

Floor Amendment to SB 263-FN

1 Amend the title of the bill by replacing it with the following:

2
3 AN ACT relative to the New Hampshire granite advantage health care program and the
4 commission to evaluate the effectiveness and future of the New Hampshire granite
5 advantage health care program; and relative to the legalization and regulation of
6 cannabis and making appropriations therefor.
7

8 Amend the bill by inserting after section 7 the following and renumbering the effective date to be the
9 last numbered section:
10

11 8 Purpose and Findings. The general court hereby finds that:

12 I. In the interest of allowing law enforcement to focus on violent and property crimes,
13 generating revenue for education, prevention, treatment, and recovery related to the use of both
14 legal and illegal drugs and for other public purposes, and advancing individual freedom, the people
15 of the state of New Hampshire find and declare that the use of cannabis by a person 21 years of age
16 or older should be legal and subject to reasonable regulation and taxation.

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

20 (a) Individuals will have to show proof of age before purchasing cannabis.

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

23 (c) Driving under the influence of cannabis shall remain illegal.

24 (d) Moving cannabis production and sales from the underground, sometimes dangerous,
25 illicit market to legal, taxpaying businesses allows for appropriate regulations and control.

26 (e) Cannabis sold in this state will be tested, labeled, and subject to additional
27 regulations to ensure that consumers are informed and protected and to protect the environment.

28 (f) Some of the tax revenue generated from legal cannabis sales will be used to support
29 programs for education, prevention, treatment, and recovery related to the use of both legal and
30 illegal drugs.

31 9 New Subparagraphs; Application of Receipts; Cannabis Fund. Amend RSA 6:12, I(b) by
32 inserting after subparagraph (387) the following new subparagraphs:

33 (388) Moneys deposited in the cannabis fund established in RSA 318-F:21.

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1 (389) Moneys in the substance abuse prevention and recovery fund established by
2 RSA 318-F:22.

3 10 New Subdivision; Substance Abuse Prevention and Recovery Funds. Amend RSA 126-A by
4 inserting after section 97 the following new subdivision:

5 Substance Abuse Prevention and Recovery Funds

6 126-A:98 Substance Abuse Prevention and Recovery Funds; Management and Distribution of
7 Funds.

8 I. The commissioner of the department of health and human services, in coordination with
9 the governor's commission on alcohol and other drugs under RSA 12-J shall administer the
10 substance abuse prevention and recovery fund established in RSA 318-F:22.

11 II. Funds shall be deposited into the substance abuse prevention and recovery fund as
12 established by 318-F:25 to be distributed by the commissioner of the department of health and
13 human services in coordination with the governor's commission on alcohol and other drugs under
14 RSA 12-J. Funds may be awarded to a qualifying governmental entity or program for an approved
15 use. All funds shall be nonlapsing and continually appropriated for the purposes of this section.

16 III. The commissioner of the department of health and human services, in coordination with
17 the governor's commission on alcohol and other drugs per RSA 12-J, shall continue to make
18 distributions from the trust fund.

19 IV. The department of health and human services shall adopt rules pursuant to RSA 541-A
20 necessary to implement this section. Such rules shall include funding qualifications, application
21 procedures, time-lines for receiving, reviewing, and acting upon application requests, and reporting
22 requirements.

23 V. Allocations shall be used for one or more of the following:

24 (a) Evidence-based, voluntary programs for substance abuse-related education,
25 prevention, treatment, and recovery.

26 (b) Mental health treatment, with a focus on dual-diagnosis of both mental health and
27 substance misuse disorders.

28 (c) Funding and training to foster an informed, adequately paid behavioral health
29 workforce.

30 (d) Scientifically and medically accurate public education campaigns educating youth
31 and adults about the health and safety risks of alcohol, tobacco, cannabis, and other substances,
32 including education campaigns separately targeting youth and adults that provide medically and
33 scientifically accurate information about the health and safety risks posed by cannabis use, including
34 driving under the influence of cannabis.

35 VI. No later than 18 months after the effective date of this section, and every 2 years
36 thereafter, the commissioner of the department of health and human services shall submit an
37 annual report to the governor and fiscal committee of the general court detailing the activities of the

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administration of the substance abuse prevention and recovery trust fund, the amount distributed in the past year, the amount remaining in the trust fund, a summary of how funds were used in the past year, and any recommendations for future legislation.

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

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

12 Controlled Drug Act; Drug Forfeiture Fund. Amend RSA 318-B:17-c, I to read as follows:

I. There is hereby established ~~[within the office of the state treasurer]~~ a special revolving fund to be designated as the drug forfeiture fund. This fund shall be administered by the attorney general and may be used to pay the costs of local, county and state drug related investigations, **costs of collection of baseline data related to marijuana regulation**, as well as drug control law enforcement programs within New Hampshire. The fund may also be used to pay extraordinary costs of local, county and state drug prosecutions and trial expenses.

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

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

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

CHAPTER 318-F

REGULATION OF CANNABIS

318-F:1 Definitions. In this chapter:

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

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

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

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1 IV. "Cannabis accessory retailer" means an entity licensed to sell cannabis accessories and
2 paraphernalia

3 V. "Cannabis cultivation facility" or "cultivation facility" means an entity registered to
4 cultivate, prepare, and package cannabis, and sell cannabis to retail cannabis stores, to cannabis
5 product manufacturing facilities, to alternative treatment centers, and to other cannabis cultivation
6 facilities, but not to consumers. A cannabis cultivation facility shall not produce cannabis
7 concentrates, tinctures, extracts, or other cannabis products.

8 VI. "Cannabis establishment" means a cannabis cultivation facility, a cannabis testing
9 facility, a cannabis product manufacturing facility, a retail cannabis store, a cannabis transporter, or
10 any other type of cannabis business authorized and licensed by the commission.

11 VII. "Cannabis product manufacturing facility" or "product manufacturing facility" means
12 an entity licensed to purchase cannabis, to manufacture, prepare, and package cannabis products,
13 and sell cannabis and cannabis products to other cannabis product manufacturing facilities, to
14 alternative treatment centers, and to retail cannabis stores, but not to consumers.

15 VIII. "Cannabis products" means any product that contains cannabis, including cannabis
16 extracts, concentrated cannabis products, and products that contain cannabis and other ingredients
17 and are intended for use or consumption, such as, but not limited to, edible products, ointments, and
18 tinctures. This term shall not include cannabis in its plant or flower form.

19 IX. "Cannabis testing facility" or "testing facility" means an entity licensed to test cannabis
20 for potency and contaminants.

21 X. "Cannabis transporter" means an entity licensed to transport cannabis between cannabis
22 establishments.

23 XI. "Commission" means the liquor and cannabis commission.

24 XII. "Consumer" means a person 21 years of age or older who purchases cannabis or
25 cannabis products for personal use by a person 21 years of age or older, but not for resale.
26 "Consumer" does not include a qualifying patient or designated caregiver purchasing cannabis from
27 an alternative treatment center pursuant to RSA 126-X.

28 XIII. "Department" means the department of health and human services.

29 XIV. "Documentation" means all records, in any form, including electronic records.

30 XV. "Dual use certificate" means a license allowing an alternative treatment center licensed
31 to operate pursuant to RSA 126-X to co-locate with and operate a retail cannabis store, cannabis
32 cultivation facility, cannabis product manufacturing facility, cannabis transporter, or any
33 combination of those licenses. A dual use certificate is required in addition to registration as an
34 alternative treatment center and the license required pursuant to this chapter for each type of
35 cannabis establishment operated by the alternative treatment center.

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

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1 XVII. "Inflation" means the 12-month percentage change in the consumer price index for all
2 urban consumers, northeast region as published by the Bureau of Labor Statistics, United States
3 Department of Labor.

4 XVIII. "Mature cannabis plant" means a cannabis plant that has flowered and has buds that
5 may be observed by visual examination.

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

7 XX. "Possession limit" means:

- 8 (a) Four ounces of cannabis in plant form; and
9 (b) Twenty grams of concentrated cannabis products, which includes hashish and pre-
10 filled cartridges of cannabis extracts intended for vaporization;
11 (c) Cannabis products other than concentrated cannabis products containing no more
12 than 2,000 milligrams of THC;

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

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

15 XXII. "Premises" means and includes all parts of the contiguous real estate occupied by a
16 licensee over which the licensee has direct or indirect control or interest and which the licensee uses
17 in the operation of the licensed business, and which have been approved by the commission as proper
18 places in which to exercise the licensee's privilege.

19 XXIII. "Retail cannabis store" or "retail store" means an entity licensed to purchase
20 cannabis from cannabis cultivation facilities, to purchase cannabis and cannabis products from
21 cannabis product manufacturing facilities, and to sell, transfer, and deliver cannabis and cannabis
22 products or cannabis accessories or cannabis paraphernalia to consumers.

