

Amendment to HB 1633-FN-A

1 Amend the bill by replacing all after the enacting clause with the following:

2

3 1 Purpose and Findings. The general court hereby finds that: the people of the state of New
4 Hampshire find and declare that cannabis should be regulated in a manner similar to alcohol so
5 that:

6 I. Individuals will have to show proof of age before purchasing cannabis.

7 II. Selling, distributing, or transferring cannabis to minors and other individuals under the
8 age of 21 shall remain illegal.

9 III. Driving under the influence of cannabis shall remain illegal.

10 IV. Moving cannabis production and sales from the underground, sometimes dangerous,
11 illicit market to legal businesses allows for appropriate regulations, control, and contributing.

12 V. Cannabis sold in this state will be tested, labeled, and subject to additional regulations to
13 ensure that consumers are informed and protected and to protect the environment.

14 VI. Some of the revenue generated from legal cannabis shall be used to support programs for
15 education, prevention, treatment, and recovery related to the use of both legal and illegal drugs.

16 VII. Marketing and advertising to minors shall be prohibited.

17 2 New Subparagraphs; Application of Receipts; Cannabis Fund. Amend RSA 6:12, I(b) by
18 inserting after subparagraph 394 the following new subparagraphs:

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

20 (396) Moneys in the substance use prevention, treatment, and recovery fund
21 established in RSA 318-F:22.

22 3 New Subdivision; Substance Abuse Prevention and Recovery Funds. Amend RSA 126-A by
23 inserting after section 105 the following new subdivision:

24 Substance Abuse Prevention, Treatment, and Recovery Funds

25 126-A:106 Substance Abuse Prevention, Treatment, and Recovery Funds; Management and
26 Distribution of Funds.

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

30 II. Funds shall be deposited into the substance abuse prevention, treatment, and recovery
31 fund as established by 318-F:22 to be distributed by the commissioner of the department of health
32 and human services in coordination with the governor's commission on alcohol and other drugs

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1 under RSA 12-J. Funds may be awarded to a qualifying governmental entity or program for an
2 approved use. All funds shall be nonlapsing and continually appropriated for the purposes of this
3 section.

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

7 IV. The department of health and human services shall adopt rules pursuant to RSA 541-A
8 necessary to implement this section. Such rules shall include funding qualifications, application
9 procedures, timelines for receiving, reviewing, and acting upon application requests, and reporting
10 requirements.

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

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

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

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

18 (d) Scientifically and medically accurate public education campaigns educating youth
19 and adults about the health and safety risks of alcohol, tobacco, cannabis, and other substances,
20 including education campaigns separately targeting youth and adults that provide medically and
21 scientifically accurate information about the health and safety risks posed by cannabis use, including
22 driving under the influence of cannabis.

23 VI. No later than 18 months after the effective date of this section, and every 2 years
24 thereafter, the commissioner of the department of health and human services shall submit an
25 annual report to the governor and fiscal committee of the general court detailing the activities of the
26 administration of the substance abuse prevention, treatment and recovery trust fund, the amount
27 distributed in the past year, the amount remaining in the trust fund, a summary of how funds were
28 used in the past year, and any recommendations for future legislation.

29 4 Alcoholic Beverages; Statement From Purchaser as to Age. Amend RSA 179:8, I(d) to read as
30 follows:

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

33 5 Model Drug Dealer Liability Act; Definition of Illegal Drug. Amend RSA 318-C:4, I to read as
34 follows:

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

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1 IX. "Cannabis establishment" means any licensed or franchised New Hampshire cannabis
2 cultivation facility, cannabis testing facility, cannabis product manufacturing facility, cannabis
3 production facility, franchise cannabis retail store, cannabis distributor, cannabis transporter, or any
4 other type of cannabis business authorized and licensed by the commission.

5 X. "Cannabis product manufacturing facility" or "product manufacturing facility" means a
6 person registered with the secretary of state's office with its principal place of business located in
7 New Hampshire and licensed by the state of New Hampshire to purchase cannabis and cannabis
8 products, manufacture, prepare, and package cannabis products, and transport and sell cannabis
9 and cannabis products to other cannabis product manufacturing facilities, cannabis production
10 facilities, and to cannabis retail stores, but not to consumers.

11 XI. "Cannabis product" means any product that contains cannabis, including cannabis
12 concentrate and products that contain cannabis and other ingredients and are intended for use or
13 consumption, such as, but not limited to, edible products, ointments, and tinctures. This term shall
14 not include cannabis flower or cannabis trim.

15 XII. "Cannabis production facility" means a person registered with the secretary of state's
16 office with its principal place of business located in New Hampshire and licensed by the state of New
17 Hampshire to cultivate, prepare, and package cannabis, manufacture, prepare, and package
18 cannabis products within the same premises, transport and sell cannabis to other cannabis
19 production facilities, cannabis cultivation facilities, cannabis product manufacturing facilities, and
20 cannabis retail stores, but not to consumers, and transport and sell cannabis products to other
21 cannabis production facilities, cannabis product manufacturing facilities, and cannabis retail stores,
22 but not to consumers.

23 XIII. "Cannabis retail store" means a person or entity granted a franchise by the state of
24 New Hampshire to purchase cannabis from cannabis cultivation facilities, cannabis and cannabis
25 products from cannabis product manufacturing facilities and cannabis production facilities, and
26 therapeutic grade cannabis products from alternative treatment centers, and to sell cannabis and
27 cannabis products, or cannabis accessories or cannabis paraphernalia to consumers and therapeutic
28 grade cannabis products to qualified patients or designated caregivers. Online pre-ordering is
29 allowed, but consumers must purchase and pick up cannabis and cannabis products at the cannabis
30 retail store's premise. Alternative treatment centers cannot be licensed at the same location as a
31 cannabis retail store.

32 XIV. "Cannabis testing facility" or "testing facility" means a person licensed in the state of
33 New Hampshire to test cannabis for potency and contaminants.

34 XV. "Cannabis transporter" means a person licensed in the state of New Hampshire to
35 transport cannabis between cannabis establishments.

36 XVI. "Cannabis trim" means any part of a cannabis plant, whether processed or
37 unprocessed, that is not cannabis flower or a cannabis seed.

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1 XVII. “Canopy” means the surface area utilized to produce mature plants calculated in
2 square feet and measured using the outside boundaries of any area that includes mature marijuana
3 plants, including all the space within the boundaries. The square footage of canopy space is
4 measured horizontally starting from the outermost point of the furthest mature flowering plant in a
5 designated growing space and continuing around the outside of all mature flowering plants located
6 within the designated growing space. If growing spaces are stacked vertically, each level of space
7 shall be measured and included as part of the total canopy space measurement.

8 XVIII. “Clone” means a clipping from a cannabis plant that has not taken root. Clone
9 includes tissue cultures.

10 XIX. “Commission” means the liquor commission.

11 XX. “Consumer” means a person 21 years of age or older who purchases cannabis or
12 cannabis products for personal use by a person 21 years of age or older from a cannabis retail store
13 that is not a qualifying patient or designated caregiver purchasing a therapeutic grade product from
14 a cannabis retail store or cannabis from an alternative treatment center pursuant to RSA 126-X.

15 XXI. “Cultivation” or “cultivate” means the planting, propagation, growing, harvesting,
16 drying, curing, grading, trimming or other processing of cannabis for use or sale. “Cultivation” or
17 “cultivate” does not include manufacturing, testing, or cannabis extraction.

18 XXII. “Department” means the department of health and human services.

19 XXIII. “Documentation” means all records, in any form, including electronic records.

20 XXIV. “Exit packaging” means an opaque bag, pouch, or other container that cannabis
21 and/or cannabis products are placed in by a licensee or franchisee after a retail sale to a consumer.

22 XXV. “Flowering” means, with respect to a cannabis plant, the gametophytic or reproductive
23 state of a female cannabis plant during which the plant is in a light cycle intended to produce
24 flowers, trichomes, and cannabinoids characteristic of cannabis.

25 XXVI. “Hemp” means the plant *Cannabis sativa* L. and any part of the plant, whether
26 growing or not, with a delta-9 tetrahydrocannabinol concentration (THC) of not more than 0.3
27 percent on a dry weight basis.

28 XXVII. “Immature cannabis plant” means a cannabis plant that is not a mature cannabis
29 plant or a seedling.

30 XXVIII. “Kief” means the dried or drying resinous trichomes of cannabis plant that have
31 separated from cannabis flower or have been separated from cannabis flower by processes other than
32 extraction.

