

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the legalization and regulation of cannabis and making appropriations therefor.

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

1
2 1. Purpose and Findings. The general court hereby finds that:
3

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

10
11 II. In the interest of the health and public safety of our citizenry, the people of the state of
12 New Hampshire further find and declare that cannabis should be regulated in a manner
13 similar to alcohol so that:

- 14 a. Individuals will have to show proof of age before purchasing cannabis.
15
16 b. Selling, distributing, or transferring cannabis to minors and other individuals
17 under the age of 21 shall remain illegal.
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19 c. Driving under the influence of cannabis shall remain illegal.
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21 d. Moving cannabis production and sales from the underground, sometimes
22 dangerous, illicit market to legal, taxpaying businesses allows for appropriate
23 regulations and control.
24
25 e. Cannabis sold in this state will be tested, labeled, and subject to additional
26 regulations to ensure that consumers are informed and protected and to protect
27 the environment.
28
29 f. Some of the tax revenue generated from legal cannabis sales will be used to
30 support programs for education, prevention, treatment, and recovery related
31 to the use of both legal and illegal drugs.
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34 2. New Subparagraphs; Application of Receipts; Cannabis Fund. Amend RSA 6:12, I(b) by
35 inserting after subparagraph (387) the following new subparagraphs:

36 (388) Moneys deposited in the cannabis fund established in RSA 318-F:22.

37 (389) Moneys in the substance abuse prevention and recovery fund established by RSA 318-
38 F:23.

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

5 Substance Abuse Prevention and Recovery Funds
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7 126-A:98 Substance Abuse Prevention and Recovery Funds; Management and Distribution of
8 Funds.
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10 I. The commissioner of the department of health and human services, in coordination with
11 the governor's commission on alcohol and other drugs under RSA 12-J shall administer the
12 substance abuse prevention and recovery fund established in RSA 318-F:23.
13

14 II. Funds shall be deposited into the substance abuse prevention and recovery fund as
15 established by 318-F:23 to be distributed by the commissioner of the department of health
16 and human services in coordination with the governor's commission on alcohol and other
17 drugs under RSA 12-J. Funds may be awarded to a qualifying governmental entity or
18 program for an approved use. All funds shall be nonlapsing and continually appropriated
19 for the purposes of this section.
20

21 III. The commissioner of the department of health and human services, in coordination with
22 the governor's commission on alcohol and other drugs per RSA 12-J, shall continue to
23 make distributions from the trust fund.
24

25 IV. The department of health and human services shall adopt rules pursuant to RSA 541-A
26 necessary to implement this section. Such rules shall include funding qualifications,
27 application procedures, time-lines for receiving, reviewing, and acting upon application
28 requests, and reporting requirements.
29

30 V. Allocations shall be used for one or more of the following:
31

- 32 a. Evidence-based, voluntary programs for substance abuse-related education,
33 prevention, treatment, and recovery.
- 34 b. Mental health treatment, with a focus on dual-diagnosis of both mental health and
35 substance misuse disorders.
- 36 c. Funding and training to foster an informed, adequately paid behavioral health
37 workforce.
- 38 d. Scientifically and medically accurate public education campaigns educating youth
39 and adults about the health and safety risks of alcohol, tobacco, cannabis, and other
40 substances, including education campaigns separately targeting youth and adults
41 that provide medically and scientifically accurate information about the health and
42 safety risks posed by cannabis use, including driving under the influence of
43 cannabis.
44

45 VI. No later than 18 months after the effective date of this section, and every 2 years thereafter,
46 the commissioner of the department of health and human services shall submit an annual

1 report to the governor and fiscal committee of the general court detailing the activities of
2 the administration of the substance abuse prevention and recovery trust fund, the amount
3 distributed in the past year, the amount remaining in the trust fund, a summary of how
4 funds were used in the past year, and any recommendations for future legislation.

