

Amendment to HB 1598-FN

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

2  
3 1 Purpose and Findings. The general court hereby finds that:

4 I. The people of the state of New Hampshire find and declare that the use of cannabis by a  
5 person 21 years of age or older should be legal and subject to reasonable regulations.

6 II. In the interest of the health and public safety of our citizenry, the people of the state of  
7 New Hampshire further find and declare that cannabis should be regulated in a manner similar to  
8 alcohol so that:

9 (a) Individuals will be required to show proof of age before purchasing cannabis, and  
10 that the state shall protect the privacy of an individual's personally identifiable information in  
11 cannabis transactions.

12 (b) Selling, distributing, or transferring cannabis to minors and other individuals under  
13 the age of 21 shall remain illegal.

14 (c) Driving under the influence of cannabis or using cannabis while driving shall be  
15 illegal.

16 (d) All retail cannabis stores shall be operated by the state of New Hampshire.

17 (e) Cannabis sold in this state shall be tested, labeled, and subject to additional  
18 regulations to ensure that consumers are informed and protected.

19 (f) The state of New Hampshire shall not collect any transfer tax from any cannabis  
20 cultivator or retail sales tax from any consumer.

21 2 New Subparagraph; Application of Receipts; Cannabis Control Fund. Amend RSA 6:12, I(b)  
22 by inserting after subparagraph (382) the following new subparagraph:

23 (383) Moneys deposited in the cannabis control fund established in RSA 318-F:15.

24 3 Alcoholic Beverages; Statement From Purchaser as to Age. Amend RSA 179:8, I(d) to read as  
25 follows:

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

28 4 Model Drug Dealer Liability Act; Definition of Illegal Drug. Amend RSA 318-C:4, I to read as  
29 follows:

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

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1       5 New Chapter; Regulation of Cannabis. Amend RSA by inserting after chapter 318-E the  
2 following new chapter:

3                                   CHAPTER 318-F  
4                                   REGULATION OF CANNABIS

5       318-F:1 Definitions. In this chapter:

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

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

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

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

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

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

31          VII. "Cannabis products" means concentrated cannabis products and cannabis products that  
32 are comprised of cannabis and other ingredients and are intended for personal use such as, but not  
33 limited to, creams, ointments, or tinctures. For the purpose of this paragraph, "cannabis products"  
34 shall not include cannabis-infused food or drink products including but not limited to, cannabis-  
35 infused edibles such as candies, gummies, brownies, or cookies, or cannabis-infused alcoholic or non-  
36 alcoholic drinks or beverages of any kind.

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

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

X. "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.

XI. "Commission" means the liquor commission, division of cannabis enforcement and licensing.

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

XIII. "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.

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

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

XVI. "Possession limit" means:

(a) Four ounces of cannabis in plant form.

(b) Ten grams of concentrated cannabis, including hashish.

(c) Cannabis products containing THC purchased from a retail cannabis store which shall be limited to therapeutic use only, for which the purchaser presents documentation permitting use of cannabis for therapeutic purposes pursuant to RSA 126-X, and which shall not contain more than 2 grams of THC.

This paragraph shall not apply to the possession limits set forth in RSA 126-X:2.

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

XVIII. "Retail cannabis store" or "retail store" means a state-operated facility that purchases cannabis from a cannabis cultivation facility, or purchases cannabis and cannabis products from a cannabis product manufacturing facility, and sells, transfers, and delivers 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.

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1       318-F:2 Personal Use of Cannabis.

2           I. Except as otherwise provided in this chapter, the following acts, if undertaken by a person  
3       21 years of age or older, shall not be illegal under New Hampshire law or the law of any political  
4       subdivision of the state or be a basis for seizure or forfeiture of assets under New Hampshire law:

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

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

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

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

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

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

27       318-F:3 Personal Cultivation Prohibited. No person shall cultivate cannabis plants unless  
28       authorized by law to do so.