33 XXIX. “Manufacturing” or “manufacture” means the production, blending, infusing,
34 compounding or other preparation of cannabis and cannabis products, including, but not limited to,
35 cannabis extraction or preparation by means of chemical synthesis. “Manufacturing” or
36 “manufacture” does not include cultivation or testing.

37 XXX. “Mature cannabis plant” means a plant that is flowering.

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1 XXXI. "Municipality" means a city, town, or an unincorporated place.

2 XXXII. "Outdoor cultivation" means the seasonal cultivation of cannabis in an expanse of
3 open or cleared ground without the use of artificial lighting.

4 XXXIII. "Ownership interest" means a right to ownership or equity interest.

5 XXXIV. "Person" means a natural person or a business entity.

6 XXXV.(a) "Possession limit" means:

7 (1) Four ounces of cannabis flower or cannabis trim or any combination thereof;

8 (2) Ten grams of cannabis concentrate, which includes, but is not limited to, pre-
9 filled cartridges of cannabis extracts intended for vaporization; and

10 (3) Cannabis products other than cannabis concentrate containing no more than
11 2,000 milligrams of THC.

12 (b) This paragraph shall not apply to the possession limits set forth in RSA 126-X:2.

13 XXXVI. "Public place" means any place to which the general public has access.

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

18 XXXVIII. "Resident" means a natural person who:

19 (a) Is domiciled in New Hampshire; and

20 (b) Maintains a place of abode in New Hampshire.

21 XXXIX. "Seedling" means a cannabis plant that has no flowers and is less than 12 inches in
22 height and less than 12 inches in diameter.

23 XL. "THC" means tetrahydrocannabinol.

24 XLI. "Therapeutic grade cannabis product" means a cannabis product that is manufactured
25 by a licensed alternative treatment center. Therapeutic grade cannabis products sold by an
26 alternative treatment center to a cannabis retail store shall meet the requirements of RSA 126-X
27 and rules issued pursuant to RSA 126-X. Cannabis retail stores may only sell therapeutic grade
28 cannabis products to patients or caregivers. The commission has jurisdiction over therapeutic grade
29 cannabis products after they are transferred to a cannabis establishment licensed under this
30 chapter.

31 XLII. "Threshold financial interest" means a majority ownership interest in the applicant,
32 licensee, or franchisee.

33 XLIII. "Vertically integrated cannabis establishment" means a person who is a cannabis
34 retail store franchisee in addition to a cannabis cultivation facility licensee and a cannabis product
35 manufacturing facility licensee, or who is a cannabis retail store franchisee and a cannabis
36 production facility licensee, either through direct ownership or through an affiliate.

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1 318-F:2 Personal Use of Cannabis. Except as otherwise provided in this chapter, the following
2 acts, if undertaken by a person 21 years of age or older, shall not be illegal under New Hampshire
3 law or the law of any political subdivision of the state or be a basis for seizure or forfeiture of assets
4 under New Hampshire law:

5 I. Possessing, consuming, using, displaying, obtaining, purchasing, processing, producing, or
6 transporting an amount of cannabis that does not exceed the possession limit, except that no adult
7 other than one who is acting in his or her capacity as a staffer of a cannabis product manufacturer
8 licensed pursuant to RSA 318-F or an alternative treatment center licensed pursuant to RSA 126-X
9 may perform extractions using solvents other than water, glycerin, propylene glycol, vegetable oil, or
10 food-grade ethanol.

11 II. Transferring an amount of cannabis that does not exceed the possession limit to a person
12 who is 21 years of age or older without remuneration. For purposes of this paragraph, a transfer is
13 for remuneration if cannabis is given away contemporaneously with another transaction between the
14 same parties, if a gift of cannabis is offered or advertised in conjunction with an offer for sale of
15 goods, services, or admission to an event, or if the gift of cannabis is contingent upon a separate
16 transaction for goods, services, or the price of admission to an event.

17 III. Transferring cannabis, including cannabis products, to a cannabis testing facility.

18 IV. Controlling property where the acts described under this section occur.

19 V. Assisting another person who is 21 years of age or older in any of the acts described
20 under this section.

21 318-F:3 Smoking or Vaping Cannabis in Public Prohibited; Penalty.

22 No person shall smoke or vaporize cannabis in an area accessible to the public.

23 I. First offense: Any person who violates this section shall be guilty of a violation for the
24 first offense and shall forfeit all cannabis and cannabis products.

25 II. Second offense: Any person who violates this section a second time within 5 years of the
26 first conviction under this section shall be guilty of a misdemeanor and shall forfeit all cannabis and
27 cannabis products.

28 318-F:4 Consuming Cannabis While Operating a Moving Vehicle Prohibited; Penalty.

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

33 II. No person shall consume, smoke, or vaporize cannabis while the person is a passenger in
34 a motor vehicle that is being driven on a way.

35 III. Any person who violates this section shall be guilty of a misdemeanor and shall be
36 subject to a fine not to exceed \$1,000.00. In addition, any person who violates paragraph I of this

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1 section may have his or her driver's license, if a resident, or driving privilege, if a nonresident,
2 suspended for up to 60 days for a first offense and up to one year for a subsequent offense.

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

4 318-F:5 Driving; Minors; Control of Property.

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

8 II. Nothing in this chapter shall be construed to permit the transfer of cannabis, with or
9 without remuneration, to a person under the age of 21, or to allow a person under the age of 21 to
10 purchase, possess, use, transport, grow, or consume cannabis except as provided for by RSA 126-X.

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

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

17 (a) This chapter shall not prevent a landlord from prohibiting cannabis smoking, vaping,
18 cannabis cultivation, harvesting, or manufacturing.

19 (b) An adult who is 21 or older may use cannabis on privately owned real property only
20 with permission of the property owner or, in the case of leased or rented property, with the
21 permission of the tenant in possession of the property, except that a tenant shall not allow a person
22 to smoke or vape cannabis on rented property if smoking or vaping on the property violates the lease
23 or the lessor's rental policies that apply to all tenants at the property. However, a tenant may
24 permit an adult who is 21 or older to use cannabis on leased property by ingestion or inhalation
25 through vaporization even if smoking is prohibited by the lease or rental policies. For purposes of
26 this chapter, vaporization shall mean the inhalation of cannabis without the combustion of the
27 cannabis.

28 318-F:6 Tracking System.

29 The commission shall require all cannabis establishments to utilize an electronic inventory
30 tracking system, including use of a universal product code, for tracking the transfer of cannabis and
31 cannabis products between licensed or franchised cannabis establishments and the sale of cannabis
32 and cannabis products to consumers. The system shall ensure an accurate accounting from seedling
33 to sale of the production, processing, and sale of cannabis and cannabis products and shall enable
34 separate tracking of cannabis flower immature cannabis plants, and other parts of cannabis sold
35 from cannabis cultivation facilities and cannabis production facilities. The system shall allow for the
36 tracking of lab testing results for all cannabis and shall be capable of swiftly identifying all products

1 involved in a product recall. The commission may develop and maintain a system that satisfies the
2 requirements of this section, or it may select a vendor to develop and maintain a system.

3 318-F:7 Enforcement of Contracts.

4 Contracts related to the operation of a cannabis establishment licensed or franchised pursuant to
5 this chapter shall be enforceable. No contract entered into by a licensed or franchised cannabis
6 establishment or its employees or agents as permitted pursuant to a valid license or franchise, or by
7 those who allow property to be used by an establishment, its employees, or its agents as permitted
8 pursuant to a valid license, shall be unenforceable on the basis that cultivating, obtaining,
9 manufacturing, distributing, dispensing, transporting, selling, possessing, or using cannabis is
10 prohibited by federal law.

11 318-F:8 Non-Discrimination for State-Legal Cannabis Activities and Prior Convictions.

12 I. Except as provided in this section, a holder of a professional or occupational license may
13 not be subject to professional discipline or civil or criminal prosecution for:

14 (a) Providing professional services related to cannabis establishments or applications to
15 operate cannabis establishments on the basis that cannabis is illegal under federal law; or

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

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

19 (a) Previous employment related to cannabis establishments operating in accordance
20 with state law.

21 (b) A prior conviction for a non-violent cannabis offense that did not involve harvesting,
22 cultivating, manufacturing, trafficking, or distribution.

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

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

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

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

36 VI. Except as provided in this section, neither the state nor any of its political subdivisions
37 may discriminate against a person in hiring, termination, or any term or condition of employment, or

1 otherwise penalize a person in employment or contracting, if the discrimination is based upon any of
2 the following:

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

4 (b) A prior conviction for a non-violent cannabis offense that does not involve
5 distribution; or

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

8 VII. This section does not prevent an employer, state, or any of its political subdivisions
9 from disciplining an employee or contractor for using cannabis products in the workplace, not
10 providing the duties of their employment or contract, or for working while impaired by cannabis.

