall be reimbursed only for actual expenses incurred therein.

X. No chairperson of the commission or commissioner shall accept any employment with any cannabis establishment regulated by the commission until one year after he or she shall become separated from the commission.

XI. The commission shall be provided with suitable offices in the city of Concord and shall adopt a proper seal.

XII. The commission shall be provided with an office in which its records, documents, and books shall be kept, and with a suitable room in which it may hold hearings.

XIII. The commission may confer and cooperate with any other state or local agency in any matter relating to its duties.

318-F:8 Cannabis Advisory Board.

I. There shall be a cannabis advisory board to study and make recommendations consistent with the purpose and findings of this chapter on the regulation of cannabis and cannabis products in New Hampshire.

II. The board shall consist of 11 members appointed by the governor and shall consist of: one expert in cannabis cultivation, one expert in cannabis retailing, one expert in cannabis product manufacturing, one expert in cannabis testing, one board member or officer of an alternative treatment center, one registered medical cannabis patient, one individual who represents cannabis consumers, one expert in public health, one expert in law enforcement, one expert in social welfare or criminal justice, and one attorney with experience providing legal services to cannabis businesses, cannabis consumers or medical cannabis patients.

III. Members of the board shall serve terms of 2 years. Members of the board shall serve without compensation but shall be reimbursed for their expenses actually and necessarily incurred in the discharge of their official duties, including mileage at the state employee rate for attendance to meetings and other official functions.

IV. The board shall meet at the discretion of the commission, but shall meet no less frequently than once every 2 months for the first 9 months after the effective date of this section.

V. A majority of the members of the board present and voting shall constitute a quorum.

VI. The cannabis advisory board shall:

(a) Advise the commission on regulations to ensure the thorough and efficient implementation of this chapter.

(b) Advise the commission on what additional types of cannabis establishments, if any, the commission, should register.

(c) Consider all matters submitted to it by the commission.

(d) Hold a hearing to solicit public input no less frequently than once every 6 months, including input on the availability of reasonably priced therapeutic cannabis at alternative treatment centers that are now co-located or otherwise affiliated with retail cannabis stores.

(e) Advise the commission spending and recommending any modifications to ensure the thorough and efficient implementation of this chapter.

(f) Make recommendations for changes to the law and regulations for once federal law allows interstate cannabis sales.

318-F:9 Regulation of Cannabis.

I. Not later than March 1, 2020, the commission shall adopt rules, pursuant to RSA 541-A, for the registration, regulation, and taxation of cannabis cultivation facilities. Not later than June 1, 2020, the commission shall adopt rules, pursuant to RSA 541-A, for the registration, regulation, and taxation of all other cannabis establishments and on the manufacture and sale of cannabis accessories. The rules shall include the following:

(a) Procedures for the issuance, denial, renewal, suspension, and revocation of a registration for cannabis establishments, including procedures to hear complaints and impose penalties if cannabis establishments that are affiliated with or co-located with alternative treatment centers fail to provide an adequate supply and variety of therapeutic cannabis and cannabis products for qualifying patients.

(b) A schedule of reasonable application, registration, and annual renewals, provided:

(1) That the non-refundable portion of application fees shall not exceed \$1,000, adjusted annually for inflation with this upper limit adjusted annually for inflation;

(2) The application, registration, and annual renewal fees for the smallest tier of cultivation facilities may not exceed \$250; and

(3) All other registration and annual renewal fees shall not exceed \$10,000.

(c) Qualifications for registration that are directly and demonstrably related to the operation of a cannabis establishment and which may not disqualify applicants solely for cannabis offenses prior to the effective date of this chapter.

(d) Regulations to create at least 3 tiers of cultivation facilities, based on the size of the facility or the number of plants cultivated; security regulations and licensing fees shall vary based on the size of the cultivation facility.

(e) Record keeping requirements for cannabis establishments, including requirements for implementation and compliance with the tracking system required by RSA 318-F:9, IV.

(f) Requirements for the transportation of cannabis between cannabis establishments, including documentation that shall accompany any cannabis being transported by cannabis cultivation facilities.

(g) Procedures for the delivery of cannabis to consumers, including documentation that shall accompany any cannabis being transported to consumers.

(h) A schedule of civil fines as are authorized in this chapter for violations of chapter requirements, provided that, not later than September 1, 2020, the commission shall report to the chairpersons of the house and senate ways and means committees its proposal for a fine schedule and for legislation needed to implement the schedule.

(i) Procedures for hearings on civil fines and suspensions and revocations of a cannabis establishment registration.

(j) Reasonable security requirements for each type of cannabis establishment, which may be varied based on the size of the cannabis establishment.

(k) Health and safety rules, including regarding the packaging and preparing of cannabis and restricting the use of pesticides that may be dangerous to cannabis consumers.

(l) Restrictions on the advertising, signage, marketing, and display of cannabis, including but not limited to a prohibition on mass-market campaigns that have a high likelihood of reaching minors, restrictions

to prevent cannabis from being marketed to minors, a prohibition on promotional products, and a prohibition on giveaways of cannabis, cannabis products, or cannabis accessories. The department may require that any advertising for cannabis or cannabis products include a standard, recognizable symbol.

(m) Restrictions on where a cannabis cultivation facility may be located, consistent with the provisions of this chapter.

(n) Restrictions on the hours of sale when a retail cannabis store may sell cannabis and cannabis products, provided the regulations shall not allow retailers to begin sales before 6:00 a.m. or to sell cannabis or cannabis products after 11:45 p.m.

(o) Labeling requirements for cannabis products, including:

(1) Mandating the disclosure of the THC content of each product;

(2) Requirements for packaging to ensure it is not designed to appeal to minors; and

(3) Establishing the amount of THC that may be included in each serving of a cannabis product.

(p) Health and safety rules and standards for the manufacture of cannabis products, including:

(1) Restrictions or prohibitions on additives to products that are toxic, designed to make the product more appealing to children, or misleading to consumers;

(2) Safety standards regulating the manufacture of cannabis extracts and concentrates; and

(3) A prohibition on the inclusion of nicotine and other additives to products that are designed to make the product more addictive.

(q) Standards for the operation of testing laboratories, including requirements for equipment and qualifications for personnel.

(r) Requirements for the testing of cannabis, including:

(1) Requirements to ensure at a minimum that products sold for human consumption do not contain contaminants that are injurious to health and to ensure correct labeling;

(2) That testing shall include, but not be limited to, analysis for residual solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; dangerous pesticides and harmful microbials, such as E. coli or salmonella;

(3) Providing that in the event that test results indicate the presence of quantities of any substance determined to be injurious to health, such products shall be immediately quarantined and immediate notification to the commission shall be made. The adulterated product shall be documented and properly destroyed;

(4) That testing shall also verify THC potency representations for correct labeling;

(5) That the commission shall determine an acceptable variance for potency representations and procedures to address potency misrepresentations; and

(6) That the commission shall determine the protocols and frequency of cannabis testing by a cannabis testing facility.