29       318-F:4 Smoking or Vaporizing of Cannabis in Public Prohibited; Penalty. No person shall  
30       smoke or vaporize cannabis in an area accessible to the public. Any person who violates this section  
31       shall be guilty of a violation, may be fined not more than \$500, and shall forfeit all cannabis and  
32       cannabis products.

33       318-F:5 Smoking or Vaporizing of Cannabis in a Moving Vehicle Prohibited; Penalty.

34           I. No person shall consume, smoke, or vaporize cannabis or knowingly permit a passenger in  
35       their motor vehicle to consume, smoke, or vaporize cannabis while operating or attempting to  
36       operate a motor vehicle on a way, or while operating or attempting to operate an off highway

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1 recreational vehicle, snowmobile, boat, vessel, aircraft, or other motorized device used for  
2 transportation on a way.

3 II. Any person who violates this section who is the operator of a motor vehicle on a way, or  
4 while operating or attempting to operate an off-highway recreational vehicle, snowmobile, boat,  
5 vessel, aircraft, or other motorized device used for transportation, shall be guilty of a violation, may  
6 be fined not more than \$500, and shall have his or her driver's license suspended for up to 3 months  
7 for the first offense, and shall be guilty of a misdemeanor, and may be fined not more than \$1,000  
8 and have his or her driver's license suspended for up to 6 months, or both, for a second or subsequent  
9 offense.

10 III. The license suspension as described in this section shall only apply a person who  
11 violates this section and who is the operator of the motor vehicle, recreational vehicle, snowmobile,  
12 boat, vessel, aircraft, or other motorized device used for transportation.

13 IV. When determining whether a person violated an offense under the section, the issue of  
14 whether the operator of the motor vehicle is impaired shall not be an element of the offense. A  
15 person who consumes, smokes, or vaporizes or permits another to consume, smoke, or vaporize  
16 cannabis in a motor vehicle, recreational vehicle, snowmobile, boat, vessel, aircraft, or other  
17 motorized device used for transportation he or she is operating shall be liable under this section  
18 without regard to fault.

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

20 318-F:6 Cannabis Accessories Authorized.

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

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

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

33 318-F:7 Regulation of Cannabis. Not later than 8 months after the effective date of this chapter,  
34 the commission shall adopt rules, pursuant to RSA 541-A relative to:

35 I. The registration, licensure, and regulation of all other cannabis establishments.

36 II. The manufacture and sale of cannabis accessories.

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1           III. The requirements for the transportation of cannabis between cannabis establishments,  
2 including documentation that shall accompany any cannabis being transported by cannabis  
3 cultivation facilities.

4           IV. Procedures for the delivery of cannabis to consumers, including documentation that shall  
5 accompany any cannabis being transported to consumers.

6           V. Procedures for hearings on civil fines and suspensions and revocations of licenses.

7           VI. Reasonable security requirements for each type of cannabis establishment, which may  
8 be varied based on the size of the cannabis establishment.

9           VII. Health and safety rules, including regarding the packaging and preparing of cannabis  
10 products, presence of contaminants, and restricting the use of pesticides that may be dangerous to  
11 cannabis consumers.

12           VIII. Restrictions on the advertising, signage, marketing, and display of cannabis, including  
13 prohibiting the design of advertising, signage, and marketing that would target or appeal to minors.

14           IX. Labeling requirements for cannabis products, including:

15               (a) Mandating the disclosure of the THC content of each product.

16               (b) Requirements for packaging to ensure it is not designed to appeal to minors.

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

19           X. Requirements for the testing of all cannabis products for potency and contaminants.

20           318-F:8 Registration Procedures for Cannabis Establishments.

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

23           II. Each application shall include both the fee established by the commission and a \$250 fee  
24 for the municipality to review the application.

25           III. The liquor commission shall:

26               (a) Accept and process applications beginning no later than May 1, 2023 for cannabis  
27 cultivation facilities, and beginning no later than August 1, 2023 for cannabis product  
28 manufacturing facilities, cannabis transporters, and cannabis testing facilities.