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

15 (b) This section does not authorize any person to engage in, and does not prevent the
16 imposition of any civil, criminal, disciplinary, or other penalties, including discipline or termination
17 by a governmental employer for engaging in, any task while under the influence of cannabis, when
18 doing so would constitute negligence or professional malpractice.

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

22 IX. Notwithstanding any other provision of law, unless there is a specific finding that the
23 individual's use, harvesting, cultivation, manufacturing, or possession of cannabis could create a
24 danger to the individual or another person, or the person is charged with an offense in violation of
25 this chapter, it shall not be a violation of conditions of parole, probation, or pre-trial release to:

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

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

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

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

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

35 318-F:9 Lawful Operation of Cannabis-Related Facilities.

1 I. If undertaken by a person 21 years of age or older, the following acts shall not be illegal
2 under New Hampshire law or be a basis for seizure or forfeiture of assets under New Hampshire
3 law:

4 (a) Possessing, displaying, warehousing, transporting, distributing cannabis or cannabis
5 products; obtaining or purchasing cannabis from a cannabis cultivation facility or a cannabis
6 production facility; delivering or transferring cannabis to a cannabis testing facility; obtaining or
7 purchasing cannabis or cannabis products from a cannabis product manufacturing facility or
8 cannabis production facility; obtaining or purchasing therapeutic grade cannabis products from an
9 alternative treatment center, or sale of cannabis or cannabis products to an adult who is 21 years of
10 age or older or the sale of therapeutic grade cannabis products to patients and caregivers, or
11 distribution of cannabis and cannabis products to other cannabis retail stores or therapeutic grade
12 cannabis to alternative treatment centers, if the person or business entity conducting the activities
13 described in this paragraph has obtained a current, valid license to operate a cannabis retail store or
14 is acting in his or her capacity as an owner, employee, or agent of a franchised cannabis retail store.

15 (b) Cultivating, harvesting, processing, packaging, transporting, distributing displaying,
16 or possessing cannabis; obtaining or purchasing cannabis seeds, clones, or seedlings from any adult
17 21 years of age or older; delivering or transferring cannabis to a cannabis testing facility; selling or
18 transferring cannabis that has not been processed into cannabis concentrate or other cannabis
19 product to a cannabis cultivation facility, a cannabis product manufacturing facility, or a cannabis
20 retail store; or obtaining or purchasing cannabis from a cannabis cultivation facility, if the person or
21 business entity conducting the activities described in this paragraph has obtained a current, valid
22 license to operate a cannabis cultivation facility or is acting in his or her capacity as an owner,
23 employee, or agent of a licensed cannabis cultivation facility.

24 (c) Packaging, processing, transporting, manufacturing, displaying, or possessing
25 cannabis or cannabis products; delivering or transferring cannabis or cannabis products to a
26 cannabis testing facility; selling cannabis or cannabis products to a cannabis retail store, or a
27 cannabis product manufacturing facility; purchasing or obtaining cannabis from a cannabis
28 cultivation facility or cannabis production facility; or purchasing or obtaining cannabis or cannabis
29 products from a cannabis product manufacturing facility, if the person or business entity conducting
30 the activities described in this paragraph has obtained a current, valid license to operate a cannabis
31 product manufacturing facility or is acting in his or her capacity as an owner, employee, or agent of a
32 licensed cannabis product manufacturing facility.

33 (d) Possessing, obtaining, testing, storing, transporting, receiving, or displaying
34 cannabis or cannabis products if the person or business entity has obtained a current, valid license
35 to operate a cannabis testing facility or is acting in his or her capacity as an owner, employee, or
36 agent of a licensed cannabis testing facility.

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1 (e) Engaging in any activities involving cannabis or cannabis products if the person or
2 business entity conducting the activities has obtained a current, valid license or franchise to operate
3 a cannabis establishment or is acting in his or her capacity as an owner, employee, or agent of a
4 licensed or franchised cannabis establishment, and the activities are within the scope of activities
5 allowed by the commission for that type of cannabis establishment.

6 (f) Possessing, obtaining, cultivating, processing, storing, transporting, and distributing,
7 or receiving cannabis obtained from a cannabis establishment or transporting, distributing,
8 delivering, or transferring cannabis to a cannabis establishment if the person or business entity has
9 obtained a current, valid license to operate a cannabis transporter or cannabis distributor or is
10 acting in his or her capacity as an owner, employee, or agent of a licensed cannabis transporter or
11 cannabis distributor.

12 (g) Selling, offering for sale, transferring, transporting, or delivering therapeutic grade
13 cannabis products to cannabis establishments if the person or business entity conducting the
14 activities described in this paragraph possesses a valid license to operate an alternative treatment
15 center or is acting in his or her capacity as an owner, employee, or agent of a licensed alternative
16 treatment center.

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

20 (i) Selling, offering for sale, transferring, transporting, or delivering cannabis to
21 establishments licensed to process or sell cannabis under the laws of other states if the person or
22 business entity has obtained a current, valid license to operate a cannabis transporter, cannabis
23 distributor, cannabis product manufacturing facility, cannabis production facility or cannabis
24 cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a cannabis
25 transporter, cannabis distributor, cannabis product manufacturing facility, cannabis production
26 facility, or cannabis cultivation facility, and marijuana is no longer scheduled as a controlled
27 substance as defined under the Federal Controlled Substances Act, 21 U.S.C. section 801, et. seq.

28 318-F:10 Data Collection Related to Cannabis Legalization and Regulation.

29 No later than 6 months after the effective date of this chapter and every 2 years thereafter, the
30 department of safety, information and analysis center, drug monitoring initiative, shall produce and
31 publish a report that includes nonidentifiable personal/individual or baseline data and the most
32 current data regarding health and welfare outcomes since cannabis became legal and regulated for
33 adults' use, including, but not limited to, high school graduation rates; youth and adult rates of
34 alcohol, cannabis, and illegal drug use; rates of maladaptive use of cannabis; rates of alcohol abuse;
35 opiate use and abuse rates; the number and type of youth and adult convictions for cannabis
36 offenses; and the rates of individuals needing but not receiving cannabis use disorder treatment.

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1 The report shall also include information on treatment and prevention services provided, education
2 campaigns undertaken, and funding allocated under RSA 318-F:22.

3 318-F:11 Enforcement Authority.

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

7 II. The commission may appoint liquor investigators whose primary function shall be the
8 proper prosecution of this chapter. The liquor investigators shall have statewide jurisdiction, with
9 reference to enforcement of all laws either in cooperation with, or independently of, the officers of
10 any county or town. The commission shall have the primary responsibility for the enforcement of all
11 cannabis laws including any illegal trafficking, distributions, harvesting, cultivating, and
12 manufacturing cannabis and upon premises where cannabis, cannabis products, and cannabis
13 accessories are lawfully sold, stored, distributed, cultivated, or manufactured. Any person violating
14 the provisions of any law may be prosecuted by the commission or any of its investigators as
15 provided in this section, or by county or city attorneys, or by sheriffs or their deputies, or by police
16 officials of towns or the New Hampshire department of safety, division of state police.

17 III. The commission shall have the authority to interpret statutes and administrative rules
18 as they relate to this chapter.

19 IV. The commission shall adopt and publish rules pursuant to RSA 541-A, to govern its
20 proceedings and to regulate the mode and manner of all investigations and hearings before it. All
21 hearings before the commission shall be in accordance with RSA 541-A:31-36. In any such
22 investigation or hearing the commission shall not be bound by the technical rules of evidence. The
23 commission may subpoena witnesses and administer oaths in any proceeding or examination
24 instituted before or conducted by it, and may compel, by subpoena, the production of any accounts,
25 books, contracts, records, documents, memoranda, and papers of any kind whatever. A summons
26 issued by any justice of the peace shall have the same effect as though issued for appearance before
27 such court.

28 V. If any false statement is knowingly made in any statement under oath which may be
29 required by the provisions of this title or by the commission, the person making the same shall be
30 deemed guilty of perjury. The making of any such false statement in any such application or in any
31 such accompanying statements, whether made with or without the knowledge or consent of the
32 applicant, shall, in the discretion of the commission, constitute sufficient cause for the revocation of
33 the license or franchise.