(s) Requirements for any cannabis establishments that have shared management or ownership with alternative treatment centers, including to:

(1) Provide for separate storage of any cannabis that will be transferred to qualifying patients or designated caregivers pursuant to RSA 126-X, and a separation of cannabis sales to qualifying patients and consumers, such as by requiring separate counters;

(2) Ensure fair competition between vertically integrated cannabis establishments and other cannabis establishments, including by requiring any vertically integrated retail cannabis stores to stock and reasonably price a variety of products from cannabis establishments it is not affiliated with; and

(3) Provide penalties for any cannabis establishments affiliated with alternative treatment centers that increase prices for qualifying patients beyond the rate of inflation as a result of their cannabis establishment registrations.

(t) Reasonable health and safety restrictions on cannabis accessories that may be manufactured or sold in New Hampshire, including a prohibition on any vaporization device that includes toxic or addictive additives. The commission may prohibit types of vaporizers that are particularly likely to be utilized by minors without detection, but may not completely ban or unreasonably restrict the manufacture or sale of vaporization devices.

II.(a) In order to ensure that individual privacy is protected, the commission shall not require a consumer to provide a retail cannabis store with personal information other than government-issued identification to determine the consumer's age, and a retail cannabis store shall not be required to acquire and record personal information about consumers.

(b) In order to ensure that individual privacy is protected, no cannabis establishment may record or store a consumer's name, address, purchases, or contact information unless the consumer consents in writing. No cannabis establishment may make granting permission for the collection or storage of the above information a condition of a consumer purchasing cannabis from the establishment.

III. Not later than May 1, 2020, the commission, in consultation with the department, shall develop an informational handout, which retail stores shall make available to all consumers, and which shall include information on:

(a) Methods for administering cannabis and how long cannabis may impair a person after it is ingested in each manner; and

(b) How to recognize problematic usage of cannabis and how to obtain appropriate services or treatment for problematic usage.

IV. The commission shall require all cannabis establishments to utilize a system, including use of a universal product code, for tracking the transfer of cannabis and cannabis products between licensed cannabis establishments and the sale of cannabis and cannabis products to consumers. The system shall ensure an accurate accounting of the production, processing, and sale of cannabis and cannabis products and shall enable separate tracking of cannabis flowers, immature cannabis plants, and other parts of cannabis sold from cannabis cultivation facilities. The commission may develop and maintain a system that satisfies the requirements of this section, or it may select a vendor to develop and maintain a system.

V. No later than September 1, 2021, and every year thereafter, the commission shall reevaluate the tax rate and method of taxation established in RSA 77-H, and the fines and penalties established in RSA 318-F, and shall report in writing on its findings and recommendations to the chairpersons of the house and senate ways and means committees.

318-F:10 Registration Procedures for Cannabis Establishments.

I. Each application for a registration to operate a cannabis establishment shall be submitted to the commission.

II. Each application shall include both the fee established by the commission and a \$500 fee for the municipality to review the application, except that the fee shall be \$75 in the case of the smallest tier of cultivation facilities.

III. The commission shall:

(a) Accept and process applications beginning no later than May 1, 2020 for cannabis cultivation facilities, beginning no later than August 1, 2020 for cannabis product manufacturing facilities, cannabis transporters, and cannabis testing facilities, and beginning no later than September 1, 2020 for retail cannabis stores;

(b) Immediately forward a copy of each application and the municipal fee to the municipality in which the applicant desires to operate the cannabis establishment; and

(c) Issue a registration to the applicant within 90 days after receipt of an application unless:

(1) The commission finds the applicant is not in compliance with the requirements of this chapter or rules adopted under this chapter;

(2) The commission is notified by the relevant municipality that the applicant is not in compliance with an ordinance adopted pursuant to this chapter and in effect at the time of application; or

(3) More qualified applicants have applied than the number of registrations available in the municipality, and the applicant was not selected.

IV. Each registration applies to a single parcel of real property. Any additional address requires a separate application and registration.

V. A renewal application may be submitted up to 90 days prior to the expiration of the cannabis establishment's registration. The renewal application shall be granted within 30 days of its submission unless the applicant has not paid the fee, the cannabis establishment's registration is suspended or revoked, or the cannabis establishment has a pattern of violations of this law, the rules issued pursuant to it, or municipal regulations.

318-F:11 Enactment of Municipal Ordinances.

I. A municipality may enact an ordinance prohibiting or limiting the number and type of cannabis establishments that may be permitted within the municipality and regulating the time, place, and manner of operation of a cannabis establishment, which is permitted within the municipality.

II. A municipality may enact an ordinance specifying the entity within the municipality that shall be responsible for reviewing applications submitted for a registration to operate a cannabis establishment within the municipality. The entity designated by the municipality shall be responsible for indicating whether the application is in compliance with municipal ordinances.

318-F:12 Financial Interests Prohibited.

I. No cannabis testing facility or individual with a controlling interest in a cannabis testing facility shall have a direct or indirect financial interest in a retail cannabis store, a cannabis cultivation facility, or a cannabis product manufacturing facility.

II. Prior to January 1, 2023, no person or business entity may have a controlling interest in more than 3 cannabis establishments of any single category.

III. Beginning January 1, 2023, no person or business entity may have a controlling interest in more than 20 percent of operational cultivation facilities, product manufacturing facilities, or retail cannabis stores, unless the person or business entity has a controlling interest in no more than 3 cannabis establishments

of a single category. After January 1, 2023, no person or business entity may have a controlling interest in more than 50 percent of cannabis testing facilities, unless the person or entity has a controlling interest in no more than 3 cannabis testing facilities.

IV. In this section, “controlling interest” means a financial or voting interest of 10 percent or greater in a cannabis establishment.

318-F:13 Residency Required.

I. Except as provided in this section, any person applying for a cannabis establishment registration shall have been a resident, or shall have at least one director, officer, or partner who has been a New Hampshire Resident, for at least 3 years immediately preceding the date of application.

II. This section shall not apply to an applicant for a testing facility registration.

318-F:14 Background Checks Required.

I. A cannabis establishment shall conduct a state and federal background check prior to making a final offer of employment to a prospective manager or operator.

II. No cannabis establishment shall employ any person who has been convicted of a disqualifying offense as an officer, manager, director, or general partner. No person convicted of a disqualifying offense shall work as an officer, director, manager, or general partner of a cannabis establishment or serve on the board of a cannabis establishment.

