

HB 605-FN - AS AMENDED BY THE SENATE

8Apr2021... 0646h
05/20/2021 1603s

2021 SESSION

21-0014
04/06

HOUSE BILL

605-FN

AN ACT relative to the therapeutic cannabis program.

SPONSORS: Rep. Conley, Straf. 13; Rep. Chase, Straf. 18; Rep. Acton, Rock. 10; Rep. Moran, Hills. 34; Rep. McWilliams, Merr. 27; Rep. Cushing, Rock. 21

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill

I. Adds opioid use disorder as a qualifying medical condition for the purpose of the therapeutic use of cannabis.

II. Amends the definitions of "alternative treatment center" and "therapeutic use" and "visiting qualifying patient" in the therapeutic cannabis statute.

III. Permits out-of-state residents qualified in other jurisdictions to purchase therapeutic cannabis at New Hampshire therapeutic dispensaries.

IV. Requires the department of health and human services to adopt rules regarding an alternative treatment center's verification of a visiting qualifying patient's identification.

V. Permits an alternative treatment center to dispense therapeutic cannabis to a visiting qualifying patient and protects the alternative treatment center from prosecution for such distribution.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the therapeutic cannabis program.

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

1 1 New Subparagraph; Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-
2 X:1, IX(b) by inserting after subparagraph (3) the following new subparagraph:

3 (4) Opioid use disorder, with the following restrictions:

4 (A) When certified only by a board certified addiction medicine or addiction
5 psychiatry provider who is actively treating the patient for opioid use disorder; and

6 (B) With associated symptoms of cravings and/or withdrawal.

7 2 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, I to read as
8 follows:

9 I. "Alternative treatment center" means a not-for-profit entity registered under RSA 126-X:7
10 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells, supplies,
11 and dispenses cannabis, and related supplies and educational materials, to qualifying patients [~~and~~],
12 ***designated caregivers, other*** alternative treatment centers, ***and visiting qualifying patients***.

13 3 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XIII(b) to read
14 as follows:

15 (b) Cultivation or purchase by a visiting qualifying patient ***from a qualifying patient***
16 ***or designated caregiver***; or

17 4 Use of Cannabis for Therapeutic Purposes; Definitions. Amend RSA 126-X:1, XVI to read as
18 follows:

19 XVI. "Visiting qualifying patient" means a [~~patient with a qualifying medical condition who~~
20 ~~is not a resident of New Hampshire or who has been a resident of New Hampshire for fewer than 30~~
21 ~~days and is not eligible to purchase therapeutic cannabis in New Hampshire or receive cannabis~~
22 ~~from a qualifying New Hampshire patient]~~ ***person who is not a resident of New Hampshire, or***
23 ***who has been a resident of New Hampshire for fewer than 90 days, who has been issued a***
24 ***valid registry identification card, or its equivalent, under the laws of another state,***
25 ***district, territory, commonwealth, or insular possession of the United States, or under the***
26 ***laws of Canada, that allows, in the jurisdiction of issuance, that person to possess***
27 ***cannabis for therapeutic purposes***.

28 5 Use of Cannabis for Therapeutic Purposes; Therapeutic Use of Cannabis Protections. Amend
29 RSA 126-X:2, V to read as follows:

30 V. A valid registry identification card, or its equivalent, that is issued under the laws of

another state, district, territory, commonwealth, or insular possession of the United States, **or under the laws of Canada** that allows, in the jurisdiction of issuance, a visiting qualifying patient to possess cannabis for therapeutic purposes, shall have the same force and effect **and be subject to the same restrictions** as a valid registry identification card issued by the department in this state, provided that:

(a) ~~[The visiting qualifying patient shall also produce a statement from his or her provider stating that the visiting qualifying patient has a qualifying medical condition as defined in RSA 126-X:1]~~ **A visiting qualifying patient shall not purchase cannabis at an alternative treatment center more than 3 times in a 12-month period, unless the visiting qualifying patient produces a statement from his or her health care provider stating that the visiting qualifying patient has a qualifying medical condition as defined in RSA 126-X:1;** and

(b) A visiting qualifying patient shall not cultivate ~~[or purchase]~~ cannabis in New Hampshire or obtain **or purchase** cannabis from ~~[alternative treatment centers or from]~~ a ~~[qualifying]~~ New Hampshire **qualifying** patient **or designated caregiver**.

6 New Paragraph; Use of Cannabis for Therapeutic Purposes; Departmental Rules. Amend RSA 126-X:6 by inserting after paragraph V the following new paragraph:

VI. The department shall adopt rules, pursuant to RSA 541-A, regarding an alternative treatment center's verification of a visiting qualifying patient's registry identification card, or its equivalent.

7 Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-X:2, IX(c) to read as follows:

(c) Deliver, transfer, supply, sell, or dispense cannabis and related supplies and educational materials to qualifying patients who have designated the alternative treatment center to provide for them, to designated caregivers on behalf of the qualifying patients who have designated the alternative treatment center, **to visiting qualifying patients**, or to other alternative treatment centers.

8 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend RSA 126-X:8, XV(b) to read as follows:

(b) An alternative treatment center or alternative treatment center agent shall not dispense, deliver, or otherwise transfer cannabis to any person or entity other than:

(1) A qualifying patient who has designated the relevant alternative treatment center; or

(2) Such patient's designated caregiver; or

(3) Another alternative treatment center; **or**

(4) A visiting qualifying patient.

9 Effective Date. This act shall take effect 60 days after its passage.

HB 605-FN- FISCAL NOTE
AS AMENDED BY THE SENATE (AMENDMENT #2021-1603s)

AN ACT relative to the therapeutic cannabis program.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Application fee revenue received by the therapeutic cannabis program.			

METHODOLOGY:

This bill makes the following changes to the law governing the use of cannabis for therapeutic purposes (RSA 126-X):

- adds opioid use disorder to the list of qualifying medical conditions;
- allows “visiting qualifying patients” to purchase therapeutic cannabis at the New Hampshire Alternative Treatment Centers (ATC); and
- requires the Department of Health and Human Services to adopt rules regarding an ATC's verification of a visiting qualifying patient's registry identification card, or its equivalent.

Since changes to the definition of "qualifying medical condition" may increase the number of patients eligible for the Therapeutic Cannabis Program, the Department anticipates an indeterminable increase in state revenues based on additional application fees. The Department assumes that revenue received by the Therapeutic Cannabis Program will completely cover any costs that may result from the bill.

AGENCIES CONTACTED:

Department of Health and Human Services