34 VI. The commission shall adopt by rule under RSA 541-A a formal enforcement policy for
35 licensees and franchisees under its jurisdiction. This policy shall specify the disciplinary action, to
36 include, but not limited to, a schedule of fines as are authorized by this chapter for violations of
37 statutory requirements, which the commission shall take for violations of various laws under its

1 jurisdiction. The enforcement policy shall also specify mitigating and aggravating factors which the
2 commission shall consider in determining penalties for specific actions. Such enforcement policy
3 shall authorize: (1) cannabis cultivation facilities and cannabis production facilities to continue to
4 cultivate, prepare, and package, but not purchase, transfer, or sell cannabis and cannabis products,
5 during a suspension or a license or franchise revocation until such time as there is a final
6 determination that the license or franchise be revoked for which no appeal is available; and (2)
7 cannabis product manufacturing facilities, cannabis testing facilities, and cannabis retail stores
8 to possess existing cannabis inventory, but not acquire additional cannabis, or dispense,
9 transfer, or sell cannabis during a suspension or a license or franchise revocation until such time
10 as there is a final determination that the license or franchise be revoked for which no appeal is
11 available.

12 VII. In applying its enforcement policy, the liquor commission shall establish and enforce
13 specific determinate penalties for specific offenses. The commission shall not apply penalties such as
14 license or franchise suspensions for indefinite periods of time. In addition to RSA 541-A:30, III, the
15 commission may suspend, for a period of not more than 72 hours without a hearing, any license or
16 franchise issued under the provisions of this title, if a risk to public health, safety, or welfare
17 constitutes an emergency requiring such suspension. Any such suspension shall be subject to
18 paragraph VI and approved directly by at least one member of the commission before taking effect.

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

25 IX. The commission may pay staff members working on both liquor and cannabis matters
26 increased wages until 18 months after the first cannabis retail store franchise is issued. A 10
27 percent stipend shall be established for commission staff based on their salary, when engaged in the
28 development and all administrative aspects of the program.

29 318-F:12 Enforcement Activity Verifying Noncompliance.

30 It shall be a violation to sell any cannabis, cannabis product, cannabis accessories or cannabis
31 paraphernalia to a minor during enforcement activity initiated solely for the purpose of verifying
32 noncompliance with RSA 318-F:5. It shall be a misdemeanor to knowingly sell cannabis, cannabis
33 product, or cannabis paraphernalia to a minor at the time of any such enforcement activity. The
34 commission shall retain the right to require the licensee or franchisee in such a circumstance to
35 initiate additional training of its staff or individual employees. This section shall not apply to law
36 enforcement initiatives involving surveillance, investigations, or criminal complaints of RSA 318-F:5.

37 318-F:13 Rulemaking, Franchise and Licensing Requirements.

1 I. Not later than 24 months after the effective date of this section, the commission shall
2 submit statutory language and approve rules subject to the rulemaking process pursuant to RSA
3 541-A for the licensing and regulation of cannabis cultivation facilities and testing facilities as
4 outlined in paragraph II.

5 II. Not later than 30 months after the effective date of this section, the commission shall
6 submit statutory language and approve rules subject to the rulemaking process pursuant to RSA
7 541-A for the franchising, licensing, and regulation of all other cannabis establishments. The rules
8 shall include the following:

9 (a) Procedures for the application, issuance, transfer, approval, denial, renewal,
10 suspension, and revocation of a license or franchise for cannabis establishments. Rules shall include
11 provisions for cannabis retail store, cannabis cultivation facility, and cannabis production facility
12 licensees or franchisees to be selected through a request for application process.

13 (1) The commission shall decide within 60 days of receipt of a complete application
14 and provide the decision to the licensee or franchisee. The commission shall extend the time period
15 for the decision upon written agreement of the applicant.

16 (2) Notwithstanding any rules created by the commission, any transfer or sale of
17 cannabis establishment is subject to approval of the commission.

18 (b) Criteria for qualifying for a cannabis establishment license or franchise including,
19 but not limited to, the following:

20 (1) Except as provided in this section, any person applying for a cannabis
21 establishment license or franchise shall be a resident, or shall have at least one director, officer,
22 manager, or partner who is a New Hampshire resident. This restriction shall not apply to an
23 applicant for a testing facility registration.

24 (2) No cannabis testing facility or individual with an ownership interest in a
25 cannabis testing facility shall have an ownership interest in an alternative treatment center, a
26 cannabis retail store, a cannabis cultivation facility, a cannabis production facility, or a cannabis
27 product manufacturing facility.

28 (3) No person or business entity may have a threshold financial interest in more
29 than 3 cannabis establishments of any single category.

30 (4) Other than a cannabis retail store, cannabis establishments may be sited within
31 the same building or property. Other than a cannabis retail store, cannabis establishments in the
32 same category that are owned by the same person or the person's affiliate may be sited within the
33 same premises.

34 (5) No vendor that provides cannabis inventory tracking in New Hampshire and no
35 individual with a threshold financial interest in a vendor that provides cannabis inventory tracking
36 in New Hampshire may hold a threshold financial interest in a cannabis establishment.

1 (c) Procedures and criteria for the selection cannabis retail store, cannabis cultivation
2 facility, and cannabis production facility licenses or franchises to include but not be limited to:

3 (1) Location of the cannabis retail store, cannabis cultivation facility, or cannabis
4 production facility.

5 (2) Standard operating procedures for, but not limited to, storing, tracking,
6 manufacturing, cultivation, packaging, labeling, testing, transporting, employee training,
7 discounting and promotions, record keeping, and the sale of cannabis and cannabis products.

8 (3) Security measures including, but not limited to, storage facilities for cannabis
9 and cannabis products.

10 (4) Hours of operation.

11 (5) The size and nature of the facilities, including the layout of the cannabis
12 establishment.

13 (6) Prior experience of the applicant in operating an alternative treatment center or
14 other facility that cultivates, manufactures, or sells cannabis and/or cannabis products pursuant to
15 and in accordance with the laws of the state of New Hampshire or another state.

16 (7) Financial capacity.

17 (d) Timelines by which licensees and franchisees must commence operations and
18 procedures for revoking and reissuing licenses and franchises where such timeline is not met.

19 (e) Advertising and promotion which, for cannabis retail stores, shall be controlled and
20 managed by the commission.

21 (f) Employees, including any registration/licensing requirements for employees as
22 determined by the commission.

23 (g) Special seasonal cannabis retail stores.

24 (h) Requirements that cannabis retail stores stock cannabis products, including flower,
25 with low and moderate amounts of THC and that they be at least as prominently displayed as high
26 potency products or therapeutic grade cannabis products.

27 (i) Annual mandatory training and continuing education required for licensees,
28 franchisees, and all cannabis retail store employees, which shall include, but not be limited to,
29 training on checking photo identification and for false identification. The rules set forth shall be
30 specific as to the amount of annual training is required and the specific subject matters the
31 licensees, franchisees, and retail store employees are trained on each year.

32 (j) Requirements for cannabis cultivation facilities, cannabis production facilities, and
33 cannabis product manufacturing facilities to be operated and located in the state of New Hampshire
34 so long as there is a federal prohibition.

35 (k) A fee schedule of reasonable application, license, franchise, and annual renewal fees,
36 provided:

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

3 (2) That the non-refundable portion of application fees shall not exceed \$1,000, with
4 this upper limit adjusted annually for inflation.

5 (3) Licensing, franchises, and annual renewal fees shall not exceed \$10,000 per
6 license.

7 (l) Qualifications and disqualifications for licensure and franchisees that are directly and
8 demonstrably related to the operation of a cannabis establishment, and which may not disqualify
9 applicants solely for having a prior history of criminal convictions for possession of cannabis prior to
10 the effective date of this chapter.

11 (m) Criteria for selection among applicants when there are more qualified applicants
12 than there are number of licenses or franchises available in a particular municipality.

13 (n) Record keeping requirements for cannabis establishments, including requirements
14 for implementation and compliance with the distribution tracking system.

15 (o) Requirements for the transportation and distribution of cannabis and cannabis
16 products between cannabis establishments, including approved packaging and documentation that
17 shall accompany any cannabis being transported, warehoused, or distributed.

18 (p) Reasonable security requirements for each type of cannabis establishment, which
19 may be varied based on the size of the cannabis establishment.

20 (q) Restrictions on where a cannabis establishment may be located, consistent with the
21 provisions of this chapter.

22 (r) Standards for the operation of testing laboratories, including requirements for
23 equipment and qualifications.

