

CHAPTER 143
SB 22 – FINAL VERSION

03/12/2015 0640s
15Apr2015... 1251h

2015 SESSION

15-0153
01/10

SENATE BILL **22**

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

SPONSORS: Sen. Reagan, Dist 17; Rep. Jones, Straf 24; Rep. C. Chase, Ches 8

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill clarifies certain procedures in the law governing therapeutic use of cannabis.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

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

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

1 143:1 New Paragraph; Use of Cannabis for Therapeutic Purposes; Protections. Amend RSA 126-
2 X:2 by inserting after paragraph XIV the following new paragraph:

3 XV. A laboratory which conducts testing of cannabis required under rules for alternative
4 treatment centers adopted under this chapter, and the employees thereof, shall not be subject to
5 arrest by state or local law enforcement, prosecution or penalty under state or municipal law, or
6 search, for acting pursuant to this chapter and department rules to possess cannabis on the premises
7 of the laboratory for the purposes of testing, and, in the case of a laboratory employee, denied any
8 right or privilege for working for such a laboratory.

9 143:2 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards; Qualifying
10 Patient. Amend RSA 126-X:4, I(c) to read as follows:

11 (c) A recent passport-sized photograph of the applicant's face. ***The department may***
12 ***use the photograph submitted with the initial application for up to 5 years for the purpose***
13 ***of issuing renewal or replacement registry identification cards, after which the applicant***
14 ***shall submit a new photograph.***

15 143:3 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards; Designated
16 Caregiver. Amend RSA 126-X:4, II(b) to read as follows:

17 (b) A recent passport-sized photograph of the applicant's face. ***The department may***
18 ***use the photograph submitted with the initial application for up to 5 years for the purpose***
19 ***of issuing renewal or replacement registry identification cards, after which the applicant***
20 ***shall submit a new photograph.***

21 143:4 New Paragraph; Use of Cannabis for Therapeutic Purposes; Registry Identification Cards.
22 Amend RSA 126-X:4 by inserting after paragraph II-a the following new paragraph:

23 II-b. The provisions of paragraph II-a shall apply only to initial applications. Every year
24 thereafter when applying for a new registry identification card, a designated caregiver shall include
25 with the application an attestation on a form issued by the department stating that the applicant
26 has not been convicted of a felony offense. This attestation shall be subject to the penalties set forth
27 in RSA 641:3 for unsworn falsification and this shall be noted on the form issued by the department.
28 In addition, a designated caregiver shall promptly inform the department if convicted of a felony

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1 offense subsequent to being issued a registry identification card.

2 143:5 Use of Cannabis for Therapeutic Purposes; Registry Identification Cards. Amend RSA
3 126-X:4, IV(d) to read as follows:

4 (d) A designation that the person is either a "qualifying patient" or a "designated
5 caregiver." ~~[If the person is a designated caregiver, the identification card shall include the random~~
6 ~~10 digit identification number for each qualifying patient for whom he or she is providing care.]~~

7 143:6 Use of Cannabis for Therapeutic Purposes; Affirmative Defense. Amend RSA 126-X:5, I(a)
8 and (b) to read as follows:

9 (a) The actor is a qualifying patient who has been issued a valid registry identification
10 card, was in possession of cannabis in a quantity and location permitted pursuant to this chapter,
11 and was engaged in the therapeutic use of cannabis; ~~[or]~~

12 (b) The actor is a designated caregiver who has been issued a valid registry identification
13 card, was in possession of ~~[a]~~ cannabis in a quantity and location permitted pursuant to this chapter,
14 and was engaged in the therapeutic use of cannabis on behalf of a qualifying patient ; **or**

15 (c) ***The actor is an employee of a laboratory conducting testing required for***
16 ***alternative treatment centers pursuant to rules adopted under this chapter.***

17 143:7 New Subparagraph; Use of Cannabis for Therapeutic Purposes; Rules. Amend RSA 126-
18 X:6, III(a) by inserting after subparagraph (15) the following new subparagraph:

19 (16) Laboratory testing of cannabis cultivated and/or processed by an alternative
20 treatment center. Such testing shall only be conducted by a laboratory licensed by the department
21 under RSA 151.

22 143:8 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers; Requirements.
23 Amend RSA 126-X:8, II to read as follows:

24 II. An alternative treatment center shall not be located in a residential district or within
25 [1,000 feet of the property line of a] pre-existing [public or private elementary or secondary school or]
26 designated drug free school zones.

27 143:9 Facility Licensure. Amend RSA 151:2, I(c) to read as follows:

28 (c) Laboratories performing tests or analyses of human samples, ~~[or]~~ collection stations
29 operated by laboratories, ***or laboratories performing testing on therapeutic cannabis***
30 ***pursuant to RSA 126-X:6, III(a)(16).***

31 143:10 Repeal. RSA 126-X:4, IV(e), relative to certain information for registry identification
32 cards, is repealed.

33 143:11 Effective Date. This act shall take effect 60 days after its passage.

34
35 Approved: June 12, 2015

36 Effective Date: August 11, 2015