23 XXIV. "Resident" means a natural person who:

- 24 (a) Is domiciled in New Hampshire; and
25 (b) Maintains a place of abode in New Hampshire, unless the individual was homeless
26 and residing in New Hampshire for at least 51 percent of the time.

27 318-F:2 Personal Use of Cannabis.

28 I. Except as otherwise provided in this chapter, the following acts, if undertaken by a person
29 21 years of age or older, shall not be illegal under New Hampshire law or the law of any political
30 subdivision of the state or be a basis for seizure or forfeiture of assets under New Hampshire law:

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

36 (b) Transferring an amount of cannabis that does not exceed the possession limit to a
37 person who is 21 years of age or older without remuneration. For purposes of this paragraph, a

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1 transfer is for remuneration if cannabis is given away contemporaneously with another transaction
2 between the same parties, if a gift of cannabis is offered or advertised in conjunction with an offer for
3 sale of goods, services, or admission to an event, or if the gift of cannabis is contingent upon a
4 separate transaction for goods, services, or the price of admission to an event.

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

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

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

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

16 318-F:3 Smoking or Vaping Cannabis in Public Prohibited; Penalty. No person shall smoke or
17 vape cannabis in a public place where the smoking or vaporizing of tobacco products is prohibited.
18 Any person who violates this section shall be guilty of a violation and may be fined not more than
19 \$50.

20 318-F:4 Consuming Cannabis While Operating a Moving Vehicle Prohibited; Penalty.

21 I. No person shall consume, smoke, or vaporize cannabis while driving or attempting to
22 drive a motor vehicle on a way, or while operating or attempting to operate an off-highway
23 recreational vehicle, snowmobile, boat, vessel, aircraft, or other motorized device used for
24 transportation.

25 II. No person shall smoke or vaporize cannabis while the person is a passenger in a motor
26 vehicle that is being driven on a way.

27 III. Any person who violates this section shall be guilty of a violation and shall be subject to
28 a fine not to exceed \$150. In addition, any person who violates paragraph I of this section may have
29 his or her driver's license, if a resident, or driving privilege, if a nonresident, suspended for up to 60
30 days for a first offense and up to one year for a subsequent offense.

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

32 V. A person may not be convicted of both a violation of this section and a violation of RSA
33 265-A:1 based on the same incident.

34 318-F:5 Odor and Personal Possession of Cannabis Not Grounds for a Search.

35 I. Except as provided in paragraph II of this section, the odor of cannabis or burnt cannabis,
36 or the possession of a quantity of cannabis that the officer does not have probable cause to believe
37 exceeds the possession limit of cannabis, shall not constitute in part or in whole probable cause or

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1 reasonable suspicion and shall not be used as a basis to support any stop or search of a person or
2 motor vehicle.

3 II. Nothing in this section prevents a law enforcement official from conducting a test for
4 impairment based in part on the odor of recently burnt cannabis if the law enforcement official
5 would otherwise be permitted to do so under New Hampshire law.

6 318-F:6 Enforcement Authority.

7 I. The commission shall have the primary responsibility for enforcing this chapter. Local,
8 county, and state law enforcement officers shall also have jurisdiction to enforce this chapter. Such
9 authority may be delegated to agents working under their authority.

10 II. The commission shall have the authority to interpret statutes and administrative rules
11 as they relate to this chapter.

12 III. The commission may transfer funds within and among all accounting units within the
13 commission's operating budget and to create accounting units and expenditure classes as required
14 and as the commissioner deems necessary and appropriate to address present or projected budget
15 deficits, or to respond to changes in federal law, regulations, or programs, and otherwise as
16 necessary for the efficient management of the liquor commission and cannabis funds. The provisions
17 of this section shall not be subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

18 IV. The commission may pay staff members working on both liquor and cannabis matters
19 increased wages until 18 months after the first retail cannabis establishment license is issued. A 10
20 percent stipend shall be established for commission staff based on their salary, when engaged in the
21 development and all administrative aspects of the program.

22 318-F:7 Regulation of Cannabis.

23 I. Not later than one year after the effective date of this section, the commission shall
24 initiate the rulemaking process pursuant to RSA 541-A for the licensing and regulation of cannabis
25 cultivation facilities and for the issuance of dual use certificates. Not later than 15 months after the
26 effective date of this section, the commission shall initiate the rulemaking process pursuant to RSA
27 541-A for the licensing and regulation of all other cannabis establishments and on the manufacture
28 and sale of cannabis accessories. The rules shall include the following:

29 (a) Procedures for the application for, issuance, transfer, approval, denial, renewal,
30 suspension, and revocation of a license for cannabis establishments, including procedures to hear
31 complaints and impose penalties if alternative treatment centers with dual use certificates fail to
32 provide an adequate supply and variety of therapeutic cannabis and cannabis products for qualifying
33 patients.

34 (b) A fee schedule of reasonable application, license, and annual renewal fees, provided:

35 (1) That the non-refundable portion of application fees shall not exceed \$1,000, with
36 this upper limit adjusted annually for inflation; and

37 (2) That cultivation facility licensing fees be tiered based on the size of the facilities.

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1 (c) Qualifications for licensure that are directly and demonstrably related to the
2 operation of a cannabis establishment and which may not disqualify applicants solely for cannabis
3 offenses prior to the effective date of this chapter.

4 (d) Criteria for selection among applicants when there are more qualified applicants
5 than there are number of licenses available in a particular municipality.

6 (e) Regulations to create at least 2-4 tiers of cultivation facilities, based on the size of the
7 facility or the number of plants cultivated and providing:

8 (1) That outdoor cultivation facilities shall be allowed to cultivate 3 times the square
9 footage of canopy as indoor cultivation facilities of the same tier;

10 (2) That security regulations and licensing fees shall vary based on the size of the
11 cultivation facility and that regulatory burdens shall be no more onerous than is reasonably
12 necessary; and

13 (3) That cultivation facilities may move up to a higher tier at least once per year if
14 they meet the security requirements and pay the associated fee, except that the commission may
15 suspend this provision in the event of an oversupply.

16 (f) Record keeping requirements for cannabis establishments, including requirements for
17 implementation and compliance with the tracking system.

18 (g) Requirements for the transportation of cannabis and cannabis products between
19 cannabis establishments, including documentation that shall accompany any cannabis being
20 transported.

21 (h) A schedule of fines as are authorized in this chapter for violations of statutory
22 requirements, provided that, not later than 18 months after the effective date of this chapter the
23 commission shall report to the chairpersons of the house and senate ways and means committees its
24 proposal for a fine schedule and for legislation needed to implement the schedule.

25 (i) Procedures for hearings on penalties to include but not limited to administrative
26 fines, suspensions, and revocations of licenses.

27 (j) Reasonable security requirements for each type of cannabis establishment, which
28 may be varied based on the size of the cannabis establishment.

29 (k) Health and safety rules, including but not limited to the packaging and preparing of
30 cannabis products, restricting the use of pesticides and other chemicals during cultivation and
31 processing that may be dangerous to cannabis consumers, and sanitation requirements;

32 (l) Restrictions on the advertising, signage, marketing, and display of cannabis and
33 cannabis products, including but not limited to:

34 (1) A prohibition on mass-market campaigns that have a likelihood of reaching
35 minors;

36 (2) A prohibition on marketing to minors, including marketing specifically related to
37 social media;

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1 (3) A prohibition on cannabis products that are named, packaged, marketed, or
2 designed in a way that mimics or is likely to cause confusion with commercially available,
3 trademarked non-cannabis products, including relating to their logos, the sound of the product or
4 brand, packaging, taste, appearance, and commercial impression;

5 (4) A prohibition on giveaways of cannabis, cannabis products, or cannabis
6 accessories, including samples;

7 (5) A prohibition on billboard advertising, sound trucks, or outdoor internally
8 illuminated screen displays consistent with alcohol advertising prohibitions in RSA 179:31; and

9 (6) A requirement for any advertising to include a standard, recognizable symbol
10 that a product contains cannabis or THC.

11 (m) Restrictions on where a cannabis establishment may be located, consistent with the
12 provisions of this chapter.

13 (n) Restrictions on the hours of sale when a retail cannabis store may sell cannabis and
14 cannabis products, provided the regulations shall not allow retail stores to begin sales before 6:00
15 a.m. or to sell cannabis or cannabis products after 11:45 p.m.

16 (o) Packaging, product manufacturing, and labeling requirements for cannabis and
17 cannabis products, including:

18 (1) Mandating the disclosure of the THC content of each product;

19 (2) Requirements to ensure cannabis products and their packaging are not designed
20 to appeal to or be attractive to minors, including providing that they cannot be in the shape of
21 cartoons, toys, animals, or people; and

22 (3) Establishing the maximum amount of THC that may be included in each
23 cannabis product serving as 20 milligrams, except that the commission may change this amount
24 through rulemaking;

25 (4) Prohibiting flavors and designs of cannabis-infused beverages, oils, and edibles
26 that resemble or imitate candy flavors that are marketed to minors;

27 (5) Warnings, including but not limited to, those described in RSA 318F:16;

28 (6) A requirement for any label, an for certain products where appropriate, to
29 include a standard, recognizable symbol that a product contains cannabis or THC; and

30 (7) Potency limits for cannabis products.