24 (s) Requirements for the testing of cannabis and cannabis products, including, but not
25 limited to, the following:

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

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

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

33 (4) Providing that in the event that test results indicate the presence of quantities of
34 any substance determined to be injurious to health, such cannabis or cannabis products shall be
35 immediately quarantined and immediate notification to the commission shall be made. The
36 contaminated product shall be documented and properly destroyed, subject to the appeals process as
37 outlined in this chapter and rules promulgated by the commission;

1 (5) That testing shall also verify THC and other cannabinoid potency
2 representations for correct labeling;

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

5 (7) That the commission shall determine the protocols and frequency of cannabis
6 testing by a cannabis testing facility; and

7 (8) Minimum testing requirements for an effective cannabis and cannabis product
8 quality assurance program for cannabis cultivation facilities, cannabis production facilities, and
9 cannabis product manufacturing facilities.

10 (t) Change in ownership and changes in location for cannabis establishments.

11 III. Not later than 30 months after the effective date of this section, the commission shall
12 initiate the rulemaking process pursuant to RSA 541-A for regulation on the cultivation, advertising,
13 manufacture, and sale of cannabis, cannabis products, and cannabis accessories. The rules shall
14 include, but shall not be limited to, the following:

15 (a) Health and safety rules, including, but not limited to, the packaging and preparing of
16 cannabis and cannabis products, restricting the use of pesticides and other chemicals during
17 cultivation and processing that may be dangerous to cannabis consumers, and sanitation
18 requirements.

19 (b) Health and safety rules and standards for the cultivation of cannabis and
20 manufacture of cannabis products, including:

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

23 (2) Safety standards regulating the manufacture of cannabis extracts and cannabis
24 concentrate; and

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

27 (c) Establishing the maximum amount of THC that may be included in each cannabis
28 product serving as 5 milligrams and no more than 100 milligrams per package.

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

34 (e) Restrictions on the advertising, signage, marketing, and display of cannabis and
35 cannabis products, including, but not limited to, the following:

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

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

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

7 (4) A prohibition on giveaways of cannabis, cannabis products, or cannabis
8 accessories, including samples, except the commission may establish rules governing the authorized
9 distribution of trade and/or employee samples;

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

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

14 (f) Packaging, product manufacturing, and labeling requirements for cannabis and
15 cannabis products, including, but not limited to, the following:

16 (1) Packaging and labeling approval process prohibiting, but not limited to, the
17 following:

18 (A) Statements on the label or packaging that are false or misleading.

19 (B) Any written statements on the label or packaging are illegible.

20 (C) Packaging or labeling that contains subliminal or similarly deceptive
21 advertising techniques.

22 (D) Packaging or labeling that features a depiction of athletes that is deceptive
23 and misleading in that it implies that consuming cannabis or cannabis products is conducive to
24 athletic skill or physical prowess, or that consuming cannabis does not hinder the athlete's
25 performance.

26 (E) Packaging or labeling that features illustrations, subject matter, or other
27 attributes that are consistent with products marketed toward children and youths.

28 (F) Packaging or labeling that features a depiction of consumption of cannabis or
29 cannabis products while seated in, about to enter, operating, or about to operate an automobile or
30 other machinery.

31 (G) An aspect of the packaging or labeling that normalizes or encourages
32 excessive consumption.

33 (H) Packaging or labeling that does not indicate in manner that is sufficiently
34 clear that the product contains cannabis or cannabis products.

35 (I) Packaging or labeling that might result in confusion regarding whether the
36 product is a cannabis or cannabis products.

1 (J) Packaging or labeling pursuant to which the product is offered for sale under
2 the name, identity or characteristics of another food or beverage or which mimics another food or
3 beverage, or the characteristics of another food or beverage.

4 (2) The commission shall make a decision within 60 days of receipt of a complete
5 application for pre-approval of packaging and labeling and provide the decision to the licensee or
6 franchisee. The commission shall extend the time period for the decision upon written agreement of
7 the applicant.

8 (3) Mandating the disclosure of the THC content of each product.

9 (4) Requiring cannabis products to be packaged in packaging that is designed or
10 constructed to be significantly difficult for children under 5 years of age to open, and not difficult for
11 adults to use properly.

12 (5) Requirements to ensure cannabis products and their packaging are not designed
13 to appeal to or be attractive to minors, including providing that they cannot be in the shape of
14 cartoons, toys, animals, or people.

15 (6) Prohibiting flavors and designs of cannabis-infused beverages and edibles that
16 are particularly attractive to minors.

17 (7) Warnings, including, but not limited to, those described in RSA 318-F:14.

18 (8) A requirement for any label, and for certain products where appropriate, to
19 include a standard, recognizable symbol that a product contains cannabis or THC.

20 (9) Potency limits for cannabis products.

21 (10) Labeling requirements for consumable cannabis products to include, but not
22 limited to, ingredient lists, identification of allergens, and nutritional fact panels.

23 (g) Procedures and notices relating to all recalls of any products.

24 IV. In order to ensure that individual privacy is protected, the commission shall not require
25 a consumer to provide a cannabis retail store with personal information other than government-
26 issued identification to determine the consumer's age, and a retail cannabis store shall not be
27 required to acquire and record personal information about consumers.

28 V. In order to ensure that individual privacy is protected, no cannabis establishment may
29 record or store a consumer's name, address, purchases, or contact information unless the consumer
30 consents in writing. No cannabis establishment may make granting permission for the collection or
31 storage of such information a condition of a consumer purchasing cannabis from the establishment.

32 VI. Not later than 30 months after the effective date of this chapter, the commission, in
33 consultation with the department, shall develop an informational handout, which cannabis retail
34 store shall make available to all consumers, and which shall include information detailed in RSA
35 318-F:14.

1 VII.(a) Not later than 36 months after the effective date of this section, the commission shall
2 make written recommendations to the general court regarding the regulation of hemp, cannabinoids,
3 synthetic cannabinoids, and intoxicating products derived from hemp including:

4 (1) What hemp products the commission would regulate;

5 (2) How the products would be regulated, including whether a license would be
6 required and whether hemp processors and manufacturers should be licensed and regulated by the
7 commission;

8 (3) Any license fees or other charges that would be assessed on hemp products and
9 license fees assessed on hemp processors and manufacturers; and

10 (4) The resources required to regulate hemp processors, product manufacturers,
11 hemp products, and the retail sale of intoxicating hemp products.

12 (b) The regulations governing the production and the sale of intoxicating, ingestible, or
13 smokeable products containing hemp-derived cannabinoids may not be less restrictive than the
14 provisions of RSA 318-F or administrative rules enacted pursuant to RSA 541-A. For purposes of
15 this section, “intoxicating ingestible or smokeable products containing hemp-derived cannabinoids”
16 means any product that is intended to be consumed by humans or animals through inhalation or
17 ingestion containing tetrahydrocannabinol and tetrahydrocannabinolic acids that are artificially or
18 natural derived from hemp where inhalation or ingestion is reasonably likely to result in
19 alternations of perception, cognition, or behavior.

20 VIII. General prohibitions and policies:

21 (a) The commission shall approve the transfer or sale of any cannabis establishment.

22 (b) The commission shall have the final authority to set the price of all cannabis
23 products sold in a cannabis retail store.

24 (c) Any location or change in location of a cannabis establishment shall be approved by
25 the commission.

26 (d) Cannabis products containing nicotine or other additives to make cannabis products
27 addictive are prohibited.

28 (e) To mitigate potential harms to children and to mitigate children accidentally
29 ingesting cannabis products, cannabis products that are named, packaged, marketed, or designed in
30 a way that mimics or is likely to cause confusion with commercially available, trademarked non-
31 cannabis products, including relating to their logos, the sound of the product or brand, packaging,
32 taste, appearance, and commercial impression shall be prohibited.

33 (f) Advertising for any cannabis establishment located or operating outside the state of
34 New Hampshire shall be prohibited.

35 (g) To the extent that any advertising is permitted under this chapter, all advertising
36 shall be controlled and administrated by the commission.

37 318-F:14 Informational Materials; Warning Label; Medical Lock Boxes.

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

3 II. A cannabis retail store shall include an informational handout designed by the
4 commission in consultation with the public health advisory committee with all cannabis and
5 cannabis products sold to consumers and shall include the high potency version in all cannabis
6 concentrates and other high potency sales. The informational handouts shall include scientifically
7 accurate information, including:

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

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

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

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

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

17 (b) Information about methods for administering cannabis;

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

19 (d) How to recognize cannabis use disorder, and how to obtain appropriate services or
20 treatment;

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

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

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

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

29 III. The commission may require that cannabis retail stores shall display informational
30 posters in conspicuous locations about the risks of cannabis use, including regarding risks during
31 pregnancy and breastfeeding and risks of cannabis use in adolescents or by younger adults. The
32 posters shall be scientifically accurate.