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

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

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

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

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

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

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

10          VI. Notwithstanding RSA 126-X, an alternative treatment center registered to operate  
11 pursuant to RSA 126-X may file an application to obtain a separate registration to operate as a for  
12 profit cannabis cultivation facility, cannabis product manufacturing facility, or cannabis transporter,  
13 pursuant to this chapter. Such applicant shall comply with the same application procedures set  
14 forth in this section and shall be subject to the provisions of this chapter. If approved, the applicant  
15 may operate as an alternative treatment center pursuant to RSA 126-X, and as a cannabis  
16 cultivation facility, cannabis product manufacturing facility, or cannabis transporter, pursuant to  
17 this chapter, as a separate entity.

18          318-F:9 Enactment of Municipal Ordinances.

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

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

27          318-F:10 Residency Required.

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

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

33          318-F:11 Background Checks Required.

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

36           II. No cannabis establishment shall employ any person who has been convicted of a  
37 disqualifying offense as an officer, director, general partner, member, or manager. No person

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1 convicted of a disqualifying offense shall work as an officer, director, general partner, member, or  
2 manager of a cannabis establishment or serve on the board of a cannabis establishment.

3 318-F:12 Restrictions on Location. No cannabis establishment shall operate, nor shall a  
4 prospective cannabis establishment apply for a registration, if the establishment would be located  
5 within 1,000 feet of the property line of a pre-existing public or private elementary or secondary  
6 school.

7 318-F:13 Proof of Purchaser's Identity.

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

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

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

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

18 318-F:14 Professional License Holder Immunity.

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

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

24 318-F:15 Cannabis Control Fund Established; Disbursement of Funds.

25 I.(a) There is established in the state treasury a nonlapsing fund to be known as the  
26 cannabis control fund. The fund shall be kept distinct and separate from all other funds in the state  
27 treasury, and the moneys credited to the fund shall be held distinct and separate from all other  
28 funds over which the state treasurer has control. Moneys in the fund shall be deposited with any  
29 financial institution as defined in RSA 383-A:2-201(a)(27-a), with a branch in the state.

30 (b) Notwithstanding any provision of law to the contrary, a financial institution with a  
31 branch within this state may provide financial services, including receiving deposits, extending  
32 credit, conducting fund transfers, or other financial services, to the state and the commission with  
33 respect to moneys credited to the cannabis control fund, any other cannabis related funds over which  
34 the state or a municipality has control regardless of the manner or fund in which such funds are  
35 held, and with respect to the funds of any private entity authorized to conduct a cannabis-related  
36 business activity pursuant to this chapter.



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

3           III. Beginning July 1, 2023, and each biennium thereafter, the commission shall include the  
4 cost of administration of this chapter in the commission's efficiency expenditure request pursuant to  
5 RSA 9:4. Appropriations for such costs shall be a charge against the fund.

6           IV. Not later than June 30, 2027, the commission shall reimburse the general fund from the  
7 cannabis control fund for any initial or start-up funds appropriated to the commission for the  
8 administration and operation of this chapter, Any remaining fund moneys shall be disbursed each  
9 fiscal year as follows:

10           (a) Fifty percent of remaining funds shall be disbursed annually to the department of  
11 revenue administration to be disbursed to cities and towns to offset the education tax imposed on all  
12 persons and property taxable pursuant to RSA 76:3 and RSA 76:8.

13           (b) Thirty percent of remaining funds shall be disbursed to the department of  
14 administrative services to be credited to the New Hampshire retirement system to offset the  
15 retirement system's unfunded accrued liability. Upon certification by the commissioner of the  
16 department of administrative services that the retirement system has no remaining unfunded  
17 accrued liability, this disbursement of funds shall be credited to the education trust fund established  
18 in RSA 198:39.