31 (p) Health and safety rules and standards for the cultivation of cannabis and
32 manufacture of cannabis products, including:

33 (1) Prohibitions on additives to products that are toxic, misleading to consumers, or
34 designed to make the product more appealing to children;

35 (2) Safety standards regulating the manufacture of cannabis extracts and
36 concentrated cannabis products; and

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1 (3) A prohibition on the inclusion of nicotine and other additives to cannabis
2 products that are designed to make the product more addictive or more intoxicating.

3 (q) Standards for the operation of testing laboratories, including requirements for
4 equipment and qualifications for personnel.

5 (r) Requirements for the testing of cannabis and cannabis products, including:

6 (1) Requirements to ensure at a minimum that cannabis and cannabis products sold
7 for human consumption do not contain contaminants that are injurious to health and to ensure
8 correct labeling;

9 (2) That testing shall include, but not be limited to, analysis for residual solvents,
10 poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; dangerous herbicides,
11 pesticides, and fungicides, heavy metals, and harmful microbials, such as E. coli or salmonella;

12 (3) Threshold levels for each contaminant listed in subparagraph (2);

13 (4) Providing that in the event that test results indicate the presence of quantities of
14 any substance determined to be injurious to health, such cannabis or cannabis products shall be
15 immediately quarantined and immediate notification to the commission shall be made. The
16 contaminated product shall be documented and properly destroyed;

17 (5) That testing shall also verify THC and other cannabis potency representations
18 for correct labeling;

19 (6) That the commission shall determine an acceptable variance for potency
20 representations and procedures to address potency misrepresentations;

21 (7) That the commission shall determine the protocols and frequency of cannabis
22 testing by a cannabis testing facility.

23 (8) Allowances for remediation of cannabis and cannabis products whose test results
24 are in excess of established thresholds; and

25 (9) Minimum testing requirements for an effective cannabis and cannabis product
26 quality assurance program for cannabis cultivation facilities and cannabis product manufacturing
27 facilities.

28 (s) Reasonable health and safety restrictions on cannabis accessories that may be
29 manufactured or sold in New Hampshire, including a prohibition on any vaporization device that
30 includes toxic or addictive additives. The commission may prohibit types of vaporizers that are
31 particularly likely to be utilized by minors without detection, but may not completely ban or
32 unreasonably restrict the manufacture or sale of vaporization devices.

33 (t) Training and continuing education required or recommended for licensees, which
34 shall include training on checking photo identification and for false identification.

35 (u) Requirements that cannabis retail stores stock cannabis products, including flower,
36 with low and moderate amounts of THC and that they be at least as prominently displayed as high
37 potency products.

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1 II.(a) In order to ensure that individual privacy is protected, the commission shall not
2 require a consumer to provide a retail cannabis store with personal information other than
3 government-issued identification to determine the consumer's age, and a retail cannabis store shall
4 not be required to acquire and record personal information about consumers.

5 (b) In order to ensure that individual privacy is protected, no cannabis establishment
6 may record or store a consumer's name, address, purchases, or contact information unless the
7 consumer consents in writing. No cannabis establishment may make granting permission for the
8 collection or storage of such information a condition of a consumer purchasing cannabis from the
9 establishment.

10 III. Not later than 18 months after the effective date of this chapter, the commission, in
11 consultation with the department, shall develop an informational handout, which retail stores shall
12 make available to all consumers, and which shall include information detailed in RSA 318-F:14.

13 IV. The commission shall require all cannabis establishments to utilize an inventory
14 tracking system, including use of a universal product code, for tracking the transfer of cannabis and
15 cannabis products between licensed cannabis establishments and the sale of cannabis and cannabis
16 products to consumers. The system shall ensure an accurate accounting of the production,
17 processing, and sale of cannabis and cannabis products and shall enable separate tracking of
18 cannabis flowers, immature cannabis plants, and other parts of cannabis sold from cannabis
19 cultivation facilities. The system shall allow for the tracking of lab testing results for all cannabis
20 and shall be capable of swiftly identifying all products involved in a product recall. The commission
21 may develop and maintain a system that satisfies the requirements of this section, or it may select a
22 vendor to develop and maintain a system.

23 V. No later than 24 months after the effective date of this chapter, and every year
24 thereafter, the commission shall reevaluate the fines and penalties established in RSA 318-F, and
25 shall report in writing on its findings and recommendations to the chairpersons of the house and
26 senate ways and means committees.

27 VI. The commission may regulate synthetic cannabinoids and intoxicating products derived
28 from hemp.

29 VII. No later than 36 months after the effective date of this section, the commission shall
30 make written recommendations to the general court regarding the regulation of hemp including:

31 (a) What hemp products the commission would regulate;

32 (b) How the products would be regulated, including whether a license would be required
33 and whether hemp processors and manufacturers should be licensed and regulated by the
34 commission;

35 (c) Any license fees or other charges that would be assessed on hemp products and
36 license fees assessed on hemp processors and manufacturers; and

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1 (d) The resources required to regulate hemp processors, product manufacturers, hemp
2 products, and the retail sale of intoxicating hemp products.

3 VIII. A prohibition on the manufacturing and sale of cannabis alcoholic beverages.

4 318-F:8 Dual Use Certificates.

5 I. No later than 18 months after the effective date of this chapter, the commission, after
6 consulting with the department of health and human services and the therapeutic cannabis medical
7 oversight board and holding at least one public hearing, shall develop regulations allowing
8 alternative treatment centers registered to operate pursuant to RSA 126-X to apply for a dual use
9 certificate.

10 II. A separate dual use certificate is required for each alternative treatment center
11 dispensing location.

12 III. The commission shall grant or deny any application for a dual use certificate within 90
13 days.

14 IV. The regulations for a dual use certificate shall include, but are not limited to:

15 (a) Providing for separation of cannabis sales to qualifying patients and consumers, such
16 as by requiring separate counters;

17 (b) Requiring dual-use cannabis establishments to prioritize therapeutic cannabis
18 access;

19 (c) Requiring dual-use cannabis establishments to maintain or increase the diversity of
20 therapeutic cannabis products available for qualifying patients;

21 (d) Requiring dual-use cannabis establishments to avoid raising prices for qualifying
22 patients beyond the rate of inflation, for at least 2 years after dual use licensure;

23 (e) A requirement that in the event of crowding, inadequate parking, or similar issues
24 limiting therapeutic cannabis access, the dual-use cannabis establishment shall take measures to
25 prioritize therapeutic cannabis access, such as setting aside certain business hours when the
26 establishment will only serve qualifying patients and their designated caregivers; and

27 (f) Providing for the suspension of sales of cannabis to adult-use consumers in the event
28 of a product shortage.

29 V.(a) Cannabis sold by alternative treatment centers holding dual use certificates to
30 qualifying patients directly or via their designated caregivers shall meet the requirements of RSA
31 126-X:8 and rules issued pursuant to chapter RSA 126-X.

32 (b) Cannabis sold by alternative treatment centers holding dual use certificates to
33 qualifying patients directly or via their designated caregivers may have higher THC per serving than
34 is permitted by rules governing cannabis establishments that are issued pursuant to RSA 318-F:10.

35 VI. Cannabis stores affiliated with alternative treatment centers holding dual use
36 certificates may sell cannabis grown and processed by those alternative treatment centers to
37 consumers provided they comply with rules issued pursuant to this section and RSA 318-F:10

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1 318-F:9 Transition of Therapeutic Cannabis Program.

2 I. No later than 20 months after the effective date of this chapter, the commission, jointly
3 with the department of health and human services, shall make a recommendation to the health and
4 human services oversight committee whether to transfer the department's therapeutic cannabis
5 program to the commission.

6 II. The proposal shall include a plan to allow cannabis retail stores to obtain a therapeutic
7 cannabis endorsement that would allow them to serve qualifying patients without imposing the
8 excise tax in RSA 318-F:23.

9 318-F:10 Licensure Procedures for Cannabis Establishments.

10 I. Each application for a license to operate a cannabis establishment shall be submitted to
11 the commission.

12 II. Each application shall include both the fee established by the commission and a \$500 fee
13 for the municipality to review the application, except that the municipal fee shall be \$75 in the case
14 of the smallest tier of cultivation facilities.

15 III. The commission shall:

16 (a) Immediately forward a copy of each application and the municipal fee to the
17 municipality in which the applicant desires to operate the cannabis establishment; and

18 (b) Issue a license to the applicant within 90 days after receipt of an application unless:

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

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

24 (3) More qualified applicants have applied than the number of licenses available in
25 the municipality, and the applicant was not selected.