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

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

2 (a) A warning label that provides, “Caution: When eaten or swallowed, the intoxicating
3 effects of this product may be delayed,” including a time frame as established by the commission.

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

5 (c) A nutritional fact panel.

6 (d) Opaque, child-resistant packaging, which shall be designed or constructed to be
7 significantly difficult for children under 5 years of age to open and not difficult for adults to use
8 properly as defined by 16 C.F.R. section 1700.20. Cannabis and cannabis products may be pre-
9 packaged in opaque, child-resistant packaging or placed in a compliant exit package prior to transfer
10 to a consumer.

11 VI. All cannabis retail stores shall include in their inventory medical lock boxes for sale to
12 help keep cannabis and cannabis products away from children.

13 318-F:15 Proof of Purchaser’s Identity.

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

18 II. Photographic identification presented under this section shall be consistent with the
19 appearance of the person, shall not be expired, and shall be correct and free of alteration, erasure,
20 blemish, or other impairment.

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

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

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

29 318-F:16 Restrictions on Location Near Schools.

30 I. For municipalities with a population that does not exceed 50,000 residents, no cannabis
31 establishment shall operate, nor shall a prospective cannabis establishment apply for a license or
32 franchise, if the establishment would be located within one mile of a school.

33 II. For municipalities with a population more than 50,000 residents, no cannabis
34 establishment shall operate, nor shall a prospective cannabis establishment apply for a license or
35 franchise, if the establishment would be located within one-half mile of a school.

1 III. For the purposes of this section, “school” means any public or private elementary,
2 secondary, or secondary vocational-technical school in New Hampshire. It shall not include home
3 schools under RSA 193-A.

4 318-F:17 Limits on the Number of Cannabis Retail Stores and Franchise Fee Imposed.

5 I. A franchise fee on the monthly total gross revenue derived from the sale of cannabis and
6 cannabis products, and therapeutic grade therapeutic products, excluding the sale of cannabis
7 accessories by a cannabis retail store, shall be imposed on cannabis retail stores at the rate of 12.5
8 percent. The municipalities where the cannabis retail store is located shall receive 1 percent of the
9 12.5 percent fee imposed on the cannabis retail store.

10 II. The commission shall adopt rules under RSA 541-A relative to the franchise fee
11 procedures needed to implement the provisions of this section.

12 III. Except as otherwise provided in this chapter, no more than 15 cannabis retail store
13 franchises shall be issued.

14 318-F:18 Alcohol Infused Cannabis Products Prohibited.

15 I. It is unlawful to manufacture, import, offer, or sell in this state a consumable product that
16 contains cannabis or any form of tetrahydrocannabinol in combination with beer, wine, spirits, or
17 any other type of liquor in the same product.

18 II. In accordance with paragraph I of this section, it is unlawful to manufacture, import,
19 offer, or sell in this state a consumable product that contains cannabis or any form of
20 tetrahydrocannabinol in combination with beer, wine, spirits, or any other type of liquor in the same
21 product.

22 318-F:19 Enactment of Municipal Ordinance.

23 I. The voters of every municipality shall vote on whether to allow cannabis retail outlets in
24 their municipality at the first municipal election after July 1, 2024, unless the municipality elects to
25 include this question at the November 2024 biennial election. The wording of the question shall be
26 substantially as follows: “Shall we allow the operation of cannabis establishments within this city or
27 town?” The recount of any local option vote, the procedures for holding such a recount, the
28 declaration of the results of such a recount and the procedure for an appeal from such a recount shall
29 be as provided in RSA 660:13-15. A municipality’s prohibition on cannabis establishments may not
30 prohibit transportation through the municipality by cannabis establishments located in other
31 jurisdictions.

32 II. A municipality where a vote to allow cannabis establishments fails shall propose the
33 question to voters again in a subsequent municipal election upon a petition. The petition shall be of
34 not less than 5 percent of the legal voters within the city or town and filed with the secretary of state
35 within the timeframe regulating other ballot measures for municipal elections. The same
36 requirements established in paragraph I shall apply to that subsequent municipal election.

1 III. A municipality may enact an ordinance limiting the number of each type of cannabis
2 establishment that may be permitted within the municipality and regulating the time, place, and
3 manner of the operation of a cannabis establishment permitted within the municipality.

4 IV. A municipality may enact an ordinance specifying the entity within the municipality
5 that shall be responsible for reviewing applications submitted for a license or franchise to operate a
6 cannabis establishment within the municipality. The entity designated by the municipality, or the
7 municipality if no such entity is designated, shall be responsible for indicating whether the
8 application is in compliance with municipal ordinances and notifying the applicant and the
9 commission within 90 days.

10 V. A municipality may not negotiate or enter into an agreement with a cannabis
11 establishment or a cannabis establishment applicant requiring that the cannabis establishment or
12 applicant provide money, donations, in-kind contributions, services, or anything of value to the
13 locality.

14 VI. In a municipality that voted to permit cannabis establishments, if the municipality has a
15 zoning ordinance, it shall consider adoption of an innovative land use control pursuant to RSA
16 674:21, II specifying where a cannabis establishment will be a permitted use and further provide
17 what, if any, conditions will be placed upon cannabis establishments. If a municipality has passed
18 an innovative land use control relative to cannabis establishments, it shall notify the liquor
19 commission within 90 days of passage. Municipalities without zoning ordinances or which have
20 failed to pass an innovative land use control relative to cannabis establishments will be governed by
21 the provisions of RSA 318-F and administrative rules relating to cannabis establishments enacted
22 pursuant to RSA 541-A. No local ordinance may be less restrictive than the provisions of RSA 318-F
23 or administrative rules enacted pursuant to RSA 541-A.

24 318-F:20 Lobbying Activities.

25 Any owner of a cannabis retail store or a cannabis establishment shall be prohibited from
26 lobbying or attempting to influence legislation related to the cultivation, testing, manufacturing,
27 packaging, or sale of cannabis or cannabis products, contributing funds to any entity engaged in
28 these activities, or participating in political activity relating to cannabis legislation. This prohibition
29 shall not apply to entities that have not had a license for at least 18 months.

30 318-F:21 Cannabis Fund Established.

31 I. There is established a non-lapsing fund to be known as the cannabis fund. The fund shall
32 be kept distinct and separate from all other funds in the state treasury, and the moneys credited to
33 the fund shall be held distinct and separate from all other funds over which the state treasurer has
34 control. Moneys in the fund shall be deposited with any financial institution as defined in RSA 383-
35 A:2-201(a)(27-a), with a branch in the state. Moneys credited to the fund shall include deposits into
36 the fund by the commission pursuant to this chapter.

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

4 III. For the biennium ending June 30, 2025, the sum of \$9,645,920 is hereby appropriated to
5 the liquor commission for the cost of administration of this chapter. Said sum shall be a charge
6 against the fund.

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

11 V. Not later than June 30, 2027, the commission shall reimburse the general fund from the
12 cannabis control fund for any initial or start-up funds appropriated to the commission for the
13 administration or operation of this chapter. Any remaining funds money shall be dispersed each
14 fiscal year as follows:

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

18 (b) Of the remaining funds:

19 (1) Seventy-five percent shall be disbursed to the education trust fund established in
20 RSA 198:39. The comptroller shall notify the commissioner of the department of education tax rate
21 under RSA 76:3, the amount of revenue required to be collected pursuant to RSA 76:3 shall be
22 reduced by the amount transferred to the education trust fund as required in this subparagraph, and
23 the commissioner shall set the rate at a level sufficient to generate the reduced amount. This rate
24 shall be effective for the following fiscal year;

25 (2) Five percent to legal aid services;

26 (3) Ten percent shall be allocated to the substance use prevention, treatment, and
27 recovery fund established in RSA 318-F:22;

28 (4) Five percent shall be allocated to public safety agencies, including police, fire,
29 and rescue agencies, for the hiring and training of additional drug recognition experts, for advanced
30 roadside impaired driving enforcement training, and to assist in responding to drug overdose
31 incidents; and

32 (5) Five percent shall be disbursed to the department of health and human services,
33 division of behavioral health services.

34 318-F:22 Substance Abuse Prevention and Recovery Fund Established.

35 There is hereby established in the state treasury the non-lapsing substance abuse prevention,
36 treatment and recovery fund that shall be kept distinct and separate from all other funds. All
37 proceeds allocated to the fund pursuant to RSA 318-F:21 shall be deposited in the fund. The state

1 treasurer shall invest the fund in accordance with RSA 6:8. Any earnings on fund moneys shall be
2 added to the fund. All moneys in the fund shall be non-lapsing and shall be continually
3 appropriated to the commissioner of the department of health and human services for the purposes
4 and in the manner set forth in RSA 126-A:106.