19           (c) Ten percent of remaining funds, or \$25,000,000, whichever is less, shall be credited to  
20 the department of health and human services, bureau of drug and alcohol services, for use in  
21 evidence-based, voluntary programs for substance use-related education, prevention, treatment, and  
22 recovery that includes mental health treatment that is contributing to substance misuse, and for  
23 scientifically and medically accurate public education campaigns educating youth and adults about  
24 the health and safety risks of alcohol, tobacco, cannabis, and other substances, including education  
25 campaigns separately targeting youth and adults that provide medically and scientifically accurate  
26 information about the health and safety risks posed by cannabis use, including driving under the  
27 influence of cannabis.

28           (d) Five percent of remaining funds shall be disbursed to public safety agencies,  
29 including police, fire, and rescue agencies, for the hiring and training of additional drug recognition  
30 experts, for advanced roadside impaired driving enforcement training, and to assist in responding to  
31 drug overdose incidents.

32           (e) Five percent of remaining funds shall be disbursed to the department of health and  
33 human services, division for behavioral health, bureau of children's behavioral health, to be used for  
34 children's behavioral health services.

35           6 The Liquor Commission; Liquor Investigator Training. Amend RSA 176:9 to read as follows:  
36           176:9 Liquor Investigator; Training.

I. The commission may, subject to rules adopted by the director of personnel, employ and dismiss liquor investigators. Liquor investigators shall, under the direction of the commission, investigate any or all matters arising under this title. ***The commission may select and retain market consultants through a competitive bidding process approved by the governor and the executive council. Any such contract with a third-party agent shall be for consulting services relating to marketing and regulation of cannabis for purposes of cultivation, manufacturing, testing, and retail sale.***

II. Any new liquor investigator employed by the commission under this section after August 13, 1985, shall, within 6 months of employment, satisfactorily complete a preparatory police training program as provided by RSA 106-L:6, unless he or she has already completed such a program.

III. The commissioner, deputy commissioner, assistant, or liquor investigator may enter any place where liquor, beverages, tobacco products, e-cigarettes, ***or cannabis*** are sold [or], manufactured, ***or cultivated*** at any time, and may examine any license or permit issued or purported to have been issued under the terms of this title. They shall make complaints for violations of this title.

7 New Paragraph; The Liquor Commission; Commission to Sell. Amend RSA 176:11 by inserting after paragraph II the following new paragraph:

III.(a) It shall be the duty of the commission to buy and have in its possession cannabis and cannabis products as defined in RSA 318-F:1 for sale in the manner provided in RSA 318-F, and to sell cannabis for therapeutic purposes as authorized under RSA 126-X. Such cannabis shall be free from adulteration and misbranding within the meaning of the provisions of RSA 146. All cannabis sold for therapeutic use shall conform to the standards and tests for such cannabis under New Hampshire law at the time of sale. All purchases of cannabis shall be made by the commission directly and not through the department of administrative services. The commission shall be subject to all the provisions of RSA 9.

(b) In the event that the commission determines New Hampshire cannabis revenues are being diverted by actions taken by persons holding any type of cannabis license, the commission may take such marketing or merchandising action, or both, as it deems necessary, including sanctions against the competing entities.

8 New Paragraph; The Liquor Commission; Rulemaking. Amend RSA 176:14 by inserting after paragraph IX the following new paragraph:

IX-a. Cannabis licenses, including:

(a) Separate licenses for cultivation, manufacturing, and testing of cannabis, and dual licenses as the commission may approve.

(b) Requirements and restrictions for each type of license.

(c) Procedures and forms to apply for or renew a license.

(d) Safekeeping of licenses.

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(e) Authorized expansion of a licensed facility and procedures for authorization.

(f) Procedures to approve exceptions of license requirements, restrictions, and limitations.

(g) Training and continuing education required or recommended for licensees.

IX-b. Cannabis licensee operations, including:

(a) Procedures for on-premises and off-premises licensees to purchase cannabis.

(b) Credit and billing procedures, including fees for late payment.

(c) Bailment requirements, including fees.

(d) Restrictions on packaging, promotions, signage, and operating hours.

(e) Relations between types of licensees.

(f) Collection of additional fees required under RSA 178:6, VI, RSA 178:8, IV, and RSA 178:26.