26 (c) Accept and process applications on an ongoing basis.

27 318-F:11 Enactment of Municipal Ordinances.

28 I. A municipality may enact an ordinance prohibiting or limiting the number and type of
29 cannabis establishments that may be permitted within the municipality and regulating the time,
30 place, and manner of operation of a cannabis establishment, which is permitted within the
31 municipality. A locality's prohibition on cannabis establishments may not prohibit transportation
32 through the locality or deliveries within the locality by cannabis establishments located in other
33 jurisdictions.

34 II. A municipality may enact an ordinance specifying the entity within the municipality that
35 shall be responsible for reviewing applications submitted for a license to operate a cannabis
36 establishment within the municipality. The entity designated by the municipality shall be
37 responsible for indicating whether the application is in compliance with municipal ordinances.

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1 III. A municipality may not negotiate or enter into an agreement with a cannabis
2 establishment or a cannabis establishment applicant requiring that the cannabis establishment or
3 applicant provide money, donations, in-kind contributions, services, or anything of value to the
4 locality.

5 318-F:12 Residency Required.

6 I. Except as provided in this section, any person applying for a cannabis establishment
7 license shall be a resident, or shall have at least one director, officer, or partner who is a New
8 Hampshire resident.

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

10 318-F:13 Restrictions on Location Near Schools. No cannabis establishment shall operate, nor
11 shall a prospective cannabis establishment apply for a license, if the establishment would be located
12 within 1,000 feet of the property line of a pre-existing public or private pre-school, elementary, or
13 secondary school.

14 318-F:14 Informational Materials and Warning Labels.

15 I. The commission, in consultation with the department, shall design at least 2 versions of
16 informational handout, one of which is specific to high potency products.

17 II. A retail cannabis store shall include an informational handout designed by the
18 commission in consultation with the department with all cannabis and cannabis products sold to
19 consumers, and shall include the high potency version in all cannabis concentrates and other high
20 potency sales. The informational handouts shall include scientifically accurate information,
21 including:

22 (a) Advice about the potential risks of cannabis, and, in the case of the high potency
23 handout, risks specific to high potency products, including:

24 (1) The risks of driving under the influence of cannabis, and the fact that doing so is
25 illegal;

26 (2) Any adverse effects unique to adolescents or young adults, including effects
27 related to the developing mind;

28 (3) Potential adverse events and other risks, including related to mental health; and

29 (4) Risks of using cannabis during pregnancy or breastfeeding. This may be
30 identical to that required under RSA 126-X:8, XVI(c)(7).

31 (b) Information about methods for administering cannabis;

32 (c) How long cannabis may impair a person after it is ingested in each manner; and

33 (d) How to recognize problematic usage of cannabis and how to obtain appropriate
34 services or treatment;

35 (e) Information regarding safe storage and disposal of cannabis and paraphernalia to
36 prevent accidental poisonings, including the contact information for the Northern New England
37 Poison Control Center. This may be identical to that required under RSA 126-X:8, XVI(c)(8); and

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1 (f) Unless federal statutory law or case law has changed and such a warning is no longer
2 accurate, a disclosure that:

3 (1) Cannabis is illegal under U.S. federal law, and

4 (2) Under the United States government's 1986 Gun Control Act, any 'unlawful' user
5 of a controlled substance is prohibited from purchasing or owning a gun.

6 III. The commission may require retail stores to display informational posters in
7 conspicuous locations about the risks of cannabis use, including regarding risks during pregnancy
8 and breastfeeding and risks of cannabis use in adolescents or by younger adults. The posters shall
9 be scientifically accurate.

10 IV. All cannabis and cannabis products sold by a retail cannabis store shall include warning
11 labels that provide the following information: "Warning: This product has intoxicating effects. For
12 use by adults 21 and older. Keep out of reach of children." The department may require a standard,
13 recognizable symbol on all cannabis packaging to signify that THC or other cannabinoids are
14 included in the product.

15 V. All cannabis products sold by retail cannabis stores shall include:

16 (a) A warning label that provides, "Caution: When eaten or swallowed, the intoxicating
17 effects of this product may be delayed by up to 2 hours," unless the commission determines that a
18 different time frame should be specified.

19 (b) A disclosure of ingredients and possible allergens.

20 (c) A nutritional fact panel.

21 (d) Opaque, child-resistant packaging, which shall be designed or constructed to be
22 significantly difficult for children under 5 years of age to open and not difficult for normal adults to
23 use properly as defined by 16 C.F.R. section 1700.20.

24 318-F:15 Lawful Operation of Cannabis-Related Facilities. If undertaken by a person 21 years
25 of age or older, the following acts shall not be illegal under New Hampshire law or be a basis for
26 seizure or forfeiture of assets under New Hampshire law:

27 I. Possessing, displaying, or transporting cannabis or cannabis products; obtaining or
28 purchasing cannabis from a cannabis cultivation facility; delivering or transferring cannabis to a
29 cannabis testing facility; obtaining or purchasing cannabis or cannabis products from a cannabis
30 product manufacturing facility; or sale, delivery, or distribution of cannabis or cannabis products to
31 an adult who is 21 years of age or older or to retail cannabis stores or alternative treatment centers,
32 if the person or business entity conducting the activities described in this paragraph has obtained a
33 current, valid license to operate a retail cannabis store or is acting in his or her capacity as an
34 owner, employee, or agent of a licensed retail cannabis store.

35 II. Cultivating, harvesting, processing, packaging, transporting, displaying, or possessing
36 cannabis; obtaining or purchasing cannabis seeds or seedlings or immature cannabis plants from any
37 adult 21 years of age or older; delivering or transferring cannabis to a cannabis testing facility;

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1 selling or transferring cannabis that has not been processed into extracts, concentrates, or other
2 preparations to a cannabis cultivation facility, a cannabis product manufacturing facility, or a retail
3 cannabis store or alternative treatment center; or obtaining or purchasing cannabis from a cannabis
4 cultivation facility, if the person or business entity conducting the activities described in this
5 paragraph has obtained a current, valid license to operate a cannabis cultivation facility or is acting
6 in his or her capacity as an owner, employee, or agent of a licensed cannabis cultivation facility.

7 III. Packaging, processing, transporting, manufacturing, displaying, or possessing cannabis
8 or cannabis products; delivering or transferring cannabis or cannabis products to a cannabis testing
9 facility; selling cannabis or cannabis products to a retail cannabis store, alternative treatment
10 center, or a cannabis product manufacturing facility; purchasing or obtaining cannabis from a
11 cannabis cultivation facility; or purchasing or obtaining cannabis or cannabis products from a
12 cannabis product manufacturing facility, if the person or business entity conducting the activities
13 described in this paragraph has obtained a current, valid license to operate a cannabis product
14 manufacturing facility or is acting in his or her capacity as an owner, employee, or agent of a
15 licensed cannabis product manufacturing facility.

16 IV. Possessing, obtaining, cultivating, processing, storing, transporting, receiving, or
17 displaying cannabis or cannabis products if the person or business entity has obtained a current,
18 valid license to operate a cannabis testing facility or is acting in his or her capacity as an owner,
19 employee, or agent of a licensed cannabis testing facility.

20 V. Engaging in any activities involving cannabis or cannabis products if the person or
21 business entity conducting the activities has obtained a current, valid license to operate a cannabis
22 establishment or is acting in his or her capacity as an owner, employee, or agent of a licensed
23 cannabis establishment, and the activities are within the scope of activities allowed by the
24 commission for that type of cannabis establishment.

25 VI. Possessing, obtaining, cultivating, processing, storing, transporting, or receiving
26 cannabis obtained from a cannabis establishment or transporting, delivering, or transferring
27 cannabis to a cannabis establishment if the person or business entity has obtained a current, valid
28 license to operate a cannabis transporter or is acting in his or her capacity as an owner, employee, or
29 agent of a registered cannabis transporter.

30 VII. Obtaining or purchasing cannabis from a cannabis cultivation facility; delivering or
31 transferring cannabis to a cannabis testing facility; or obtaining or purchasing cannabis or cannabis
32 products from a cannabis product manufacturing facility if the person or business entity conducting
33 the activities described in this paragraph possesses a valid license to operate an alternative
34 treatment center or is acting in his or her capacity as an owner, employee, or agent of a licensed
35 alternative treatment center.

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VIII. Leasing or otherwise allowing the use of property owned, occupied, or controlled by any person, corporation, or other entity for any of the activities conducted lawfully in accordance with this chapter.

IX. Selling, offering for sale, transferring, transporting, or delivering cannabis to establishments licensed to process or sell cannabis under the laws of other states if the person or business entity has obtained a current, valid license to operate a cannabis transporter, cannabis product manufacturing facility, or cannabis cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a cannabis transporter, cannabis product manufacturing facility, or cannabis cultivation facility.