318-F:15 Restrictions on Location. No cannabis establishment shall operate, nor shall a prospective cannabis establishment apply for a registration, if:

I. The establishment would be located within 1,000 feet of the property line of a pre-existing public or private elementary or secondary school, unless the municipality where the establishment seeks to operate has established a smaller distance limitation; or

II. The establishment sells alcohol for consumption.

318-F:16 Informational Materials and Warning Labels.

I. A retail cannabis store shall include an informational handout designed by the commission in consultation with the department with all cannabis and cannabis products sold to consumers.

II. All cannabis and cannabis products sold by a retail cannabis store shall include warning labels that provide the following information: “Warning: This product has intoxicating effects. For use by adults 21 and older. Keep out of reach of children.” The department may require a standard, recognizable symbol on all cannabis packaging to signify that THC or other cannabinoids are included in the product.

III. All cannabis products sold by retail cannabis stores shall include:

(a) A warning label that provides, “Caution: When eaten or swallowed, the intoxicating effects of this product may be delayed by up to 2 hours,” unless the department determines that a different time frame should be specified.

(b) A disclosure of ingredients and possible allergens.

(c) A nutritional fact panel.

(d) Opaque, child-resistant packaging, which shall be designed or constructed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. section 1700.20.

318-F:17 Lawful Operation of Cannabis-Related Facilities. If undertaken by a person 21 years of age or older, the following acts shall not be illegal under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire law:

I. Possessing, displaying, or transporting cannabis or cannabis products; obtaining or purchasing cannabis from a cannabis cultivation facility; delivering or transferring cannabis to a cannabis testing facility; obtaining or purchasing cannabis or cannabis products from a cannabis product manufacturing facility; or sale, delivery, or distribution of cannabis or cannabis products to an adult who is 21 years of age or older or to retail cannabis stores, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid registration to operate a retail cannabis store or is acting in his or her capacity as an owner, employee, or agent of a registered retail cannabis store.

II. Cultivating, harvesting, processing, packaging, transporting, displaying, or possessing cannabis; obtaining or purchasing cannabis seeds or seedlings or immature cannabis plants from any adult 21 years of age or older; delivering or transferring cannabis to a cannabis testing facility; selling or transferring cannabis that has not been processed into extracts, concentrates, or other preparations to a cannabis cultivation facility, a cannabis product manufacturing facility, or a retail cannabis store; or obtaining or purchasing cannabis from a cannabis cultivation facility, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid registration to operate a cannabis cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a registered cannabis cultivation facility.

III. Packaging, processing, transporting, manufacturing, displaying, or possessing cannabis or cannabis products; delivering or transferring cannabis or cannabis products to a cannabis testing facility; selling cannabis or cannabis products to a retail cannabis store or a cannabis product manufacturing facility; purchasing

or obtaining cannabis from a cannabis cultivation facility; or purchasing or obtaining cannabis or cannabis products from a cannabis product manufacturing facility, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid registration to operate a cannabis product manufacturing facility or is acting in his or her capacity as an owner, employee, or agent of a registered cannabis product manufacturing facility.

IV. Possessing, obtaining, cultivating, processing, storing, transporting, receiving, or displaying cannabis or cannabis products if the person or business entity has obtained a current, valid registration to operate a cannabis testing facility or is acting in his or her capacity as an owner, employee, or agent of a registered cannabis testing facility.

V. Engaging in any activities involving cannabis or cannabis products if the person or business entity conducting the activities has obtained a current, valid registration to operate a cannabis establishment or is acting in his or her capacity as an owner, employee, or agent of a registered cannabis establishment, and the activities are within the scope of activities allowed by the commission for that type of cannabis establishment.

VI. Possessing, obtaining, cultivating, processing, storing, transporting, or receiving cannabis obtained from a cannabis establishment or transporting, delivering, or transferring cannabis to a cannabis establishment if the person or business entity has obtained a current, valid registration to operate a cannabis transporter or is acting in his or her capacity as an owner, employee, or agent of a registered cannabis transporter.

VII. Obtaining or purchasing cannabis from a cannabis cultivation facility; delivering or transferring cannabis to a cannabis testing facility; or obtaining or purchasing cannabis or cannabis products from a cannabis product manufacturing facility if the person or business entity conducting the activities described in this paragraph possesses a valid registration to operate an alternative treatment center or is acting in his or her capacity as an owner, employee, or agent of a registered alternative treatment center.

VIII. Leasing or otherwise allowing the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with this chapter.

IX. Selling, offering for sale, transferring, transporting, or delivering cannabis to establishments licensed to process or sell cannabis under the laws of other states if the person or business entity has obtained a current, valid registration to operate a cannabis transporter, cannabis product manufacturing facility, or cannabis cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a cannabis transporter, cannabis product manufacturing facility, or cannabis cultivation facility.

318-F:18 Proof of Purchaser's Identity.

I. For the purposes of this chapter, any person or entity making the sale of cannabis or cannabis accessories to any purchaser whose age is in question may accept any official documentation listed in RSA 179:8 as proof that the purchaser is 21 years of age or older.

II. The establishment of all of the following facts by a retail cannabis store or an agent or employee of a retail cannabis store making a sale of cannabis or cannabis accessories to a person under the age of 21 shall constitute an affirmative defense to any prosecution for such sale:

(a) That the person presented what an ordinary and prudent person would believe to be valid documentation of a type listed in RSA 179:8.

(b) That the sale was made in good faith relying upon such documentation and appearance in the reasonable belief that the person was 21 years of age or older.

318-F:19 Driving; Minors; and Control of Property.

I. Nothing in this chapter shall be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor shall this section prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by cannabis.

II. Nothing in this chapter shall be construed to permit the transfer of cannabis, with or without remuneration, to a person under the age of 21, or to allow a person under the age of 21 to purchase, possess, use, transport, grow, or consume cannabis.

III. Nothing in this chapter shall prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of cannabis on or in the correctional facility's property.

IV.(a) Except as provided in this section, this chapter does not require any person, corporation, or any other entity that occupies, owns, or controls a property to allow the consumption, cultivation, display, sale, or transfer of cannabis on or in that property.

(b) In the case of the rental of a residential dwelling, a landlord shall not prohibit the possession of cannabis or the consumption of cannabis by non-smoked means unless:

- (1) The tenant is a roomer who is not leasing the entire residential dwelling;
- (2) The residence is incidental to the provision of educational, counseling, religious, or similar service;
- (3) The residence is a transitional housing facility; or
- (4) Failing to prohibit cannabis possession or consumption would violate federal law or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law or regulations.

(c) This chapter shall not prevent a landlord from prohibiting cannabis smoking or cannabis cultivation.