9 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:

10 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:

11 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:

12 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,***

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1 *or, in the case of an amount exceeding the possession limit defined in RSA 318-F:1*  
2 *possessed by a person who is 21 years of age or older, except if possessed by a person*  
3 *authorized pursuant to RSA 126-X,* the person shall be guilty of a misdemeanor. [~~In the case of~~  
4 ~~marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products~~  
5 ~~as defined in RSA 318-B:2-c, other than a personal use amount of a regulated marijuana-infused~~  
6 ~~product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older, the~~  
7 ~~person shall be guilty of a misdemeanor.~~]

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

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

16 13 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

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

19 14 Personal Possession of Marijuana. Amend RSA 318-B:2-c to read as follows:

20 318-B:2-c [~~Personal~~] Possession of Marijuana **by a Person Under 21 Years of Age**.

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

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

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

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

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

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

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

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

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

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

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

32           (d) Any person ***under 21 years of age who is*** in possession of an identification card,  
33 license, or other form of identification issued by the state or any state, country, city, or town, or any  
34 college or university, who fails to produce the same upon request of a police officer or who refuses to  
35 truthfully provide his or her name, address, and date of birth to a police officer who has informed the  
36 person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an

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1 ounce or less of marijuana~~[, a personal-use amount of a regulated marijuana-infused product,]~~ or 5  
2 grams or less of hashish, may be arrested for a violation of paragraph II~~[,]~~ **or** III~~[, or IV]~~.

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

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

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

14 15 Alcohol or Drug Impairment; Possession of Drugs. Amend RSA 265-A:43 to read as follows:

15 265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly  
16 having in his or her possession or in any part of the vehicle a controlled drug or controlled drug  
17 analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her  
18 license shall be revoked or his or her right to drive denied for a period of 60 days and at the  
19 discretion of the court for a period not to exceed 2 years. This section shall not apply to the  
20 possession of marijuana or hashish as provided in RSA 318-B:2-c~~[, or a personal-use amount of a~~  
21 ~~regulated marijuana-infused product as defined in RSA 318-B:2-e, I(b)]~~.

22 16 Appropriation; Liquor Commission. The sum of \$4,600,000 for the fiscal year ending June  
23 30, 2023 is hereby appropriated to the liquor commission for the cost of administration of RSA 318-F.  
24 The governor is authorized to draw a warrant for said sum from any money in the treasury not  
25 otherwise appropriated.

26 17 Appropriation; Department of Health and Human Services. The sum of \$150,000 for the  
27 fiscal year ending June 30, 2023 is hereby appropriated to the department of health and human  
28 services to create public media and social media campaigns which would be launched prior to the  
29 availability of cannabis for purchase from a cannabis retail store to address growing false  
30 perceptions of harmlessness and the impact of cannabis use for youth, safe storage of cannabis and  
31 use around children, increased motor vehicle accident risks, increased risk of psychosis, and  
32 potential risks of use during pregnancy.

33 18 Repeal. RSA 318-B:1, X-a(g), relative to separation gins and sifters used or intended for use  
34 with cannabis, is repealed .

35 19 Effective Date. This act shall take effect upon its passage.

2022-1172h

AMENDED ANALYSIS

This bill:

- I. Legalizes the possession and use of cannabis for persons 21 years of age and older.
- II. Authorizes the liquor commission to regulate and administer the cultivation, manufacture, testing, and retail sale of cannabis statewide, and makes an appropriation therefor.
- III. Authorizes alternative treatment centers registered to dispense therapeutic cannabis to register, as a separate entity, to manufacture, cultivate, or transport cannabis to the state for retail sale.
- IV. Authorizes a municipality to 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 permitted within the municipality.
- V. Establishes the cannabis control fund and requires funds to be distributed to the department of health and human services, bureau of drug and alcohol services, for education tax relief, public safety agency training purposes, and children's behavioral health services.
- VI. Makes an appropriation to the department of health and human services to create public media and social media campaigns to address some of the risks of cannabis use.