318-F:16 Proof of Purchaser's Identity.

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

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

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

(b) That the sale was made in good faith relying upon such documentation and appearance in the reasonable belief that the person was 21 years of age or older. No identification scanning or collection of personally identifiable information shall be required under this section.

318-F:17 Driving; Minors; and Control of Property.

I. Nothing in this chapter shall be construed to permit driving or operating under the influence of drugs or liquor pursuant to RSA 265-A, nor shall this section prevent the state from enacting and imposing penalties for driving under the influence of or while impaired by cannabis.

II. Nothing in this chapter shall be construed to permit the transfer of cannabis, with or without remuneration, to a person under the age of 21, or to allow a person under the age of 21 to purchase, possess, use, transport, grow, or consume cannabis.

III. Nothing in this chapter shall prohibit a state or county correctional facility from prohibiting the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of cannabis on or in the correctional facility's property.

IV.(a) Except as provided in this section, this chapter does not require any person, corporation, or any other entity that occupies, owns, or controls a property to allow the consumption, cultivation, display, sale, or transfer of cannabis on or in that property.

(b) In the case of the rental of a residential dwelling, a landlord shall not prohibit the possession of cannabis or the consumption of cannabis by non-smoked means unless:

(1) The tenant is a roomer who is not leasing the entire residential dwelling;

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1 (2) The residence is incidental to the provision of educational, counseling, religious,
2 or similar service;

3 (3) The residence is a transitional housing facility; or

4 (4) Failing to prohibit cannabis possession or consumption would violate federal law
5 or regulations or cause the landlord to lose a monetary or licensing-related benefit under federal law
6 or regulations.

7 (c) This chapter shall not prevent a landlord from prohibiting cannabis smoking or
8 cannabis cultivation.

9 (d) An adult who is 21 or older may use cannabis on privately owned real property only
10 with permission of the property owner or, in the case of leased or rented property, with the
11 permission of the tenant in possession of the property, except that a tenant shall not allow a person
12 to smoke cannabis on rented property if smoking on the property violates the lease or the lessor's
13 rental policies that apply to all tenants at the property. However, a tenant may permit an adult who
14 is 21 or older to use cannabis on leased property by ingestion or inhalation through vaporization
15 even if smoking is prohibited by the lease or rental policies. For purposes of this chapter,
16 vaporization shall mean the inhalation of cannabis without the combustion of the cannabis.

17 318-F:18 Enforcement of Contracts. Contracts related to the operation of a cannabis
18 establishment licensed pursuant to this chapter shall be enforceable. No contract entered into by a
19 licensed cannabis establishment or its employees or agents as permitted pursuant to a valid license,
20 or by those who allow property to be used by an establishment, its employees, or its agents as
21 permitted pursuant to a valid license, shall be unenforceable on the basis that cultivating, obtaining,
22 manufacturing, distributing, dispensing, transporting, selling, possessing, or using cannabis is
23 prohibited by federal law.

24 318-F:19 Non-Discrimination for State-Legal Cannabis Activities and Prior Convictions.

25 I. Except as provided in this section, a holder of a professional or occupational license may
26 not be subject to professional discipline for:

27 (a) Providing advice or services related to cannabis establishments or applications to
28 operate cannabis establishments on the basis that cannabis is illegal under federal law; or

29 (b) Engaging in activities allowed by this chapter.

30 II. An applicant for a professional or occupational license may not be denied a license based
31 on:

32 (a) Previous employment related to cannabis establishments operating in accordance
33 with state law;

34 (b) A prior conviction for a non-violent cannabis offense that does not involve
35 distribution to minors, or

36 (c) Engaging in activities allowed by this chapter.

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1 III. Except as provided in this section, neither the state nor any of its political subdivisions
2 may impose any penalty or deny any benefit or entitlement for conduct permitted under this chapter
3 or for the presence of cannabinoids or cannabinoid metabolites in the urine, blood, saliva, breath,
4 hair, or other tissue or fluid of a person who is 21 years of age or older.

5 IV. Except as provided in this section, neither the state nor any of its political subdivisions
6 may deny a driver's license, a professional license, housing assistance, social services, or other
7 benefits based on cannabis use or for the presence of cannabinoids or cannabinoid metabolites in the
8 urine, blood, saliva, breath, hair, or other tissue or fluid of a person who is 21 years of age or older.

9 V. A person shall not be denied custody of or visitation with a minor for acting in accordance
10 with this chapter, unless the person's behavior is such that it creates an unreasonable danger to the
11 minor that can be clearly articulated and substantiated.

12 VI. Except as provided in this section, neither the state nor any of its political subdivisions
13 may discriminate against a person in hiring, termination, or any term or condition of employment, or
14 otherwise penalize a person in employment or contracting, if the discrimination is based upon either
15 of the following:

16 (a) Engaging in activities allowed by this chapter;

17 (b) A prior conviction for a non-violent cannabis offense that does not involve
18 distribution to minors; or

19 (c) Testing positive for the presence of cannabinoids or cannabinoid metabolites in the
20 urine, blood, saliva, breath, hair, or other tissue or fluid of the individual's body.

21 VII.(a) This section does not prevent an employer from disciplining an employee or
22 contractor for ingesting cannabis in the workplace or for working while impaired by cannabis.

23 (b) The protections provided by this section do not apply to the extent that they conflict
24 with a governmental employer's obligations under federal law or regulations or to the extent that
25 they would disqualify the entity from a monetary or licensing-related benefit under federal law or
26 regulations.

27 (c) This section does not authorize any person to engage in, and does not prevent the
28 imposition of any civil, criminal, disciplinary, or other penalties, including discipline or termination
29 by a governmental employer, any task while under the influence of cannabis, when doing so would
30 constitute negligence or professional malpractice.

31 VIII. For the purposes of medical care, including organ and tissue transplants, the use of
32 cannabis does not constitute the use of an illicit substance or otherwise disqualify a person from
33 needed medical care and may only be considered with respect to evidence-based clinical criteria.

34 IX. Notwithstanding any other provision of law, unless there is a specific finding that the
35 individual's use, cultivation, or possession of cannabis could create a danger to the individual or
36 another person, it shall not be a violation of conditions of parole, probation, or pre-trial release to:

37 (a) Engage in conduct allowed by this chapter; or

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1 (b) Test positive for cannabis, tetrahydrocannabinol, or any other cannabinoid or
2 metabolite of cannabis.

3 X. This section does not authorize any person to engage in, and does not prevent the
4 imposition of any penalties for engaging in, the following conduct:

5 (a) Undertaking any task under the influence of cannabis, when doing so would
6 constitute negligence or professional malpractice.

7 (b) Operating, navigating, or being in actual physical control of any motor vehicle,
8 aircraft, train, or motorboat while under the influence of cannabis.

9 318-F:20 Data Collection Related to Cannabis Legalization and Regulation.

10 I. No later than 6 months after the effective date of this chapter and every 2 years
11 thereafter, the department of safety, information and analysis center, drug monitoring initiative,
12 shall produce and publish a report that includes baseline data and the most current data regarding
13 health and welfare outcomes since cannabis became legal and regulated for adults' use, including,
14 but not limited to high school graduation rates; youth and adult rates of alcohol, cannabis, and
15 illegal drug use; rates of maladaptive use of cannabis; rates of alcohol abuse; opiate use and abuse
16 rates; the number and type of youth and adult convictions for cannabis offenses; and the rates of
17 individuals needing but not receiving substance abuse treatment. The report shall also include
18 information on treatment and prevention services provided, education campaigns undertaken, and
19 funding allocated under RSA 318-F:21.

20 II. No later than 6 months after the effective date of this chapter, and again 18 months after
21 the effective date of this chapter, the Judicial Branch shall produce and publish a report that
22 includes the number of cases dismissed pursuant to RSA 651:5-e.

23 318-F:21 Cannabis Fund Established.

24 I. There is established a nonlapsing fund to be known as the cannabis fund. The fund shall
25 be kept distinct and separate from all other funds in the state treasury, and the moneys credited to
26 the fund shall be held distinct and separate from all other funds over which the state treasurer has
27 control. Moneys in the fund shall be deposited with any financial institution as defined in RSA 383-
28 A:2-201(a)(27-a), with a branch in the state. Moneys credited to the fund shall include deposits into
29 the fund by the commission pursuant to this chapter and deposits into the fund by the commissioner
30 of the department of revenue administration.

31 II. For the biennium ending June 30, 2025, and every biennium thereafter, the commission
32 shall include the cost of administration of this chapter in the commission's efficiency expenditure
33 request pursuant to RSA 9:4.

34 III. For the biennium ending June 30, 2025, the sum of \$15,000,000 is hereby appropriated
35 to the cannabis commission for the cost of administration of this chapter. Said sum shall be a charge
36 against the fund.