5 Cannabis Advisory Board

6 318-F:23 Cannabis Advisory Board.

7 I. There shall be a cannabis advisory board (CAB) to study and make recommendations to
8 the liquor commission on the regulation, public health issues, and business operations of cannabis
9 establishments.

10 II. The CAB shall consist of the following appointees:

11 (a) The chair of the liquor commission or designee.

12 (b) The president of the associations of chiefs of police or designee.

13 (c) A certified public health official appointed by the chairman of governor's commission
14 on alcohol and other drugs.

15 (d) A medical provider as appointed by the president of the New Hampshire Medical
16 Society.

17 (e) The commissioner of the department of health and human services or designee.

18 (f) The commissioner of the department of education or designee.

19 (g) A mental health professional appointed by the executive director of NAMI New
20 Hampshire.

21 (h) Two representatives of the cannabis industry with experience operating an
22 alternative treatment center or other facility that cultivates, manufactures, or sells cannabis and/or
23 cannabis products pursuant to and in accordance with the laws of the state of New Hampshire or
24 another state.

25 (i) A member of the public appointed by the governor.

26 (j) A state senator appointed by the senate president.

27 (k) A state representative appointed by the speaker of the house of representatives.

28 III. Members of the board shall serve terms of 3 years except that the initial appointment of
29 such members shall be for staggered terms of one, 2, and 3 years. No member shall serve more than
30 3 consecutive terms.

31 IV. Members of the board shall serve without compensation but shall be reimbursed for
32 their expenses actually and necessarily incurred in the discharge of their official duties, including
33 mileage at the state employee rate for attendance to meetings and other official functions.

34 V. The CAB shall elect a chair from among its members, the chair shall call meetings as
35 needed. There shall be a minimum of one meeting per year.

36 VI. A majority of the appointed members of the board shall constitute a quorum of the
37 cannabis advisory board. A quorum is only required for voting matters.

1 VII. The cannabis advisory board shall:

2 (a) Consider all matters submitted to it by the commission.

3 (b) On its own initiative, recommend to the commission guidelines, rules, and
4 regulations and any changes to guidelines, rules, and regulations that the advisory board considers
5 important or necessary for the commission's review and consideration.

6 (c) Advise on the preparation of regulations.

7 (d) Review any new science-based evidence of public health issues related to the use of
8 cannabis and make recommendations to the commission if, in the cannabis advisory board's
9 discretion, any regulatory or legal changes are needed.

10 7 Controlled Drug Act; Definitions. Amend the introductory paragraph in RSA 318-B:1, X-a(k)
11 to read as follows:

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

15 8 Controlled Drug Act; Penalties. Amend the introductory paragraph in RSA 318-B:26, I to read
16 as follows:

17 I. Any person who manufactures, sells, prescribes, administers, or transports or possesses
18 with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any
19 preparation containing a controlled drug, except as authorized in this chapter **or as otherwise**
20 **authorized by law**; or manufactures, sells, or transports or possesses with intent to sell, dispense,
21 compound, package or repackage (1) any substance which he **or she** represents to be a controlled
22 drug, or controlled drug analog, or (2) any preparation containing a substance which he **or she**
23 represents to be a controlled drug, or controlled drug analog, shall be sentenced as follows, except as
24 otherwise provided in this section:

25 9 Controlled Drug Act; Penalties. Amend the introductory paragraph of RSA 318-B:26, II to
26 read as follows:

27 II. Any person who knowingly or purposely obtains, purchases, transports, or possesses
28 actually or constructively, or has under his or her control, any controlled drug or controlled drug
29 analog, or any preparation containing a controlled drug or controlled drug analog, except as
30 authorized in this chapter **or as otherwise authorized by law**, shall be sentenced as follows,
31 except as otherwise provided in this section:

32 10 Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c)-(e) to read as follows:

33 (c) In the case of more than 3/4 ounce of marijuana or more than 5 grams of hashish,
34 including any adulterants or dilutants[~~;~~] **is possessed by a person who is under 21 years of age,**
35 **or, in the case of an amount exceeding the possession limit defined in RSA 318-F:1,**
36 **possessed by a person who is 21 years of age or older, except if possessed by a person**
37 **authorized pursuant to RSA 126-X,** the person shall be guilty of a misdemeanor. [~~In the case of~~

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1 ~~marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products~~
2 ~~as defined in RSA 318-B:2-c, other than a personal-use amount of a regulated marijuana-infused~~
3 ~~product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older, the~~
4 ~~person shall be guilty of a misdemeanor.]~~

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

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

13 11 Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:

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

16 12 Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-B:2-c to read as
17 follows:

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

19 ~~[F.]~~ In this section:

20 ~~[(a)]~~ **I. "Marijuana" is defined as stated in RSA 318-F:1, II.** ~~[includes the leaves, stems,~~
21 ~~flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted~~
22 ~~from any part of such plant and every compound, manufacture, salt, derivative, mixture, or~~
23 ~~preparation from such resin including hashish, and further, shall not include the mature stalks of~~
24 ~~such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other~~
25 ~~compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or~~
26 ~~cake, or the sterilized seed of such plant which is incapable of germination. Marijuana shall not~~
27 ~~include hemp grown, processed, marketed, or sold under RSA 439-A.~~

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

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

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

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

8 V.(a) Except as provided in this paragraph, any person 18 years of age or older who is
9 convicted of violating paragraph II or III~~[, or any person 21 years of age or older who is convicted of~~
10 ~~violating paragraph IV]~~ shall be subject to a fine of \$100 for a first or second offense under this
11 paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any
12 person convicted based upon a complaint which alleged that the person had 3 or more prior
13 convictions for violations of paragraph II~~[,]~~ **or** III ~~[or IV]~~, or under reasonably equivalent offenses in
14 an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period
15 preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the
16 marijuana~~[, regulated marijuana-infused products,]~~ or hashish to the state. A court shall waive the
17 fine for a single conviction within a 3-year period upon proof that person has completed a substance
18 abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A
19 person who intends to seek an assessment in lieu of the fine shall notify the court, which shall
20 schedule the matter for review after 180 days. Should proof of completion of an assessment be filed
21 by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

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

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

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

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

32 (d) Any person ***under 21 years of age who is*** in possession of an identification card,
33 license, or other form of identification issued by the state or any state, country, city, or town, or any
34 college or university, who fails to produce the same upon request of a police officer or who refuses to
35 truthfully provide his or her name, address, and date of birth to a police officer who has informed the
36 person that he or she has been found to be in possession of what appears to the officer to be 3/4 of an

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1 ounce or less of marijuana~~[, a personal-use amount of a regulated marijuana-infused product,]~~ or 5
2 grams or less of hashish, may be arrested for a violation of paragraph II~~[,]~~ **or** III~~[, or IV]~~.

3 VII. All fines imposed pursuant to this section shall be deposited into the alcohol abuse
4 prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed
5 substance abuse prevention programs.

6 VIII.(a) No record that includes personally identifiable information resulting from a
7 violation of this section shall be made accessible to the public, federal agencies, or agencies from
8 other states or countries.

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

14 13 Controlled Drug Act; Plea by Mail. Amend RSA 318-B:2-d to read as follows:

15 318-B:2-d Plea by Mail.

16 I. Any person 18 years of age or older who is charged with a violation of RSA 318-B:2-c, II~~[,]~~
17 **or** III~~[, or IV]~~ may enter a plea of guilty, nolo contendere, or not guilty, by mail in a circuit court,
18 district division.

19 II. Such defendant shall receive, in addition to the summons, a fine notice entitled "Notice of
20 Fine" which shall contain the amount of the fine for a violation of RSA 318-B:2-c, II~~[,]~~ **or** III~~[, or IV]~~.
21 A defendant who is issued a summons and notice of fine and who wishes to plead guilty or nolo
22 contendere shall enter his or her plea on the summons and return it with payment of the fine within
23 30 days of the date of the summons. Payment by credit card may be accepted in lieu of cash
24 payment.

25 III. If the defendant wishes to enter a plea of not guilty, he or she shall enter such plea on
26 the summons and return it within 30 days of the date of the summons. The circuit court, district
27 division shall schedule a trial.

28 IV. Whenever a defendant willfully fails to pay a fine in connection with a conviction for a
29 violation of RSA 318-B:2-c, II~~[,]~~ **or** III~~[, or IV]~~ or payment of such fine cannot be collected, the
30 defendant shall be defaulted and the court may impose an additional fine of \$100.