(d) An adult who is 21 or older may use cannabis on privately owned real property only with permission of the property owner or, in the case of leased or rented property, with the permission of the tenant in possession of the property, except that a tenant shall not allow a person to smoke cannabis on rented property if smoking on the property violates the lease or the lessor's rental policies that apply to all tenants at the property. However, a tenant may permit an adult who is 21 or older to use cannabis on leased property by ingestion or inhalation through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the cannabis.

318-F:20 Enforcement of Contracts. Contracts related to the operation of a cannabis establishment registered pursuant to this chapter shall be enforceable. No contract entered into by a registered cannabis establishment or its employees or agents as permitted pursuant to a valid registration, or by those who allow property to be used by an establishment, its employees, or its agents as permitted pursuant to a valid registration, shall be unenforceable on the basis that cultivating, obtaining, manufacturing, distributing, dispensing, transporting, selling, possessing, or using cannabis is prohibited by federal law.

318-F:21 Occupational Licensing.

I. A holder of a professional or occupational license may not be subject to professional discipline for providing advice or services related to cannabis establishments or applications to operate cannabis establishments on the basis that cannabis is illegal under federal law.

II. An applicant for a professional or occupational license may not be denied a license based on previous employment related to cannabis establishments operating in accordance with state law.

318-F:22 Data Collection Related to Cannabis Regulation. No later than January, 2021, and every 2 years thereafter, the department of safety, information and analysis center, drug monitoring initiative, shall produce and publish a report that includes baseline data and the most current data regarding health and welfare outcomes since cannabis became legal and taxed for adults' use, including but not limited to high school graduation rates; youth and adult rates of alcohol, cannabis, and illegal drug use; rates of maladaptive use of cannabis; rates of alcohol abuse; opiate use and abuse rates; the number and type of youth and adult convictions for cannabis offenses; and the rates of individuals needing but not receiving substance abuse treatment. The report shall also include information on treatment and prevention services provided, education campaigns undertaken, and funding allocated under RSA 318-F:23.

318-F:23 Cannabis Control Fund Established

I. There is established in the state treasury a nonlapsing fund to be known as the cannabis control fund. Moneys credited to the fund shall include deposits into the fund by the commission pursuant to this chapter and deposits into the fund by the commissioner of the department of revenue administration pursuant to RSA 77-H.

II. For the biennium ending June 30, 2023, and every biennium thereafter, the commission shall include the cost of administration of this chapter in the commission's efficiency expenditure request pursuant to RSA 9:4. Appropriations for such costs shall be a charge against the fund.

III. For the biennium ending June 30, 2021, the sum of \$2,000,000 is hereby appropriated to the cannabis control commission for the cost of administration of this chapter. Said sum shall be a charge against the fund.

IV. The commission shall credit all fees and civil penalties imposed under this chapter and all other related moneys received from public or private sources to the fund.

V. After deducting appropriations charged to the fund for the cost of administration of this chapter and RSA 77-H, priorities for the allocation of the remaining funds, subject to appropriation, are as follows:

(a) The sum of \$100,000 annually to the department of safety, information and analysis center, drug monitoring initiative, for data collection and reporting related to the health impacts of cannabis prohibition and cannabis regulation; and

(b) Of the remaining funds:

(1) Twenty-nine percent for use in evidence-based, voluntary programs for substance abuse-related education, prevention, treatment, and recovery, and for scientifically and medically accurate public education campaigns educating youth and adults about the health and safety risks of alcohol, tobacco, cannabis, and other substances, including education campaigns separately targeting youth and adults that provide medically and scientifically accurate information about the health and safety risks posed by cannabis use, including driving under the influence of cannabis.

(2) Thirty-three percent for broad-based aid to municipalities pursuant to an allocation formula identified by the general court in the budget designed to ensure fair distribution of the aid, provided that the commission may recommend special allocations to certain municipalities based on special costs incurred by those municipalities or special benefits contributed by those municipalities due to the occurrence of cannabis related activities within those municipalities.

(3) Five percent to public safety agencies, including police, fire, and rescue agencies, for the hiring and training of additional drug recognition experts, for advanced roadside impaired driving enforcement training, and to assist in responding to drug overdose incidents.

(4) Thirty-three percent to the general fund.

7 New Chapter; Taxation of Cannabis. Amend RSA by inserting after chapter 77-G the following new chapter:

CHAPTER 77-H TAXATION OF CANNABIS

77-H:1 Definitions. In this chapter, except as provided below, the definitions set forth in RSA 318-F:1 shall apply:

I. "Commissioner" means the commissioner of the department of revenue administration.

II. "Department" means the department of revenue administration.

III. "Fund" means the cannabis control fund established in RSA 318-F:23.

77-H:2 Tax Imposed.

I. Except as provided in this section, a tax shall be levied upon the sale or transfer of cannabis, directly or via a cannabis transporter, from a cannabis cultivation facility to a retail cannabis store or cannabis product manufacturing facility at the rate of 5 percent of the total sales price received by the cannabis cultivation facility as a consideration for the sale of cannabis or cannabis products.

II. Except as provided in this section, a tax shall be levied at the rate of 9 percent of the total price received by the cannabis retail store as a consideration for the sale of cannabis or cannabis products.

III. The taxes levied pursuant to paragraphs I and II shall not be levied on any transfers of cannabis to retail cannabis stores that are also alternative treatment centers if the untaxed cannabis is stored separately and is reserved for transfers to qualifying patients or designated caregivers pursuant to RSA 126-X.

IV. On the 15th day of each month, every cannabis cultivation facility shall pay the taxes due on the cannabis or cannabis products that the cannabis cultivation facility transferred or sold in the prior calendar month.

V. On the 15th day of each month, every retail cannabis store shall pay the taxes due on the cannabis or cannabis products that the retail cannabis store sold in the prior calendar month.

VI. The commissioner shall collect all taxes, fees, and fines generated pursuant to this chapter and deposit the funds into the cannabis control fund established in RSA 318-F:23. For the biennium ending June 30, 2021, the sum of \$2,000,000 is hereby appropriated to the department for the cost of administration of this chapter. Said sum shall be a charge against the fund. For the biennium ending June 30, 2023, and every biennium thereafter, the commissioner shall include the cost of administration of this chapter in the department's efficiency expenditure request pursuant to RSA 9:4. Appropriations for such cost shall be a charge against the fund.

VII. Every cannabis cultivation facility and every retail cannabis store shall, on or before the fifteenth day of each month, for the previous month, make a return to the commissioner. The commissioner of revenue administration shall adopt rules, pursuant to RSA 541-A, relative to the form of such return, the data which it must contain for the correct computation and verification of taxes assessed, record keeping, inspection, and audit requirements. All returns shall be signed by the cannabis cultivation facility or by its authorized representative, subject to the pains and penalties of perjury.