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1 IV. For the biennium ending June 30, 2025, the sum of \$500,000 is hereby appropriated to
2 the substance use prevention and recovery fund established in RSA 318-F:22 for the cost of
3 developing and implementing a public education campaign prior to initiation of retail sales. Said
4 sum shall be a charge against the fund.

5 V. After deducting appropriations charged to the fund for the cost of administration of this
6 chapter, the remaining funds shall be appropriated and distributed on a quarterly basis as follows:

7 (a) The sum of \$100,000 annually to the department of safety, information and analysis
8 center, drug monitoring initiative, for data collection and reporting related to the health impacts of
9 cannabis prohibition and cannabis regulation; and

10 (b) Of the remaining funds:

11 (1) Fifty percent of remaining funds shall be disbursed to the education trust fund
12 established in RSA 198:39. The comptroller shall notify the commissioner of the department of
13 revenue administration of the amount of the transfer. For the purpose of setting the education tax
14 rate under RSA 76:3, the amount of revenue required to be collected pursuant to RSA 76:3 shall be
15 reduced by the amount transferred to the education trust fund as required in this subparagraph, and
16 the commissioner shall set the rate at a level sufficient to generate the reduced amount. This rate
17 shall be effective for the following fiscal year.

18 (2) Thirty percent of remaining funds shall be disbursed to the department of
19 administrative services to be credited to the New Hampshire retirement system to offset the
20 retirement system's unfunded accrued liability. Upon certification by the commissioner of the
21 department of administrative services that the retirement system has no remaining unfunded
22 accrued liability, this disbursement of funds shall be credited to the education trust fund established
23 in RSA 198:39.

24 (3) Ten percent of remaining funds, or \$25,000,000, whichever is less, shall be
25 credited to the substance abuse prevention and recovery fund in RSA 318-F:22 for use by the
26 department of health and human services, bureau of drug and alcohol services, in evidence-based,
27 voluntary programs for substance use-related education, prevention, treatment, and recovery that
28 includes mental health treatment that is contributing to substance misuse, and for scientifically and
29 medically accurate public education campaigns educating youth and adults about the health and
30 safety risks of alcohol, tobacco, cannabis, and other substances, including education campaigns
31 separately targeting youth and adults that provide medically and scientifically accurate information
32 about the health and safety risks posed by cannabis use, including driving under the influence of
33 cannabis.

34 (4) Five percent of remaining funds shall be disbursed to public safety agencies,
35 including police, fire, and rescue agencies, for the hiring and training of additional drug recognition
36 experts, for advanced roadside impaired driving enforcement training, and to assist in responding to
37 drug overdose incidents.

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1 (5) Five percent of remaining funds shall be disbursed to the department of health
2 and human services, division for behavioral health, bureau of children's behavioral health, to be used
3 for children's behavioral health services.

4 318-F:22 Substance Abuse Prevention and Recovery Fund Established. There is hereby
5 established in the state treasury the substance abuse prevention and recovery fund that shall be
6 kept distinct and separate from all other funds. All proceeds allocated to the fund pursuant to RSA
7 318-F:21 shall be deposited in the fund. The state treasurer shall invest the fund in accordance with
8 RSA 6:8. Any earnings on fund moneys shall be added to the fund. All moneys in the fund shall be
9 nonlapsing and shall be continually appropriated to the commissioner of the department of health
10 and human services for the purposes and in the manner set forth in RSA 126-A:98.

11 318-F:23 Excise Tax Imposed.

12 I. An excise tax on the monthly total gross revenue derived from sales or transfers to a retail
13 cannabis store of either cannabis or cannabis products in their final form by either a licensed
14 cannabis cultivation facility or a cannabis product manufacturing facility is imposed at the rate of
15 12.5 percent.

16 II. Each licensed cannabis cultivation facility or cannabis product manufacturing facility
17 shall pay 100 percent of the assessment in paragraph I for the assessment period no later than the
18 15th day of the month following the assessment period.

19 III. If a licensed cannabis cultivation facility or cannabis product manufacturing facility does
20 not pay the monthly tax as required under this section, a fine of 10 percent of the tax owed shall be
21 applied to the payment and collected by the commission from the licensee.

22 IV. The commission shall ascertain the selling or transfer price of the cannabis or cannabis
23 products when the seller and purchaser are affiliated persons or entities and when the sale or
24 transfer of the cannabis or cannabis product is not an arm's length transaction.

25 V. The commission shall adopt rules under RSA 541-A relative to the tax rate and
26 procedures needed to implement the provisions of this section.

27 VI. The commission shall study the efficacy of the rate and scope of the cannabis tax
28 imposed by this section, including whether adjustments may be needed in said rate and scope, and
29 shall, no later than October 1, 2024, and on or before October 1 of every year thereafter, certify its
30 findings and recommendations in a report to the general court and the governor. The commission
31 shall include in said report the dollar amounts of all fees and tax revenues assessed and collected
32 pursuant to the provisions of this chapter during the period covered by the report. The commission
33 shall provide copies of said report to the chairs and minority leaders of the house and senate
34 committees on ways and means, on finance, and on commerce.

35 15 Controlled Drug Act; Definitions. Amend the introductory paragraph in RSA 318-B:1, X-a(k)
36 to read as follows:

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1 (k) Objects used or intended for use or customarily intended for use in ingesting,
2 inhaling, or otherwise introducing [~~marijuana,~~] cocaine[~~, hashish, or hashish oil~~] into the human
3 body, such as:

4 16 Controlled Drug Act; Penalties. Amend the introductory paragraph in RSA 318-B:26, I to
5 read as follows:

6 I. Any person who manufactures, sells, prescribes, administers, or transports or possesses
7 with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any
8 preparation containing a controlled drug, except as authorized in this chapter ***or as otherwise***
9 ***authorized by law***; or manufactures, sells, or transports or possesses with intent to sell, dispense,
10 compound, package or repackage (1) any substance which he ***or she*** represents to be a controlled
11 drug, or controlled drug analog, or (2) any preparation containing a substance which he ***or she***
12 represents to be a controlled drug, or controlled drug analog, shall be sentenced as follows, except as
13 otherwise provided in this section:

14 17 Controlled Drug Act; Penalties. Amend the introductory paragraph in RSA 318-B:26, II to
15 read as follows:

16 II. Any person who knowingly or purposely obtains, purchases, transports, or possesses
17 actually or constructively, or has under his control, any controlled drug or controlled drug analog, or
18 any preparation containing a controlled drug or controlled drug analog, except as authorized in this
19 chapter ***or as otherwise authorized by law***, shall be sentenced as follows, except as otherwise
20 provided in this section:

21 18 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c)-(e) to read as follows:

22 (c) In the case of more than 3/4 ounce of marijuana or more than 5 grams of hashish,
23 including any adulterants or dilutants[~~;~~] ***is possessed by a person who is under 21 years of age,***
24 ***or, in the case of an amount exceeding the possession limit defined in RSA 318-F:1***
25 ***possessed by a person who is 21 years of age or older, except if possessed by a person***
26 ***authorized pursuant to RSA 126-X,*** the person shall be guilty of a misdemeanor. [~~In the case of~~
27 ~~marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products~~
28 ~~as defined in RSA 318-B:2-c, other than a personal-use amount of a regulated marijuana-infused~~
29 ~~product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older, the~~
30 ~~person shall be guilty of a misdemeanor.~~]

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

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

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

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

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

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

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

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

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

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

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

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

~~V.]~~(a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III~~[-or any person 21 years of age or older who is convicted of violating paragraph IV]~~ shall be subject to a fine of \$100 for a first or second offense under this paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior

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1 convictions for violations of paragraph II[~~;~~] **or** III[~~-or-IV~~], or under reasonably equivalent offenses in
2 an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period
3 preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the
4 marijuana[~~,-regulated-marijuana-infused-products,-~~] or hashish to the state. A court shall waive the
5 fine for a single conviction within a 3-year period upon proof that person has completed a substance
6 abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A
7 person who intends to seek an assessment in lieu of the fine shall notify the court, which shall
8 schedule the matter for review after 180 days. Should proof of completion of an assessment be filed
9 by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

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

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

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

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

20 (d) Any person ***under 21 years of age who is*** in possession of an identification card,
21 license, or other form of identification issued by the state or any state, country, city, or town, or any
22 college or university, who fails to produce the same upon request of a police officer or who refuses to
23 truthfully provide his or her name, address, and date of birth to a police officer who has informed the
24 person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an
25 ounce or less of marijuana[~~,-a-personal-use-amount-of-a-regulated-marijuana-infused-product,-~~] or 5
26 grams or less of hashish, may be arrested for a violation of paragraph II[~~;~~] **or** III[~~-or-IV~~].

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

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

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

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

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

22 New Section; Sentences; Annulment of Certain Arrests and Convictions for Cannabis. Amend RSA 651 by inserting after section 5-b the following new section:

651:5-c Certain Crimes Not to be Pursued; Dismissal.

