

CHAPTER 72  
SB 234 – FINAL VERSION

03/27/14 1061s

2014 SESSION

14-2652  
04/10

SENATE BILL **234**

AN ACT relative to procedural changes in the law governing therapeutic use of cannabis.

SPONSORS: Sen. Reagan, Dist 17; Sen. Woodburn, Dist 1; Rep. Wright, Carr 8; Rep. LeBrun, Hills 32

COMMITTEE: Health, Education and Human Services

---

ANALYSIS

This bill modifies requirements for submitting a criminal history records check to the division of state police and for rendering a decision on a designated caregiver's application, and repeals a provision requiring information submitted to an alternative treatment center regarding the locations where cannabis is proposed to be grown, cultivated, or harvested to be confidential.

-----

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

**CHAPTER 72**  
**SB 234 – FINAL VERSION**

03/27/14 1061s

14-2652  
04/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                   relative to procedural changes in the law governing therapeutic use of cannabis.

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

1           72:1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Criminal Records Check.  
2 Amend RSA 126-X:4 by inserting after paragraph II the following new paragraph:

3           II-a. In addition to the information required pursuant to paragraph II, the department shall  
4 also receive results of a criminal history records check from the division of state police. A person  
5 applying to be a designated caregiver shall submit directly to the department of safety a notarized  
6 criminal history records release form, as provided by the New Hampshire division of state police,  
7 authorizing the release of his or her criminal history record, if any, to the department. The applicant  
8 shall submit with the release form a complete set of electronic fingerprints taken by a qualified law  
9 enforcement agency or an authorized employee of the department of safety. In the event that the  
10 first set of fingerprints is invalid for whatever reason, a second set of fingerprints shall be necessary  
11 in order to complete the criminal history records check. If, after 2 attempts, a set of fingerprints is  
12 invalid due to insufficient pattern, the department may, in lieu of the criminal history records check,  
13 accept police clearances from every city, town, or county where the person has lived during the past 5  
14 years. The division of state police shall conduct a criminal history records check through its records  
15 and through the Federal Bureau of Investigation. Upon completion of the records check, the division  
16 of state police shall submit a copy of the criminal history records to the department. The department  
17 shall maintain the confidentiality of all criminal history records information received pursuant to  
18 this section. The applicant shall bear the cost of a criminal history records check.

19           72:2 Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA  
20 126-X:4, III to read as follows:

21           III. The department shall verify the information contained in an application or renewal  
22 submitted pursuant to this section. The department shall approve or deny an application or renewal  
23 for a qualifying patient within 15 days of receipt of the application. The department shall approve or  
24 deny an application or renewal to serve as a designated caregiver within 15 days of receipt of the  
25 application ***and the criminal history records check results***. The department may deny an  
26 application or renewal only if the applicant did not provide the information required pursuant to this  
27 section, or if the applicant previously had a registry identification card revoked for violating the  
28 provisions of this chapter or rules adopted by the department, or if the department determines that  
29 the information provided was falsified or did not meet the requirements of this chapter or rules

**CHAPTER 72**  
**SB 234 – FINAL VERSION**  
**- Page 2 -**

1 adopted by the department. The department shall notify an applicant of the denial of an application.  
2 An applicant who is aggrieved by a department decision may request an administrative hearing at  
3 the department.

4 72:3 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers. Amend the  
5 introductory paragraph in RSA 126-X:8, IV(a) to read as follows:

6 (a) An alternative treatment center shall conduct a state and federal criminal records  
7 check for every person seeking to become a principal officer, board member, agent, volunteer, or  
8 employee before the person begins working at the alternative treatment center pursuant to  
9 ~~[RSA 126-X:4, II(g)]~~ **RSA 126-X:4, II-a**. An alternative treatment center shall not allow any person  
10 to be an alternative treatment center agent who:

11 72:4 Repeal. The following are repealed:

12 I. RSA 126-X:7, VI, relative to departmental administration of alternative treatment centers.

13 II. RSA 126-X:4, II(g), relative to criminal history records checks for designated caregivers.

14 72:5 Effective Date. This act shall take effect 60 days after its passage.

15 Approved: May 27, 2014

16 Effective Date: July 26, 2014