- 5
6 4. Alcoholic Beverages; Statement From Purchaser as to Age. Amend RSA 179:8, I(d) to read
7 as follows:

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

- 10
11 5. Controlled Drug Act; Drug Forfeiture Fund. Amend RSA 318-B:17-c, I to read as follows:

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

- 18
19 6. Model Drug Dealer Liability Act; Definition of Illegal Drug. Amend RSA 318-C:4, I to read
20 as follows:

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

- 24
25 7. New Chapter; Regulation of Cannabis. Amend RSA by inserting after chapter 318-E the
26 following new chapter:

27
28 **CHAPTER 318-F**
29 **REGULATION OF CANNABIS**

30
31 **318-F:1 Definitions:**

- 32
33 I. "Alternative treatment center" means an entity as defined in RSA 126-X:1, I.
34
35 II. "Cannabis" means all parts of the plant of the genus cannabis whether growing or not,
36 the seeds thereof, the resin extracted from any part of the plant, and every compound,
37 manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin,
38 including cannabis concentrate. "Cannabis" shall not include hemp, fiber produced
39 from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant
40 that is incapable of germination, or the weight of any other ingredient combined with
41 cannabis to prepare topical or oral administrations, food, drink, or other product.
42
43 III. "Cannabis accessories" or "cannabis paraphernalia" means any equipment, products,
44 or materials of any kind that are intended for use, or designed for use in planting,
45 propagating, cultivating, growing, harvesting, composting, manufacturing,

1 compounding, converting, producing, processing, preparing, testing, analyzing,
2 packaging, repackaging, storing, vaporizing, or containing cannabis, or for ingesting,
3 inhaling, or otherwise introducing cannabis into the human body.

4
5 IV. "Cannabis accessory retailer" means an entity licensed to sell cannabis accessories and
6 paraphernalia

7
8 V. "Cannabis cultivation facility" or "cultivation facility" means an entity registered to
9 cultivate, prepare, and package cannabis, and sell cannabis to a franchise cannabis retail
10 outlet, to cannabis product manufacturing facilities, to alternative treatment centers,
11 and to other cannabis cultivation facilities, but not to consumers. A cannabis
12 cultivation facility shall not produce cannabis concentrates, tinctures, extracts, or other
13 cannabis products.

14
15 VI. "Cannabis establishment" means a cannabis cultivation facility, a cannabis testing
16 facility, a cannabis product manufacturing facility, a franchise cannabis retail outlet, a
17 cannabis retail store, a cannabis transporter, or any other type of cannabis business
18 authorized and licensed by the commission.

19
20 VII. "Cannabis product manufacturing facility" or "product manufacturing facility" means
21 an entity licensed to purchase cannabis, to manufacture, prepare, and package cannabis
22 products, and sell cannabis and cannabis products to other cannabis product
23 manufacturing facilities, to alternative treatment centers, cannabis retail store, and to
24 franchise cannabis retail outlet, but not to consumers.

25
26 VIII. "Cannabis products" means any product that contains cannabis, including cannabis
27 extracts, concentrated cannabis products, and products that contain cannabis and other
28 ingredients and are intended for use or consumption, such as, but not limited to, edible
29 products, ointments, and tinctures. This term shall not include cannabis in its plant or
30 flower form.

31
32 IX. "Cannabis Retail Store" – means an alternative treatment center licensed to purchase
33 cannabis from cannabis cultivation facilities, purchases cannabis and cannabis products
34 from cannabis product manufacturing facilities, and sells cannabis and cannabis
35 products or cannabis accessories or cannabis paraphernalia to consumers.

36
37 X. "Cannabis testing facility" or "testing facility" means an entity licensed to test cannabis
38 for potency and contaminants.

39
40 XI. "Cannabis transporter" means an entity licensed to transport cannabis between
41 cannabis establishments.