VIII. Every cannabis cultivation facility and every retail cannabis store shall:

(a) Keep such records as may be necessary to determine the amount of its tax liability under this chapter.

(b) Preserve such records for the period of 3 years or until any litigation or prosecution hereunder is finally determined.

(c) Make such records available for inspection and audit by the commissioner or authorized agents, upon demand, at reasonable times during regular business hours.

(d) Whoever violates the provisions of this section shall be subject to the penalties imposed under RSA 21-J:39.

(e) Any taxpayer records obtained or inspected by the commissioner or his or her agents for the purpose of conducting an audit of the taxpayer's compliance or liability under this chapter shall be kept confidential and not disclosed for any purpose unless required by law.

(f) In any judicial proceeding under this chapter, all taxpayer records and related pleadings shall remain sealed and not disclosed to any non-party to the proceeding for any purpose unless required by law.

8 Controlled Drug Act; Definitions. Amend the introductory paragraph in RSA 318-B:1, X-a (k) to read as follows:

(k) Objects used or intended for use or customarily intended for use in ingesting, inhaling, or otherwise introducing [marijuana; cocaine; hashish, or hashish oil] into the human body, such as:

9 Controlled Drug Act; Penalties. Amend the introductory paragraph in RSA 318-B:26, I to read as follows:

I. Any person who manufactures, sells, prescribes, administers, or transports or possesses with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any preparation containing a controlled drug, except as authorized in this chapter **or as otherwise authorized by law**; or manufactures, sells, or transports or possesses with intent to sell, dispense, compound, package or repackage (1) any substance which he **or she** represents to be a controlled drug, or controlled drug analog, or (2) any preparation containing a substance which he **or she** represents to be a controlled drug, or controlled drug analog, shall be sentenced as follows, except as otherwise provided in this section:

10 Controlled Drug Act; Penalties. Amend the introductory paragraph in RSA 318-B:26, II to read as follows:

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter **or as otherwise authorized by law**, shall be sentenced as follows, except as otherwise provided in this section:

11 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c)-(e) to read as follows:

(c) In the case of more than 3/4 ounce of marijuana or more than 5 grams of hashish, including any adulterants or dilutants[;] **is possessed by a person who is under 21 years of age, or, in the case of an amount exceeding the possession limit defined in RSA 318-F:1 possessed by a person who is 21 years of age or older**, the person shall be guilty of a misdemeanor. [In the case of marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products as defined in RSA 318-B:2-c, other than a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older, the person shall be guilty of a misdemeanor.]

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

(e) In the case of a residual amount of a controlled [substance;] **drug, other than marijuana**, as defined in RSA 318-B:1, XXIX-a, a person shall be guilty of a misdemeanor if the person is not part of a service syringe program under RSA 318-B:43.

12 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

(a) [Except as provided in RSA 318-B:2-c;] Controls any premises or vehicle where he or she knows a controlled drug or its analog, **other than marijuana**, is illegally kept or deposited;

13 Personal Possession of Marijuana. Amend RSA 318-B:2-c to read as follows:

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

[I.] In this section:

[~~(a)~~] **I.** "Marijuana" includes the leaves, stems, flowers, and seeds of all species of the plant genus *cannabis*, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

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

II. Except as provided in RSA 126-X, any person **under 21 years of age** who knowingly possesses 3/4 of an ounce or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

III. Except as provided in RSA 126-X, any person **under 21 years of age** who knowingly possesses 5 grams or less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the penalties provided in paragraph V.

IV. [Except as provided in RSA 126-X, any person 21 years of age or older possessing a personal-use amount of a regulated marijuana-infused product shall be guilty of a violation, and subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21 years of age who knowingly possess marijuana-infused products shall be guilty of a misdemeanor.]

V. [a] Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III[; or any person 21 years of age or older who is convicted of violating paragraph IV] shall be subject to a fine of \$100 for a first or second offense under this paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any person convicted based

upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph II[; ~~or III[or IV]~~], or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana[~~, regulated marijuana-infused products,~~] or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

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

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

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

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

(d) Any person **under 21 years of age who is** in possession of an identification card, license, or other form of identification issued by the state or any state, country, city, or town, or any college or university, who fails to produce the same upon request of a police officer or who refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed the person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an ounce or less of marijuana[~~, a personal-use amount of a regulated marijuana-infused product,~~] or 5 grams or less of hashish, may be arrested for a violation of paragraph II[; ~~or III[or IV]~~].

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

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

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

14 Alcohol or Drug Impairment; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly having in his or her possession or in any part of the vehicle a controlled drug or controlled drug analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her license shall be revoked or his or her right to drive denied for a period of 60 days and at the discretion of the court for a period not to exceed 2 years. This section shall not apply to the possession of marijuana or hashish as provided in RSA 318-B:2-c[; ~~or a personal-use amount of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b)~~].

15 New Section; Sentences; Annulment of Certain Arrests and Convictions for Cannabis. Amend RSA 651 by inserting after section 5-a the following new section:

651:5-b Annulment of Certain Arrests and Convictions for Cannabis.

I. Any person who was arrested or convicted for knowingly or purposely obtaining, purchasing, transporting, or possessing, actually or constructively, or having under his or her control, $\frac{3}{4}$ of an ounce of cannabis or less where the offense occurred before September 16, 2017 may, notwithstanding the provisions of RSA 651:5, VI or any other law, at any time, petition the court in which the person was convicted or arrested to annul the arrest record, court record, or both. The petition shall state that the amount of cannabis was $\frac{3}{4}$ of an ounce or less. The petitioner shall furnish a copy of the petition to the office of the prosecutor of the underlying offense. The prosecutor may object within 10 days of receiving a copy of the petition and request a hearing. If the prosecutor does not object within 10 days, the court shall grant the petition for annulment. If the prosecutor timely objects, the court shall hold a hearing. In a hearing on a petition for annulment, the court shall grant the petition if it finds based upon all evidence adduced that it is more likely than not that the amount of cannabis involved in the case was $\frac{3}{4}$ of an ounce or less where the offense occurred before September 16, 2017. In reaching a decision, the court shall not be bound by the rules of evidence and may consider and give appropriate weight to all testimony brought forward by either party, including but not limited to testimony, opinion, and reports. If the petition is granted, and an order of annulment is entered, the provisions of RSA 651:5, X-XI shall apply to the petitioner.

