

HB 611-FN - VERSION ADOPTED BY BOTH BODIES

05/18/2023 1930s  
05/18/2023 1893s  
29Jun2023... 2230CofC  
29Jun2023... 2251EBA

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

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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 with the purpose of proposing legislation, state-controlled sales of cannabis.

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

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 with the Purpose of Proposing Legislation, State-  
14   Controlled Sales of Cannabis. Amend RSA 176 by inserting after section 16-a the following new  
15   section:

16            176:16-b Commission to Study with the Purpose of Proposing Legislation, State-Controlled Sales  
17   of Cannabis.

18            I. There is hereby established a commission to study with the purpose of proposing  
19   legislation, state-controlled sales of cannabis and cannabis products.

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

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

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

23                   (c) The attorney general, or designee.

24                   (d) The governor, or designee.

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

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

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

4 (h) A representative of the American Civil Liberties Union - New Hampshire, chosen by  
5 that organization.

6 (i) A medical professional, appointed by the New Hampshire Medical Society.

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

9 III. The commission shall consult with and elicit testimony from, at a minimum, the  
10 following organizations: the New Hampshire Cannabis Association and the Alternative Treatment  
11 Centers.

12 IV. Legislative members of the commission shall receive mileage at the legislative rate while  
13 attending to the duties of the commission.

14 V. The commission shall study with the purpose of proposing legislation, the feasibility of  
15 establishing a state-controlled system to sell marijuana to adults 21 years and older that also:

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

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

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

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

21 (e) Empowers municipalities to choose to limit or prohibit marijuana retail  
22 establishments;

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

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

25 VI. The members of the commission shall elect a chairperson from among the members. The  
26 first meeting of the commission shall be called by the first-named senate member. The first meeting  
27 of the commission shall be held within 45 days of the effective date of this section. Ten members of  
28 the commission shall constitute a quorum.

29 VII. The commission shall issue a final report of its findings and any recommendations for  
30 proposed legislation to the president of the senate, the speaker of the house of representatives, the  
31 senate clerk, the house clerk, the governor, and the state library. The report shall be submitted on  
32 or before December 1, 2023.

33 VIII. The commission shall be administratively attached to the department of justice.

34 4 Repeal. RSA 176:16-b, relative to the commission to study state-controlled sales of cannabis,  
35 is repealed.

36 5 New Subparagraph; Therapeutic Cannabis Medical Oversight Board; Duties. Amend RSA  
37 126-X:12, IV by inserting after subparagraph (g) the following new subparagraph:

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

4 6 New Section; Agriculture, Horticulture and Animal Husbandry; Hemp; Hemp-Derived  
5 Products Containing THC Prohibited. Amend RSA 439-A by inserting after section 439-A:3 the  
6 following new section:

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

11 7 Repeal; Prohibition on Hemp-Derived Products Containing THC. RSA 439-A:4, relative the  
12 prohibition on hemp-derived products containing THC, is repealed.

13 8 Effective Date.

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

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

16 III. Section 7 of this act shall take effect one year from the effective date of section 6 of this  
17 act.

18 IV. 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
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0
<b>Funding Source:</b>	<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