I. As used in this section:

(a) "Cannabis" means "cannabis" as defined in RSA 318-F:1, II.

(b) "Possession limit" means "possession limit" as defined in RSA 318-F:1, XVIII.

II.(a) Except to the extent required to dismiss, withdraw, or terminate the charge, no prosecutor shall pursue any charge based on crimes or offenses pending with a court that occurred prior to the effective date of RSA 318-F, involving a person 21 years of age or older knowingly or purposely obtaining, purchasing, transporting, manufacturing or possessing, actually or constructively, or having under his or her control, no more than the possession limit of cannabis where the offense occurred before the effective date of RSA 318-F.

(b) The existence of convictions in other counts within the same case that are not eligible for dismissal pursuant to this section or other applicable laws shall not prevent any conviction otherwise eligible for dismissal under this section from being dismissed pursuant to this section.

III. On the first day of the fifth month next following the effective date of RSA 318-F, any guilty verdict, plea, placement in a diversionary program, or other entry of guilt on a matter that was entered prior to that effective date, but the judgment of conviction or final disposition on the matter was not entered prior to that date, and the guilty verdict, plea, placement in a diversionary program, or other entry of guilt solely involved one or more crimes or offenses involving a person 21 years of age or older knowingly or purposely obtaining, purchasing, transporting, manufacturing or possessing, actually or constructively, or having under his or her control, no more than the possession limit of cannabis, shall be vacated by operation of law. The judicial branch, in consultation with the attorney general, may take any administrative action as may be necessary to vacate the guilty verdict, plea, placement in a diversionary program, or other entry of guilt.

23 Assessment; Education Tax. Amend RSA 76:3 to read as follows:

76:3 Education Tax. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner of the department of revenue administration shall set the education tax rate at a level sufficient to generate revenue of \$363,000,000, *less any amount credited to the education trust fund*

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1 ***pursuant to RSA 318-F:25***, when imposed on all persons and property taxable pursuant to RSA
2 76:8, except property subject to tax under RSA 82 and RSA 83-F. The education property tax rate
3 shall be effective for the following fiscal year. The rate shall be set to the nearest 1/2 cent necessary
4 to generate the revenue required in this section.

5 24 Use of Cannabis for Therapeutic Purposes; Definition of Alternative Treatment Center.
6 Amend RSA 126-X:1, I to read as follows:

7 I. "Alternative treatment center" means a ***domestic business corporation organized***
8 ***under RSA 293-A, a domestic limited liability company organized under RSA 304-C, or a***
9 not-for-profit [entity] ***voluntary corporation organized under RSA 292 that is*** registered under
10 RSA 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells,
11 supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying
12 patients, designated caregivers, other alternative treatment centers, and visiting qualifying patients.

13 25 Use of Cannabis for Therapeutic Purposes; Departmental Administration. Amend RSA 126-
14 X:7, IV(a)(4) to read as follows:

15 (4) The name, address, and date of birth of each principal officer and board member
16 of the alternative treatment center. The board of ***directors, or board of managers as applicable,***
17 for the [nonprofit] ***alternative treatment center*** shall include at least one physician, advance
18 practice registered nurse, or pharmacist licensed to practice in New Hampshire and at least one
19 patient qualified to register as a qualifying patient. The majority of board members, ***or managers***
20 ***as applicable,*** shall be New Hampshire residents. A medical professional listed in this
21 subparagraph may be a member of the alternative treatment center board ***or directors, or***
22 ***managers as applicable,*** but shall not maintain an ownership interest in the center.

23 26 Use of Cannabis for Therapeutic Purposes; Alternative Treatment Center Requirements.
24 Amend RSA 126-X:8, I to read as follows:

25 I. An alternative treatment center shall be operated on a ***for profit or*** not-for-profit basis
26 for the benefit of its patients. An alternative treatment center need not be recognized as a tax-
27 exempt organization by the Internal Revenue Service.

28 27 New Paragraphs; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Center
29 Requirements. Amend RSA 126-X:8 by inserting after paragraph XVIII the following new
30 paragraphs:

31 XIX. Except as otherwise provided in this chapter, an alternative treatment center shall be
32 subject to RSA 293-A if organized as a domestic business corporation, RSA 304-C if organized as a
33 domestic limited liability company, and RSA 292 if organized as a voluntary corporation.

34 XX. An alternative treatment center organized as a voluntary corporation under RSA 292
35 may, on or before December 31, 2024, convert from a voluntary corporation under RSA 292 to either
36 a domestic business corporation organized under RSA 293-A or a limited liability company organized
37 under RSA 304-C in any of the following ways:

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1 (a) By adopting a plan of entity conversion in accordance with RSA 293-A or RSA 304-C,
2 as applicable, that includes a provision prohibiting the sale of memberships or shares to a foreign
3 corporation for a period of 3 years, provided that each such conversion shall be authorized by a vote
4 of 2/3 of the members of the board of directors at a meeting duly called for the purpose or by
5 unanimous written consent.

6 (b) By adopting a plan of merger in accordance with RSA 293-A that includes a provision
7 prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for
8 which the domestic business corporation shall be the surviving entity, provided that, such merger
9 shall be authorized by a vote of 2/3 of the members of the board of directors of the alternative
10 treatment center at a meeting duly called for the purpose or by unanimous written consent.

11 (c) By adopting a plan of merger in accordance with RSA 304-C that includes a provision
12 prohibiting the sale of memberships or shares to a foreign corporation for a period of 3 years, for
13 which the domestic limited liability company shall be the surviving entity, provided that, such
14 merger shall be authorized by a vote of 2/3 of the members of the board of directors at a meeting duly
15 called for the purpose or by unanimous written consent.

16 XXI. Articles of entity conversion or articles of merger, as applicable, shall be signed and
17 submitted to the secretary of state pursuant to RSA 293-A or RSA 304-C, as applicable, and the
18 secretary of state shall approve all such filings submitted pursuant to this section.

19 XXII. The secretary of state shall certify such articles of entity conversion or articles of
20 merger and shall provide them to the department. Upon receipt, the department shall update the
21 existing licenses held by the converted or merged alternative treatment center.

22 XXIII. For the purposes of converting or merging an alternative treatment center pursuant
23 to this section, notwithstanding any provision in the articles of agreement or alternative treatment
24 center license applications to the contrary, the members of an alternative treatment center's board of
25 directors may determine that a plan of entity conversion or merger is consistent with its corporate
26 charter, and such voluntary corporation may surrender its articles of agreement in connection with
27 the plan of entity conversion or merger.

28 XXIV.(a) Any alternative treatment center choosing to convert or merge pursuant to this
29 section shall obtain an independent fair market valuation of its total assets as of June 30, 2024. The
30 valuation of the total assets of such alternative treatment center, if positive, shall be distributed to
31 one or more charitable organizations solely for charitable purposes. The director of charitable trusts
32 shall receive a copy of the valuation and may file any objection relating thereto with the court within
33 60 days. Except as set forth in this section and notwithstanding any other law to the contrary, no
34 portion of the assets of such alternative treatment center after the conversion or merger, as
35 applicable, shall be deemed to be charitable assets.

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(b) Any alternative treatment center choosing to convert or merge pursuant to this section shall submit a copy of the plan of conversion or merger to the director of charitable trusts. The director may file an objection relating to the plan with the court within 60 days.

(c) Any alternative treatment center that has converted or merged pursuant to this section shall, on December 31, 2024 and thereafter for 2 years, annually file a letter with the director of charitable trusts certifying compliance with the requirements of RSA 126-X:8, XX.

28 Voluntary Corporations; Change of Name. Amend RSA 292:7 to read as follows:
292:7 Change of Name; Amending Articles.

I. Any corporation now or hereafter organized or registered in accordance with the provisions of this chapter, and any existing corporation which may have been so organized or registered, may change its name, increase or decrease its capital stock or membership certificates, merge with or acquire any other corporation formed pursuant to this chapter, or amend its articles of agreement, by a majority vote of such corporation's board of directors or trustees, at a meeting duly called for that purpose, and by recording a certified copy of such vote in the office of the secretary of state and in the office of the clerk of the town or city in this state which is its principal place of business. In the case of a foreign nonprofit corporation registered in New Hampshire, a copy of the amendment or plan of merger, certified by the proper officer of the state of incorporation, shall be filed with the secretary of state, together with the fee provided in RSA 292:5. The surviving corporation in a merger shall continue to have all the authority and powers vested in the merging corporations, including any powers previously conferred upon them by the legislature.

II. An alternative treatment center registered pursuant to RSA 126-X and organized under this chapter may, pursuant to RSA 126-X:8, XX, convert to either a domestic corporation organized under RSA 293-A or a limited liability company organized under to RSA 304-C, and may merge with a domestic business corporation organized under RSA 293-A or a limited liability company organized under RSA 304-C.

