

HB 82-FN - AS AMENDED BY THE HOUSE

3Jan2024... 2405h

2023 SESSION

23-0121

05/08

HOUSE BILL

82-FN

AN ACT relative to employment protection for participants in the therapeutic cannabis program.

SPONSORS: Rep. Vail, Hills. 6; Rep. Grossman, Rock. 11; Rep. Newell, Ches. 4; Rep. Seibert, Hills. 21

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill prohibits an employer from refusing to hire, or terminating the employment of a qualified patient of the New Hampshire therapeutic cannabis program solely on the basis of a positive drug test.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to employment protection for participants in the therapeutic cannabis program.

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

1 1 New Section; Qualified Patient of New Hampshire's Therapeutic Cannabis Program. Amend
2 RSA 275 by inserting after section 37-d the following new section:

3 275:37-e Qualified Patient of New Hampshire's Therapeutic Cannabis Program. Any individual
4 who is a qualified patient of the New Hampshire therapeutic cannabis program under RSA 126-X
5 and carries a current, valid registry identification card issued pursuant to RSA 126-X:4 is presumed
6 to have a medical condition that constitutes a disability as defined by RSA 354-A:2, IV. An employer
7 shall make reasonable accommodations for such individual unless the accommodation would impose
8 an undue hardship on the employer's business. It shall be presumed that an employee being
9 impaired by cannabis products while on duty is an undue hardship upon the employer.

10 2 Effective Date. This act shall take effect 60 days after its passage.

HB 82-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-2405h)

AN ACT relative to employment protection for participants in the therapeutic cannabis program.

FISCAL IMPACT: ☒ State ☒ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2024	FY 2025	FY 2026	FY 2027
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Department of Labor Restricted Fund (RSA 273:1-b)			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill prohibits an employer from refusing to hire, or terminating the employment of a qualified patient of the New Hampshire therapeutic cannabis program solely on the basis of a positive drug test.

The Department of Labor does not expect this bill would materially impact the operational cost to the Department of administering RSA 275 or have any appreciable impact on state, county or local expenditures. Regarding state revenue, the Department states it is possible that there could be additional revenue from fines levied by the Department against employers acting in violation of the provisions of the bill. Any such fine revenue would be deposited in the Restricted Fund established in RSA 273:1-b for paying the costs of operating the Department of Labor. After paying such costs, any balance remaining in the fund at the end of the fiscal year is transferred to the general fund. The Department states any such impact is difficult to quantify with any specificity and is anticipated to be minimal based on education and awareness of the amended requirements.

The Human Rights Commission does not expect a major shift in costs as a result of this bill. The Commission currently covers medical marijuana users under RSA 354-A as it relates to a

disability and the prescribed coverage afforded to individuals through the American's with Disabilities Act or "ADA". The Commission states the fiscal impact is indeterminable as there is no way to determine the number of public interactions, up to and including filed charges and investigations, to be received by the Commission under this bill.

This bill adds, deletes, or modifies a criminal penalty, or changes statute to which there is a penalty for violation. Therefore, this bill may have an impact on the judicial and correctional systems, which could affect prosecution, incarceration, probation, and parole costs, for the state, as well as county and local governments. A summary of such costs can be found at: https://gencourt.state.nh.us/lba/Budget/Fiscal_Notes/JudicialCorrectionalCosts.pdf

It is assumed that any fiscal impact would occur after FY 2024.

AGENCIES CONTACTED:

Judicial Branch, Departments of Justice and Labor, and New Hampshire Association of Counties