II. Any person who was convicted or arrested for knowingly or purposely obtaining, purchasing, transporting, manufacturing, cultivating, or possessing, actually or constructively, or having under his or her control, an amount of cannabis that does not exceed the possession limit, as defined in RSA 318-F:1, at a time when the individual was 21 years of age or older may, notwithstanding the provisions of any other statute including RSA 651:5, VI, at any time, petition the court in which the person was convicted or arrested to annul the arrest record, court record, or both. The petition shall state that the amount of cannabis was an amount that did not exceed the possession limit. The petitioner shall furnish a copy of the petition to the office of the prosecutor of the underlying offense. The prosecutor may object within 10 days of receiving a copy of the petition and request a hearing. If the prosecutor does not object within 10 days, the court shall grant the petition for annulment. If the prosecutor timely objects, the court shall hold a hearing. In a hearing on a petition for annulment, the court shall grant the petition if it finds based upon all evidence adduced that it is more likely than not that the amount of cannabis did not exceed the possession limit. In reaching a decision, the court shall not be bound by the rules of evidence and may consider and give appropriate weight to all testimony brought forward by either party, including but not limited to testimony, opinion, and reports. If the petition is granted, and an order of annulment is entered, the provisions of RSA 651:5, X-XI shall apply to the petitioner.

III. The department of safety may charge the successful petitioner a fee of \$100 for researching and correcting the criminal history record accordingly, unless the petitioner demonstrates that he or she is indigent, or has been found not guilty, or the case has been dismissed or not prosecuted in accordance with RSA 651:5, II. The court shall provide a copy of the petition to the prosecutor of the underlying offense and permit the prosecutor to be heard regarding the interest of justice in regard to the petition.

16 New Paragraph; Business Profits Tax; Additions and Deductions. Amend RSA 77-A:4 by inserting after paragraph XVIII the following new paragraph:

XIX. A deduction from gross business profits of an amount equal to all the ordinary and necessary expenses paid or incurred during the taxable year in carrying on a trade or business as a cannabis establishment as defined by RSA 318-F:1 or an alternative treatment center as defined by RSA 126-X:1, including reasonable allowance for salaries or other compensation for personal services actually rendered, notwithstanding any federal tax law to the contrary.

17 Appropriations.

I. The sum of \$100,000 for the fiscal year ending June 30, 2019 is hereby appropriated to the department of safety, information and analysis center, drug monitoring initiative, for the purpose of collecting baseline data to be used in the reports required pursuant to RSA 318-F:22. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$2,000,000 for the fiscal year ending June 30, 2020 is hereby appropriated to the cannabis control commission established in RSA 318-F:7 for deposit into the cannabis control fund established in RSA 318-F:23 for the administration of RSA 318-F. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

18 Repeal. The following are repealed:

I. RSA 318-B:1, X-a(g), relative to separation gins and sifters used or intended for use with cannabis.

II. RSA 318-F:8, relative to the cannabis advisory board.

III. RSA 318-F:13, relative to residency requirements related to cannabis establishments.

19 Effective Date.

I. RSA 318-F:2 through RSA 318-F:6, as inserted by section 6 of this act, shall take effect 60 days after its passage.

II. RSA 318-F:17, I-VIII, as inserted by section 6 of this act, shall take effect July 1, 2019.

III. Paragraph II of section 18 of this act shall take effect July 1, 2025.

IV. Paragraph III of section 18 of this act shall take effect July 1, 2023.

V. RSA 318-F:17, IX, as inserted by section 6 of this act, shall take effect upon certification by the attorney general of New Hampshire to the director of the office of legislative services and the secretary of state that the conduct allowed by that paragraph has become legal under the United States Code.

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

2019-1310h

AMENDED ANALYSIS

This bill establishes procedures for the legalization, regulation, and taxation of cannabis; the licensing and regulation of cannabis establishments; and makes appropriations therefor.

Amendment to HB 508

(2019-1184h)

Proposed by the Committee on Commerce and Consumer Affairs - c

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

AN ACT establishing a committee to study direct primary care.

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

1 Committee Established. There is established a committee to study direct primary care.

2 Membership and Compensation.

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

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

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

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

3 Duties.

I.(a) The committee shall study:

(1) How direct primary care is being offered and delivered in New Hampshire and in the United States.

(2) Whether direct primary care (DPC) is being regulated in other states and how it should be regulated in New Hampshire.

(3) How oversight of this segment of health care should occur and whether regular reporting should be required.

(4) The impact of DPC on the insurance market and health care coverage costs.

(b) The committee may solicit information from any person or entity the committee deems relevant to its study.

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

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

6 Effective Date. This act shall take effect upon its passage.

2019-1184h

AMENDED ANALYSIS

This bill establishes a committee to study direct primary care.

Amendment to HB 564

(2019-1239h)

Proposed by the Majority of the Committee on Criminal Justice and Public Safety - r

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

AN ACT relative to possession of firearms on school property.

Amend the bill by replacing section 1 with the following:

1 New Section; Possession of Firearms on School Property. Amend RSA 159 by inserting after section 159:19-a the following new section:

159:19-b Possession of a Firearm on School Property.

I. No person shall knowingly carry a firearm on public school property, including buildings, grounds, school buses, and vans. Any person who violates the provisions of this paragraph shall be guilty of a class A misdemeanor.

II. This section shall not apply to:

(a) Any person picking up or dropping off a student, provided the firearm remains in a motor vehicle.

(b) Any person authorized in writing by the school board or duly authorized designee to possess a firearm. Such authorization shall specify the weapon or weapons that have been authorized, the purpose and scope of the authorization, and the time period for which the authorization applies.

(c) Any duly appointed law enforcement officer, properly trained school resource officer, or member of the armed services of the United States or National Guard when on duty.

2019-1239h

AMENDED ANALYSIS

This bill prohibits carrying a firearm on school property.

**Amendment to HB 616-FN
(2019-1268h)**

Proposed by the Majority of the Committee on Finance - r

Amend RSA 100-A:41-e, I as inserted by section 1 of the bill by replacing it with the following:

I. Any retired member of the New Hampshire retirement system or any of its predecessor systems, who has been retired for at least 60 months prior to or on July 1, 2019, or any beneficiary of such member who is receiving an allowance, shall be entitled to receive a cost of living adjustment (COLA) as a supplemental allowance, on the retired member's first anniversary date occurring after July 1, 2020. The amount of such supplemental allowance shall be 1-1/2 percent of a member's or beneficiary's annual retirement allowance which is \$50,000 or less, or otherwise 1-1/2 percent of the first \$50,000 of a retired member's or beneficiary's allowance.

**Amendment to HB 641-LOCAL
(2019-1159h)**

Proposed by the Majority of the Committee on Ways and Means - r

Amend RSA 353:11, I and II as inserted by section 1 of the bill by replacing them with the following:

I. The legislative body of a municipality may vote to collect a municipal fee on each occupancy, as defined in RSA 78-A:3, VI, for the purpose of establishing a municipal capital improvement or tourism support fund, which is intended to increase or stabilize local hotel and other room rental occupancy.