31 14 Alcohol or Drug Impairment; Other Alcohol and Drug Offenses; Possession of Drugs. Amend
32 RSA 265-A:43 to read as follows:

33 265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly
34 having in his or her possession or in any part of the vehicle a controlled drug or controlled drug
35 analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his or her
36 license shall be revoked or his or her right to drive denied for a period of 60 days and at the
37 discretion of the court for a period not to exceed 2 years. This section shall not apply to the

1 possession of marijuana or hashish as provided in RSA 318-B:2-c [~~or a personal use amount of a~~
2 ~~regulated marijuana infused product as defined in RSA 318-B:2-e, I(b)~~].

3 15 Sentences; General Provisions; Annulment of Criminal Records; Annulment of Arrests and
4 Convictions for Marijuana Possession. Amend RSA 651:5-b to read as follows:

5 651:5-b Annulment of Arrests and Convictions for Marijuana Possession.

6 ***I. As used in this section:***

7 (a) ***“Cannabis” means “marijuana” as defined in RSA 318-B:2-c.***

8 (b) ***“Possession limit” means the amount of cannabis that is legal under New***
9 ***Hampshire law for adults 21 and older to possess.***

10 (c) ***“Cannabis-related offense” means any offense under RSA 318-B involving***
11 ***possession of cannabis or paraphernalia intended for cannabis; and***

12 ***II.*** Any person who was arrested or convicted for knowingly or purposely obtaining,
13 purchasing, transporting, or possessing, actually or constructively, or having under his or her
14 control, ***no more than the possession limit*** ^[3/4] of [~~an ounce of~~] marijuana [~~or less~~] where the
15 offense occurred before ***July 1, 2024*** [~~September 16, 2017~~] may, at any time, petition the court in
16 which the person was convicted or arrested to annul the arrest record, court record, or both. The
17 petition shall state that the amount of marijuana was ***no more than the possession limit*** [~~3/4 of~~
18 ~~an ounce or less~~]. The petitioner shall furnish a copy of the petition to the office of the prosecutor of
19 the underlying offense. The prosecutor may object within 10 days of receiving a copy of the petition
20 and request a hearing. If the prosecutor does not object within 10 days, the court shall grant the
21 petition for annulment. If the prosecutor timely objects, the court shall hold a hearing. In a hearing
22 on the petition for annulment, the prosecutor shall be required to prove beyond a reasonable doubt
23 that the petitioner knowingly or purposely obtained, purchased, transported, or possessed, actually
24 or constructively, or had under his or her control, marijuana in an amount exceeding ***the possession***
25 ***limit*** [~~3/4 of an ounce~~]. At the close of the hearing, the court shall grant the petition unless the
26 prosecutor has proven that the amount of marijuana exceeded ***the possession limit*** [~~3/4 of an~~
27 ~~ounce~~]. If the petition is granted, and an order of annulment is entered, the provisions of RSA 651:5,
28 X-XI shall apply to the petitioner.

29 16 Apportionment, Assessment and Abatement of Taxes; Assessment; Education Tax. Amend
30 RSA 76:3 to read as follows:

31 76:3 Education Tax. Beginning July 1, 2005, and every fiscal year thereafter, the commissioner
32 of the department of revenue administration shall set the education tax rate at a level sufficient to
33 generate revenue of \$363,000,000, ***less any amount credited to the education trust fund***
34 ***pursuant to RSA 318-F:21***, when imposed on all persons and property taxable pursuant to RSA
35 76:8, except property subject to tax under RSA 82 and RSA 83-F. The education property tax rate
36 shall be effective for the following fiscal year. The rate shall be set to the nearest 1/2 cent necessary
37 to generate the revenue required in this section.

1 17 Public Health; Use of Cannabis for Therapeutic Purposes; Definition of Alternative
2 Treatment Center. Amend RSA 126-X:1, I to read as follows:

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

10 18 Public Health; Use of Cannabis for Therapeutic Purposes; Departmental Administration;
11 Alternative Treatment Centers; Application Form. Amend RSA 126-X:7, IV(a)(4) to read as follows:

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

20 19 Public Health; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Centers;
21 Requirements. Amend RSA 126-X:8, I to read as follows:

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

25 20 New Paragraphs; Public Health; Use of Cannabis for Therapeutic Purposes; Alternative
26 Treatment Centers; Requirements. Amend RSA 126-X:8 by inserting after paragraph XVIII the
27 following new paragraphs:

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

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

35 (a) By adopting a plan of entity conversion in accordance with RSA 293-A or RSA 304-C,
36 as applicable, that includes a provision prohibiting the sale of memberships or shares to a foreign
37 corporation for a period of 3 years, provided that each such conversion shall be authorized by a vote

1 of 2/3 of the members of the board of directors at a meeting duly called for the purpose or by
2 unanimous written consent.

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

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

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

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

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

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

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

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

4 21 Voluntary Corporations and Associations; Powers of Corporations; Change of Name;
5 Amending Articles; Conversion and Merger. Amend RSA 292:7 to read as follows:

6 292:7 Change of Name; Amending Articles.

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

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

24 22 New Paragraph; New Hampshire Business Corporation Act; Domestication and Conversion;
25 Entity Conversion Authorized. Amend RSA 293-A:9.50 by inserting after paragraph (f) the following
26 new paragraph:

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

32 23 Limited Liability Companies; Statutory Conversions; Statutory Conversions of Other
33 Business Entities to Limited Liability Companies. Amend RSA 304-C:149, I to read as follows:

34 **I.** Any other business entity, ***including alternative treatment centers pursuant to RSA***
35 ***126-X:8, XX,*** may make a statutory conversion of its business organization form to the limited
36 liability company business organization form under this act by complying with the requirements of
37 this section and with applicable law governing the other business entity. ***Approval of a***

1 *conversion of an alternative treatment center pursuant to this paragraph shall be as*
2 *outlined in RSA 126-X:8, XX.*

3 24 New Paragraph; Limited Liability Companies; Statutory Conversions; Statutory Conversions
4 of Other Business Entities to Limited Liability Companies; Approvals of Statutory Conversion.
5 Amend RSA 304-C:149 by inserting after paragraph VIII the following new paragraph:

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

9 25 The Liquor Commission; Liquor Investigator; Training. Amend RSA 176:9 to read as follows:
10 176:9 Liquor Investigator; Training.

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 26 The 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 27 Enforcement Proceedings and Penalties; 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

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 28 New Paragraph; The Liquor Commission; Commission to Sell. Amend RSA 176:11 by
5 inserting after paragraph II the 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 or franchise, the
8 commission may take such marketing or merchandising action, or both, as it deems necessary,
9 including sanctions against the competing entities.

10 29 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 30 New Paragraph; Rulemaking; Liquor Commission. Amend RSA 176:14 by inserting after
15 paragraph IX the following new paragraph:

16 IX-a. Cannabis licenses or franchises, including:

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

19 (b) License operations for each cannabis license or franchise type.

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

21 31 Appropriations.

22 I. The sum of \$100,000 for the fiscal year ending June 30, 2025 is hereby appropriated to the
23 department of safety, information and analysis center, drug monitoring initiative, for the purpose of
24 collecting baseline data to be used in the reports required pursuant to RSA 318-F:10. The governor
25 is authorized to draw a warrant for said sum out of any money in the treasury not otherwise
26 appropriated.

27 II. The sum of \$9,645,920 for the fiscal year ending June 30, 2024 is appropriated to the
28 liquor commission for the cost of administration of RSA 318-F. The governor is authorized to draw a
29 warrant for said sum from any money in the treasury not otherwise appropriated.

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

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

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1 32 Repeal. RSA 318-B:1, X-a(g), relative to separation gins and sifters used or intended for use
2 with cannabis, is repealed.

3 33 Severability. If any provision of this act or the application thereof to any person or
4 circumstances is held invalid, such invalidity shall not affect other provisions or applications of the
5 act which can be given effect without the invalid provision or application, and to this end the
6 provisions of this act are declared to be severable.

7 34 Contingency. RSA 318-F:8, IX, as inserted by section 6 of this act, shall take effect upon
8 certification by the attorney general of New Hampshire to the director of the office of legislative
9 services and the secretary of state that the conduct allowed by that paragraph has become legal
10 under the United States Code.

11 35 Effective Date.

12 I. RSA 318-F:8, IX, as inserted by section 6 of this act, shall take effect as provided in
13 section 34 of this act.

14 II. The remainder of this act shall take effect upon its passage.