

HB 526 - AS INTRODUCED

2021 SESSION

21-0668

04/10

HOUSE BILL **526**

AN ACT relative to the fine for the sale or possession of cannabis.

SPONSORS: Rep. Abramson, Rock. 37; Rep. Ankarberg, Straf. 10

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill amends the fines for personal possession of marijuana and for possession of therapeutic cannabis by a person without possession of a registry identification card. The bill also repeals certain provisions related to drug paraphernalia.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the fine for the sale or possession of cannabis.

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

1 1 Prohibitions and Limitations on Therapeutic Use of Cannabis. Amend RSA 126-X:3, V to read
2 as follows:

3 V. A qualifying patient or designated caregiver who is found to be in possession of cannabis
4 outside of his or her home and is not in possession of his or her registry identification card may be
5 subject to a fine of up to **one dollar per gram but not more than \$100.**

6 2 Controlled Drug Act; Acts Prohibited. Amend RSA 318-B:2, I-b to read as follows:

7 I-b. It shall be unlawful for a qualifying patient or designated caregiver as defined under
8 RSA 126-X:1 to sell cannabis to another person who is not a qualifying patient or designated
9 caregiver. A conviction for the sale of cannabis to a person who is not a qualifying patient or
10 designated caregiver shall not preclude or limit a prosecution or conviction of any person for sale of
11 cannabis or any other offense defined in this chapter. **Any person who violates the provisions of**
12 **this paragraph shall be subject to a fine of up to one dollar per gram sold. Such fines shall**
13 **be remitted to the municipality in which the sale occurred.**

14 3 Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B:2-c, IV and V(a) to
15 read as follows:

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

20 V.(a) Except as provided in this paragraph, any person 18 years of age or older ~~[who is~~
21 ~~convicted of violating paragraph II or III, or any person 21 years of age or older who is convicted of~~
22 ~~violating paragraph IV]~~ shall be subject to a fine of ~~[\$100 for a first or second offense under this~~
23 ~~paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any~~
24 ~~person convicted based upon a complaint which alleged that the person had 3 or more prior~~
25 ~~convictions for violations of paragraph II, III or IV, or under reasonably equivalent offenses in an~~
26 ~~out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding~~
27 ~~the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana,~~
28 ~~regulated marijuana-infused products, or hashish to the state. A court shall waive the fine for a~~
29 ~~single conviction within a 3-year period upon proof that person has completed a substance abuse~~
30 ~~assessment by a licensed drug and alcohol counselor within 60 days of the conviction]~~ **up to one**
31 **dollar per gram within such person's possession.** A person who intends to seek an assessment

HB 526 - AS INTRODUCED

- Page 2 -

1 in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days.
2 Should proof of completion of an assessment be filed by or before that time, the court shall vacate the
3 fine without a hearing unless requested by a party.

4 4 Repeal. The following are repealed:

5 I. RSA 318-B:1, X-a(e), relative to scales and balances used or intended for use or
6 customarily intended for use in weighing or measuring controlled substances.

7 II. RSA 318-B:1, X-a(g), relative to separation gins and sifters used or intended for use or
8 customarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining,
9 marijuana.

10 III. RSA 318-B:1, X-a(k), relative to objects used or intended for use or customarily intended
11 for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil
12 into the human body.

13 IV. RSA 318-B:2-c, VI(d), relative to arrest for failure to provide identification or other
14 information when requested by a law enforcement officer when such officer informs the person that
15 he or she is in possession of a certain quantity of marijuana.

16 5 Effective Date. This act shall take effect upon its passage.