

HB 611-FN - AS AMENDED BY THE SENATE

05/18/2023 1930s

05/18/2023 1893s

2023 SESSION

23-0367

05/08

HOUSE BILL

611-FN

AN ACT

relative to eligibility criteria for the therapeutic cannabis program and establishing a commission to study state-controlled sales of cannabis and relative to the prohibition on the sale of hemp products containing certain levels of THC.

SPONSORS: Rep. Vail, Hills. 6; Rep. W. Thomas, Hills. 12; Rep. Seibert, Hills. 21

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill:

I. Removes the requirement that severe pain be resistant to other treatment options in order to be considered a qualifying medical condition for therapeutic cannabis.

II. Establishes a commission to study state-controlled sales of cannabis.

III. The bill also prohibits the sale of hemp products containing certain amounts of THC.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to eligibility criteria for the therapeutic cannabis program and establishing a commission to study state-controlled sales of cannabis and relative to the prohibition on the sale of hemp products containing certain levels of THC.

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

1 1 Use of Cannabis for Therapeutic Purposes; Qualifying Medical Condition; Severe Pain.
2 Amend RSA 126-X:1, IX(a)(2) to read as follows:

3 (2) A severely debilitating or terminal medical condition or its treatment that has
4 produced at least one of the following: elevated intraocular pressure, cachexia, chemotherapy-
5 induced anorexia, wasting syndrome, agitation of Alzheimer's disease, severe pain [~~that has not~~
6 ~~responded to previously prescribed medication or surgical measures or for which other treatment~~
7 ~~options produced serious side effects~~], constant or severe nausea, moderate to severe vomiting,
8 seizures, severe, persistent muscle spasms, or moderate to severe insomnia; or

9 2 Use of Cannabis for Therapeutic Purposes; Qualifying Medical Condition; Severe Pain.
10 Amend RSA 126-X:1, IX(b)(2) to read as follows:

11 (2) Severe pain [~~that has not responded to previously prescribed medication or~~
12 ~~surgical measures or for which other treatment options produced serious side effects~~].

13 3 New Section; Commission to Study State-Controlled Sales of Cannabis. Amend RSA 176 by
14 inserting after section 16-a the following new section:

15 176:16-b Commission to Study State-Controlled Sales of Cannabis.

16 I. There is hereby established a commission to study state-controlled sales of cannabis and
17 cannabis products.

18 II. Notwithstanding RSA 14:49, the members of the commission shall be as follows:

19 (a) Five members of the senate, appointed by the senate president.

20 (b) Five members of the house of representatives, appointed by the speaker of the house.

21 (c) The attorney general, or designee.

22 (d) The governor, or designee.

23 (e) A representative of the New Hampshire Association of Chiefs of Police, chosen by
24 that organization.

25 (f) A representative of the New Hampshire Bankers Association, chosen by that
26 organization.

27 (g) The chairman of the New Hampshire liquor commission, or designee.

28 (h) A representative of the New Hampshire Cannabis Association, chosen by that
29 organization.

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1 (i) A representative of the American Civil Liberties Union- New Hampshire, chosen by
2 that organization.

3 (j) A representative of Alternative Treatment Centers, appointed by the speaker of the
4 house.

5 (k) A medical professional, appointed by the senate president.

6 (l) A representative of Communities for Alcohol and Drug-free Youth, chosen by that
7 organization.

8 III. Legislative members of the commission shall receive mileage at the legislative rate while
9 attending to the duties of the commission.

10 IV. The commission shall study the feasibility of establishing a state-controlled system to
11 sell marijuana to adults 21 years and older that also:

12 (a) Allows the state to control distribution and access;

13 (b) Keeps marijuana away from kids and out of schools;

14 (c) Controls the marketing and messaging of the sale of marijuana;

15 (d) Prohibits "marijuana miles" or the over-saturation of marijuana retail
16 establishments;

17 (e) Empowers municipalities to choose to limit or prohibit marijuana retail
18 establishments;

19 (f) Reduces instances of multi-drug use; and

20 (g) Does not impose an additional tax so as to remain competitive.

21 V. The members of the commission shall elect a chairperson from among the members. The
22 first meeting of the committee shall be called by the first-named senate member. The first meeting
23 of the committee shall be held within 45 days of the effective date of this section. Ten members of
24 the committee shall constitute a quorum.

25 VI. The commission shall issue a final report of its findings and any recommendations for
26 proposed legislation to the president of the senate, the speaker of the house of representatives, the
27 senate clerk, the house clerk, the governor, and the state library. The report shall be submitted on
28 or before December 1, 2023.

29 VII. The commission shall be administratively attached to the department of justice.

30 4 Repeal. RSA 126-X: 13, relative to a commission to study state-controlled sales of cannabis, is
31 repealed.

32 5 New Subparagraph; Therapeutic Cannabis Medical Oversight Board; Duties. Amend RSA
33 126-X:12, IV by inserting after subparagraph (g) the following new subparagraph:

34 (h) Developing, reviewing, and updating cannabis product labels and educational
35 material about the risks of cannabis use to be provided to qualifying patients by alternative
36 treatment centers and certifying medical providers.

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1 6 New Section; Agriculture, Horticulture and Animal Husbandry; Hemp; Hemp-Derived
2 Products Containing THC Prohibited. Amend RSA 439-A by inserting after section 439-A:3 the
3 following new section:

4 439-A:4 Hemp-Derived Products Containing THC Prohibited. Nothing in this chapter shall be
5 construed to authorize the sale of products that are derived from hemp which contain natural or
6 synthetic tetrahydrocannabinol (THC) greater than 0.3 percent on a dry weight basis, which appear
7 in any formulation, including delta-8 THC, delta-9 THC, or any other THC isomer variant.

8 7 Effective Date.

9 I. Sections 1-2 and 5-6 of this act shall take effect 60 days after its passage.

10 II. Section 4 of this act shall take effect December 1, 2023.

11 III. The remainder of this act shall take effect upon its passage.

HB 611-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to eligibility criteria for the therapeutic cannabis program.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Fee revenue collected by the therapeutic cannabis program under RSA 126-X			

METHODOLOGY:

This bill changes the definition of “qualifying medical condition” under the statute governing the use of cannabis for therapeutic purposes. Specifically, the bill changes the existing qualifying medical condition and symptom of “severe pain” by removing the phrase “that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects.” This change will allow medical providers to certify their patients for severe pain without the prerequisite of undergoing surgery or having not responded to previously prescribed medications.

The Department of Health and Human Services anticipates an indeterminable increase in application fees collected as a result of the bill. Per RSA 126-X, however, the therapeutic cannabis program is to be self-funded, with a fee structure sufficient to cover program costs. If application fee revenue does increase as a result of the bill, this will mean annual registration fees for the state's alternative treatment centers will be lowered accordingly. The result will be a net \$0 impact on state revenues. The Department does not anticipate any impact on state expenditures.

AGENCIES CONTACTED:

Department of Health and Human Services