29 New Subparagraph; New Hampshire Business Corporations Act; Entity Conversion Authorized. Amend RSA 293-A:9.50 by inserting after subparagraph (f) the following new subparagraph:

(g) Alternative treatment centers registered pursuant to RSA 126-X and organized pursuant to RSA 292 may become a domestic corporation pursuant to a plan of conversion in accordance with RSA 126-X:8, XX and this subdivision. The alternative treatment center shall be deemed to be a domestic unincorporated entity for purposes of applying RSA 293-A:9.50 through RSA 293-A:9.56, except that approval of the conversion shall be as outlined in RSA 126-X:8, XX.

30 Limited Liability Companies; Statutory Conversions. Amend RSA 304-C:149, I to read as follows:

I. Any other business entity, **including alternative treatment centers pursuant to RSA 126-X:8, XX**, may make a statutory conversion of its business organization form to the limited

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1 liability company business organization form under this act by complying with the requirements of
2 this section and with applicable law governing the other business entity. ***Approval of a***
3 ***conversion of an alternative treatment center pursuant to this paragraph shall be as***
4 ***outlined in RSA 126-X:8, XX.***

5 31 New Paragraph; Limited Liability Companies; Statutory Conversions. Amend RSA 304-
6 C:149 by inserting after paragraph VIII the following new paragraph:

7 IX. In the case of the conversion of an alternative treatment center registered under RSA
8 126-X and organized pursuant to RSA 292, such conversion shall be approved by the board of
9 directors in accordance with RSA 126-X:8, XX.

10 32 Liquor Investigation; Training. Amend RSA 176:9 to read as follows:

11 I. The commission may, subject to rules adopted by the director of personnel, employ and
12 dismiss liquor investigators. Liquor investigators shall, under the direction of the commission,
13 investigate any or all matters arising under this title ***and under RSA 318-F.***

14 II. Any new liquor investigator employed by the commission under this section after August
15 13, 1985, shall, within 6 months of employment, satisfactorily complete a preparatory police training
16 program as provided by RSA 106-L:6, unless he or she has already completed such a program.

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

22 33 Liquor Commission; Assistants and Employees. Amend RSA 176:7 to read as follows:

23 176:7 Assistants and Employees.

24 I. The state liquor commission may employ such assistants as are, in its opinion, necessary
25 for the proper transaction of its business, and fix their compensation, subject to the rules of the
26 director of personnel. It may secure any necessary technical or professional assistance.

27 ***II. The commission may select and retain market consultants through a competitive***
28 ***bidding process approved by the governor and the executive council. Any such contract***
29 ***with a third-party agent shall be for consulting services relating to marketing and***
30 ***regulation of cannabis for purposes of cultivation, manufacturing, testing, and retail sale.***

31 34 Prosecutions. Amend RSA 179:59 to read as follows:

32 179:59 Prosecutions. The commission shall appoint liquor investigators whose primary function
33 shall be the proper prosecution of this title ***and RSA 318-F.*** The liquor investigators shall have
34 statewide jurisdiction, with reference to enforcement of all laws either in cooperation with, or
35 independently of, the officers of any county or town. The commission shall have the primary
36 responsibility for the enforcement of all liquor and beverage laws ***and cannabis laws*** upon
37 premises where liquor, ~~[and]~~ beverages, ***and cannabis*** are lawfully sold, stored, distributed, or

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1 manufactured ***or cultivated***. Any person violating the provisions of any law may be prosecuted by
2 the commission or any of its investigators as provided in this section, or by county or city attorneys,
3 or by sheriffs or their deputies, or by police officials of towns.

4 35 New Paragraph; Commission to Sell. Amend RSA 176:11 by inserting after paragraph II the
5 following new paragraph:

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

10 36 New Paragraph; Retail Tobacco License. Amend RSA 178:19-a by inserting after paragraph
11 V the following new paragraph:

12 VI. A retail tobacco license is authorized to sell cannabis accessories and cannabis
13 paraphernalia as defined in RSA 318-F.

14 37 Liquor Commission; Commission. Amend RSA 176:1 to read as follows:

15 176:1 Commission. There shall be a state liquor ***and cannabis*** commission under the executive
16 direction of a liquor ***and cannabis*** commissioner, who shall also be known as the chairman of the
17 liquor ***and cannabis*** commission, appointed by the governor with the consent of the council. The
18 commissioner shall have significant business management experience and shall complete a criminal
19 history records check prior to confirmation by the council. The liquor ***and cannabis*** commissioner
20 shall hold office for a term of 4 years. If a vacancy shall occur, it shall be filled for the remainder of
21 the term. The commissioner may be removed by the governor and council for cause.

22 38 New Paragraph; Rulemaking; Liquor and Cannabis Commission. Amend RSA 176:14 by
23 inserting after paragraph IX the following new paragraph:

24 IX-a. Cannabis licenses, including:

25 (a) Procedures for the application for, issuance, transfer, denial, renewal, suspension,
26 and revocation of a license for cannabis establishments.

27 (b) License operations for each cannabis license type.

28 (c) Collection of additional fees as required by statute.

29 39 Name Change; Liquor and Cannabis Commission. Amend the following RSAs by replacing
30 "liquor commission" with "liquor and cannabis commission": 6:12, I(b)(285); 6:12-j, V(b)(2); 9:11,
31 II(b)(5); 9-C:7, II; 12-J:1, III(a)(4); 12-O:18, II; 21:33-a, III(a); 21-G:6-b, IV(c); 21-I:18, I(b); 21-J:14,
32 5(d)(9); 21-P:64, I(a)(6); 78:7; 78:16, II; 78:23, 94:1-a; the introductory paragraph of 100-A:1, VII(a);
33 106-L:6, XVII; 110-B:28, VI; the introductory paragraph of 126-AA:3, VI; 126-K:2, II; 167:7-b, II(a);
34 175:1, XXIV; the chapter heading of RSA Chapter 176; 176:2; 176:2-a; the introductory paragraph of
35 176:3; 176:7; 176:16; 176:17; 176:18; 176-A:1, III-IV; 177:1; 177:1-a; the introductory paragraph
36 177:3; 177:13; 178:11, V; 178:12-a, XIV; 178:13, XIII; 178:22, V(h)(12); 178:27; 178:27-a; the

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1 introductory paragraph of 178:27-b, V; 179:21; 179:33, IV; 179:38; 179:56, III(b); 180:1, II; 279:1,
2 XVI; 284:21-h, II(a); and 663:5.

3 40 Appropriations.

4 I. The sum of \$100,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the
5 department of safety, information and analysis center, drug monitoring initiative, for the purpose of
6 collecting baseline data to be used in the reports required pursuant to RSA 318-F:20. The governor
7 is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
8 appropriated.

9 II. The sum of \$7,000,000 for the fiscal year ending June 30, 2024 is appropriated to the
10 liquor commission for the cost of administration of RSA 318-F. The governor is authorized to draw a
11 warrant for said sum from any money in the treasury not otherwise appropriated.

12 III. The sum of \$8,000,000 for the fiscal year ending June 30, 2025 is hereby appropriated to
13 the liquor commission for deposit into the cannabis fund established in RSA 318-F:21 for the
14 administration of RSA 318-F. The governor is authorized to draw a warrant for said sum out of any
15 money in the treasury not otherwise appropriated.

16 IV. The sum of \$500,000 for the biennium ending June 30, 2025 is hereby appropriated to
17 the substance use prevention and recovery fund established in RSA 318-F:22 for the cost of
18 developing and implementing a public education campaign prior to initiation of retail sales.

19 41 Repeal. RSA 318-B:1, X-a(g), relative to separation gins and sifters used or intended for use
20 with cannabis, is repealed.

21 42 Effective Date.

22 I. Sections 2, 3, 4, 6 and 7 of this act shall take effect December 31, 2023.

23 II. Section 5 of this act shall take effect November 1, 2028.

24 III. RSA 318-F:15, IX, as inserted by section 14 of this act, shall take effect upon certification
25 by the attorney general of New Hampshire to the director of the office of legislative services and the
26 secretary of state that the conduct allowed by that paragraph has become legal under the United
27 States Code.

28 IV. The remainder of this act shall take effect upon its passage.

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2023-1789h

AMENDED ANALYSIS

This bill:

I. Reestablishes and revises the membership and duties of the commission to evaluate the effectiveness and future of the New Hampshire granite advantage health care program. The commission is repealed November 1, 2028.

II. Permanently extends the New Hampshire granite advantage health care program by removing the prospective repeal of the program that was to take effect on December 31, 2023.

III. Removes the transfer of funds from the alcohol abuse prevention and treatment fund to the granite advantage health care trust fund.

IV. Establishes procedures for the legalization, regulation, and taxation of cannabis; the licensing and regulation of cannabis establishments; and makes appropriations therefor.