

HB 82-FN - AS INTRODUCED

2023 SESSION

23-0121

05/08

HOUSE BILL **82-FN**

AN ACT relative to employment protection for participants in the therapeutic cannabis program.

SPONSORS: Rep. Vail, Hills. 6; Rep. Grossman, Rock. 11; Rep. Newell, Ches. 4; Rep. Seibert, Hills. 21

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill prohibits an employer from refusing to hire, or terminating the employment of a qualified patient of the New Hampshire therapeutic cannabis program solely on the basis of a positive drug test.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Three

AN ACT relative to employment protection for participants in the therapeutic cannabis program.

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

1 1 New Section; Qualified Patient of New Hampshire's Therapeutic Cannabis Program. Amend
2 RSA 275 by inserting after section 37-d the following new section:

3 275:37-e Qualified Patient of New Hampshire's Therapeutic Cannabis Program. No employer
4 shall deny employment to or terminate the employment of an individual solely because the
5 individual is a qualified patient of the New Hampshire therapeutic cannabis program under RSA
6 126-X and such person has a positive drug test indicating cannabis, provided that the person carries
7 a current, valid registry identification card. This section shall not apply to employment where drug
8 screening tests are required for the safety of persons and property at the job site. Nothing in this
9 section shall be construed to require an employer to allow being impaired by cannabis products while
10 at work.

11 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 82-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to employment protection for participants in the therapeutic cannabis program.

FISCAL IMPACT: State County Local None

| STATE: | Estimated Increase / (Decrease) | | | |
|------------------------|--|-------------------------|-------------------------|-------------------------|
| | FY 2023 | FY 2024 | FY 2025 | FY 2026 |
| Appropriation | \$0 | \$0 | \$0 | \$0 |
| Revenue | \$0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |
| Expenditures | \$0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |
| Funding Source: | <input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Department of Labor Restricted Fund (RSA 273:1-b) | | | |

COUNTY:

| | | | | |
|---------------------|-----|-------------------------|-------------------------|-------------------------|
| Revenue | \$0 | \$0 | \$0 | \$0 |
| Expenditures | \$0 | Indeterminable Increase | Indeterminable Increase | Indeterminable Increase |

METHODOLOGY:

This bill prohibits an employer from refusing to hire, or terminating the employment of a qualified patient of the New Hampshire therapeutic cannabis program solely on the basis of a positive drug test.

The Department of Labor does not expect this bill would materially impact the operational cost to the Department of administering RSA 275 or have any appreciable impact on state, county or local expenditures. Regarding state revenue, the Department states it is possible that there could be additional revenue from fines levied by the Department against employers acting in violation of the provisions of the bill. Any such fine revenue would be deposited in the Restricted Fund established in RSA 273:1-b for paying the costs of operating the Department of Labor. After paying such costs, any balance remaining in the fund at the end of the fiscal year is transferred to the general fund. The amount of any potential revenue is indeterminable.

This bill contains penalties that may have an impact on the judicial system. There is no method to determine how many charges would be brought as a result of the changes contained in this bill to determine the fiscal impact on expenditures. However, the entities impacted have provided the potential costs associated with these penalties below.

| | | | |
|---|---------|--------------------------|---|
| Judicial Branch | FY 2023 | FY 2024 through 12/31/23 | FY 2024 (Starting 1/1/24 with repeal of Felonies First) |
| Violation and Misdemeanor Level Offense | \$119 | \$122 | \$122 |
| Appeals | Varies | Varies | Varies |
| NH Association of Counties | | FY 2023 | FY 2024 |
| County Prosecution Costs | | Indeterminable | Indeterminable |

Many offenses are prosecuted by local and county prosecutors. When the Department of Justice has investigative and prosecutorial responsibility or is involved in an appeal, the Department may be able to absorb the cost within its existing budget. However, if the Department needs to prosecute significantly more cases or handle more appeals, then costs will increase by an indeterminable amount.

It is assumed that any fiscal impact would occur after FY 2023.

AGENCIES CONTACTED:

Judicial Branch, Departments of Justice and Labor, and New Hampshire Association of Counties