II. As authorized by the legislative body vote, the fee may be collected as a daily charge of up to \$2 per occupancy, or as a percentage of the price of the occupancy, provided that the rate shall not exceed \$2 per occupancy per 24-hour period. If the average daily price of the occupancy does not exceed \$40, the occupancy fee shall not be collected. Enforcement powers for nonpayment shall be the same as those provided under RSA 31:39-c, RSA 31:39-d, and RSA 47:17-b, relative to enforcement of ordinances.

**Amendment to HB 682-FN
(2019-1287h)**

Proposed by the Committee on Ways and Means - r

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

1 Fill and Dredge in Wetlands; Excavating and Dredging Permits. Amend RSA 482-A:3, I(b) and (c) as follows:

(b) The application fee for shoreline structure projects shall be [~~\$200~~] **\$400** plus an amount based on the area of dredge, fill, or dock surface area proposed, or a combination thereof, which shall be [~~\$2~~] **\$4** per square foot for permanent dock surface area; [~~\$1~~] **\$2** per square foot for seasonal dock surface area; and [~~\$.20~~] **\$.40** per square foot for dredge or fill surface area or both. For projects involving only the repair, reconstruction, or reconfiguration of an existing docking structure, the application fee shall be [~~\$200~~] **\$400**.

(c) The application fee shall be [~~\$200~~] **\$400** for minimum impact dredge and fill projects [~~under this chapter~~] **and for non-enforcement related publicly funded and supervised restoration projects as defined by rules, regardless of impact classification, if undertaken by other than the person or persons responsible for causing the restoration to be needed.** The application fee for all projects under this chapter which are not covered by subparagraph (b) or (c) or paragraphs IV-a, V, X through XII, XV, XVI, or XVII through XIX shall be [~~\$.20~~] **\$.40** per square foot of proposed impact, with a minimum fee of [~~\$200~~] **\$400** for all such projects that impact fewer than [~~1,000~~] **600** square feet.

2 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Use of Fees. Amend RSA 482-A:3, III to read as follows:

III. The filing fees collected pursuant to paragraphs I, V(c), XI(h), XII(c), and X are continually appropriated to and shall be expended by the department for paying per diem and expenses of the public members of the council, hiring additional staff, reviewing applications and activities relative to [~~the~~] wetlands [~~of the state~~] **under RSA 482-A**, [~~and~~] protected shorelands under RSA 483-B, **alteration of terrain under RSA 485-A:17**, conducting field investigations, and holding public hearings. Such fees **and any monetary grants, gifts, donations, or interest generated by these funds** shall be **deposited with and** held by the treasurer in a nonlapsing fund identified as the [~~wetlands and shorelands review~~] **water resources fund**.

3 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certain Fees. Amend RSA 482-A:3, X(a) to read as follows:

(a) The maximum cash application fee for the New Hampshire department of transportation shall be [~~\$10,000~~] **\$30,000** per application plus provisions for technical or consulting services or a combination of such services as necessary to meet the needs of the department. The department may enter into a memorandum of agreement with the New Hampshire department of transportation to accept equivalent technical or consulting services or a combination of such services in lieu of a portion of their standard application fees.

4 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications. Amend RSA 482-A:3, XIV(b)(1) to read as follows:

(1) The time limits prescribed by this paragraph shall supersede any time limits provided in any other provision of law. ***The time limits prescribed by this paragraph shall not apply to applications submitted by the department of transportation, for which time limits shall be set by a memorandum of agreement between the commissioner of the department of environmental services and the commissioner of the department of transportation.*** If the department fails to act within the applicable time frame established in subparagraphs (a)(3), (a)(4), and (a)(5), the applicant may ask the department to issue the permit by submitting a written request. If the applicant has previously agreed to accept communications from the department by electronic means, a request submitted electronically by the applicant shall constitute a written request.

5 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Review of Applications. Amend RSA 482-A:3, XIV(e) to read as follows:

(e) ***Any request for an amendment to an application or permit shall be submitted to the department on the appropriate amendment form.*** Any request for a significant amendment to a pending application or an existing permit which changes the footprint of the permitted fill or dredge area shall be deemed a new application subject to the provisions of RSA 482-A:3, I and the time limits prescribed by this paragraph. "Significant amendment" means an amendment which changes the proposed or previously approved acreage of the permitted fill or dredge area by 20 percent or more, ~~[relocates the proposed footprint of the permitted fill or dredge area,]~~ includes a prime wetland, or ~~[surface waters of the state, includes a wetland of a different classification as classified by the department, or includes non-wetland areas requiring permits for filling and dredging]~~ ***elevates the project's impact classification.*** This meaning of "significant amendment" shall not apply to an application amendment that is in response to a request from the department.

6 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Permit Duration and Extensions. Amend RSA 482-A:3, XIV-a to read as follows:

XIV-a.(a) With the exception of permits issued under subparagraph (b) ***or paragraph XIV-b,*** all permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for extensions of such permits may be made to the department ***by submitting the information required in rules adopted by the department.*** The department shall grant one extension of up to 5 additional years, provided the applicant demonstrates all of the following:

(1) The permit for which extension is sought has not been revoked or suspended without reinstatement.

(2) Extension would not violate a condition of law or rule ***other than that established in this paragraph relative to permit duration.***

(3) The project is proceeding towards completion in accordance with plans and other documentation referenced by the permit.

(4) The applicant proposes reasonable mitigation measures to protect the public waters of the state from deterioration during the period of extension.

(b) Any permit issued to repair or replace shoreline structures to maintain the integrity and safety of such structures including, but not limited to docks, sea walls, breakwaters, riprap, access ramps and stairs, that are damaged by storms or ice, shall expire 10 years from the date the permit was issued as long as any work performed after the initial permitted work complies with the following:

(1) The work is not in violation of the original permit or subparagraphs (a)(1)-(4).

(2) All structures are repaired or replaced to the original permitted location and configuration.

(3) All significant work is reported to the department in accordance with the reporting requirements for the original permit.

(c) ***After review, if the department determines that a request to extend a permit for a major project in public waters meets the stated criteria, the department shall submit the request to the governor and executive council with a recommendation that the request be approved. The department shall issue decisions on all other extension requests.***

7 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend the introductory paragraph of RSA 482-A:3, XV(b):

(b) ~~[Appropriate]~~ ***The utility provider shall provide an annual*** notice to the department, ***which*** shall include the following information:

8 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Utilities. Amend RSA 482-A:3, XV(d) to read as follows:

(d) A ~~[one-time annual]~~ ***non-refundable*** filing fee of ~~[\$200]~~ ***\$400*** per town~~[, not to exceed a maximum of \$10,000,]~~ per year shall accompany the notice to the department. Such fees shall be held in accordance with paragraph III.

9 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Culvert Maintainers. Amend RSA 482-A:3, XVIII and XIX to read as follows:

XVIII. The department shall develop ~~[an installer's]~~ **a certification program for culvert maintainers**, in accordance with paragraph XVII, and shall determine the educational requirements for certification, including continuing education requirements. Professional engineers who are duly licensed by the New Hampshire board of professional engineers are exempt from the program requirements of this section. All certified individuals who perform such work shall submit a quarterly report to the department fully identifying work that they performed during each quarter and documentation of continuing education requirements.

XIX. The department shall issue ~~[an installer's permit]~~ **a culvert maintainer certificate** to any individual who submits an application provided by the department, and has satisfactorily completed the program in accordance with paragraphs XVII and XVIII. ~~[Permits]~~ **Initial certificates** shall be ~~[issued]~~ **valid through December 31 of the year following the year of issue. Renewal certificates shall be valid** from January 1 ~~[and shall expire]~~ **through** December 31 of every other year. Permits shall be renewable upon proper application, and documentation of compliance with the continuing education requirement of paragraph XVIII. The installer's permit may be suspended, revoked, or not renewed for just cause, including, but not limited to, the installation of culverts in violation of this chapter or the refusal by a permit holder to correct defective work. The department shall not suspend, revoke, or refuse to renew a permit except for just cause until the permit holder has had an opportunity to be heard by the department. An appeal from such decision to revoke, suspend, or not renew a permit may be taken pursuant to RSA 21-O:14.

10 Fill and Dredge in Wetlands; Excavating and Dredging Permits; Certified Application Preparer Program. Amend RSA 482-A:3, XX(d) to read as follows:

(d) The certification shall be valid for one year from the date of issuance and may be renewed every year. The initial fee for certification shall be \$200 and the fee for renewal shall be \$50. The department shall not issue a certification or a renewal certification if the required fee is not paid. All fees shall be deposited into the ~~[wetlands and shoreland review]~~ **water resources fund** established in RSA 482-A:3, III.

11 Aquatic Resources Fund. Amend RSA 482-A:29, II to read as follows:

II. A separate, non-lapsing account shall be established within the fund into which all administrative assessments collected under RSA 482-A:30, III and RSA 482-A:30-a, II shall be placed. Such account moneys shall ~~[only]~~ be used ~~[to support up to 2 full-time positions]~~ for administration of the fund, **including staff**, and **aquatic resource mitigation** related projects. ~~[No other fund moneys shall be used for state personnel costs.]~~

12 Shoreland Water Quality Protection; Permit Application Fees. Amend the introductory paragraph of RSA 483-B:5-b, VI:

VI. All permits issued pursuant to this chapter shall be valid for a period of 5 years. Requests for extensions of such permits may be made to the department **by providing such information as is required by rules adopted pursuant to RSA 541-A**. The department shall grant one extension of up to 5 additional years, provided the applicant demonstrates all of the following:

13 Shoreland Water Quality Protection; Permit Application Fees. Amend RSA 483-B:5-b, I(b) to read as follows:

(b) The permit application fee shall be ~~[\$100]~~ **the base fee specified in this subparagraph** plus **an impact fee of** ~~[\$.10]~~ **\$.20** per square foot of area affected by the proposed activities and shall be deposited in the ~~[wetlands and shorelands review]~~ **water resources** fund established under RSA 482-A:3, III. ~~[Such fees shall be capped as follows:]~~

~~(1)~~ For projects that qualify for permit by notification under this paragraph or RSA 483-B:17, X, ~~[\$100]~~, **the base fee shall be \$200** for restoration of water quality improvement projects, and ~~[\$250]~~ **the base fee shall be \$400** for all other permit by notification projects.

~~(2) For projects of 0-9,999 square feet, that do not qualify for a permit by notification, \$750.~~

~~(3) For projects of 10,000-24,999 square feet, \$1,875.~~

~~(4) For projects of 25,000 square feet or more, \$3,750.]~~

14 Shoreland Water Quality Protection; Other Required Permits and Approvals. Amend RSA 483-B:6, II to read as follows:

II. In applying for approvals and permits, pursuant to paragraph I, applicants shall demonstrate that the proposal meets or exceeds the development standards of this chapter. The department shall develop minimum standards for information to be required on or with all applications under paragraph I. The department or municipality shall grant, deny, or attach reasonable conditions to approvals or permits listed in subparagraphs I(a)-(f) **and RSA 483-B:5-b**, to protect the public waters or the public health, safety, or welfare. Such conditions shall be related to the purposes of this chapter.

15 Terrain Alteration; Permit Application Fees. Amend RSA 485-A:17, II to read as follows:

II.(a) The department shall charge a fee for each review of plans, including project inspections, required under this section. The **plan review** fee shall be based on the ~~[extent of contiguous]~~ **total** area to be disturbed.

Except for **property subject to** RSA 483-B:9, the fee for **review of** plans encompassing an area of at least 100,000 square feet but less than 200,000 square feet shall be [~~\$1,250~~] **\$3,125**. For the [~~purposes of~~] **property subject to** RSA 483-B:9, the fee for **review of** plans encompassing an area of at least 50,000 square feet but less than 200,000 square feet shall be [~~\$1,250~~] **\$3,125**. An additional fee of [~~\$500~~] **\$1,250** shall be assessed for each additional area of up to 100,000 square feet to be disturbed. No [~~permit~~] **application** shall be [~~issued~~] **accepted** by the department until the fee required by this paragraph is paid. All fees required under this paragraph shall be paid when plans are submitted for review and shall be deposited in the [~~terrain alteration~~] **water resources** fund established in [~~paragraph H-a~~] **RSA 482-A:3, III**.

(b) The department shall charge a non-refundable fee of \$500 plus a \$.10 per square foot fee for each request to amend a permit that requires plans to be reviewed.

16 Wetlands and Shorelands Review Fund Renamed. Amend RSA 6:12, I(b)(131) to read as follows:

(131) Moneys deposited in the [~~wetlands and shorelands review~~] **water resources** fund **established** under RSA 482-A:3, III.

17 Repeal. The following are repealed.

I. 2008, 5:27, I, relative to repealing permit application fees.

II. RSA 6:12, I(b)(256), relative to the terrain alteration fund.

III. RSA 482-A:3, XV(e), relative to the additional fee for amendments to the notification for maintenance to existing utility services.

IV. RSA 485-A:17, II-a, relative to the terrain alteration fund.

18 Effective Date.

I. Paragraph I of section 17 of this act shall take effect June 30, 2019.

II. The remainder of this act shall take effect July 1, 2019.