42
43 XII. "Commission" means the New Hampshire Liquor Commission

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45 XIII. "Consumer" means a person 21 years of age or older who purchases cannabis or
46 cannabis products for personal use by a person 21 years of age or older, but not for

1 resale. "Consumer" does not include a qualifying patient or designated caregiver
2 purchasing cannabis from an alternative treatment center pursuant to RSA 126-X.
3

4 XIV. "Department" means the department of health and human services.
5

6 XV. "Documentation" means all records, in any form, including electronic records.
7

8 XVI. "Franchise Cannabis Retail Outlet" means an entity licensed to purchase cannabis from
9 cannabis cultivation facilities, purchases cannabis and cannabis products from cannabis
10 product manufacturing facilities, and sells cannabis and cannabis products or cannabis
11 accessories or cannabis paraphernalia to consumers. Alternative treatment centers
12 cannot be licensed at a franchise cannabis retail outlet.
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14 XVII. "Immature cannabis plant" means a cannabis plant that has not flowered and that does
15 not have buds that may be observed by visual examination.
16

17 XVIII. "Inflation" means the 12-month percentage change in the consumer price index for all
18 urban consumers, northeast region as published by the Bureau of Labor Statistics,
19 United States Department of Labor.
20

21 XIX. "Mature cannabis plant" means a cannabis plant that has flowered and has buds that
22 may be observed by visual examination.
23

24 XX. "Municipality" means a city, town, or an unincorporated place.
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26 XXI. "Possession limit" means:
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- 28 a. Four ounces of cannabis in plant form; and
- 29 b. Twenty grams of concentrated cannabis products, which includes hashish and
30 pre-filled cartridges of cannabis extracts intended for vaporization;
31
- 32 c. Cannabis products other than concentrated cannabis products containing no more
33 than 2,000 milligrams of THC;
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36 This paragraph shall not apply to the possession limits set forth in RSA 126-X:2.
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38 XXII. "Public place" means any place to which the general public has access.
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40 XXIII. "Premises" means and includes all parts of the contiguous real estate occupied by a
41 licensee over which the licensee has direct or indirect control or interest and which the
42 licensee uses in the operation of the licensed business, and which have been approved
43 by the commission as proper places in which to exercise the licensee's privilege.
44

45 XXIV. "Resident" means a natural person who:
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- 1 a. Is domiciled in New Hampshire; and
- 2
- 3 b. Maintains a place of abode in New Hampshire, unless the individual was
- 4 homeless and residing in New Hampshire for at least 51 percent of the time.
- 5

6 **318-F:2 Personal Use of Cannabis** (language from HB 639)

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

- 11
- 12 a. *Possessing, consuming, using, displaying, obtaining, purchasing, processing,*
13 *producing, or transporting an amount of cannabis that does not exceed the*
14 *possession limit, except that no adult other than one who is acting in his or her*
15 *capacity as a staffer of a cannabis product manufacturer may perform extractions*
16 *using solvents other than water, glycerin, propylene glycol, vegetable oil, or food-*
17 *grade ethanol.*
- 18
- 19 b. *Transferring an amount of cannabis that does not exceed the possession limit to a*
20 *person who is 21 years of age or older without remuneration. For purposes of this*
21 *paragraph, a transfer is for remuneration if cannabis is given away*
22 *contemporaneously with another transaction between the same parties, if a gift of*
23 *cannabis is offered or advertised in conjunction with an offer for sale of goods,*
24 *services, or admission to an event, or if the gift of cannabis is contingent upon a*
25 *separate transaction for goods, services, or the price of admission to an event.*
- 26
- 27 c. *Transferring cannabis, including cannabis products, to a cannabis testing facility.*
- 28
- 29 d. *Controlling property where the acts described under this section occur.*
- 30
- 31 e. *Assisting another person who is 21 years of age or older in any of the acts*
32 *described under this section.*
- 33

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

1 **318-F:3 Smoking or Vaping Cannabis in Public Prohibited; Penalty**

- 2 I. *No person shall smoke or vaporize cannabis in an area accessible to the public. Any*
3 *person who violates this section shall be guilty of a violation, may be fined not more*
4 *than \$500, and shall forfeit all cannabis and cannabis products.*

5 **318-F:4 Consuming Cannabis While Operating a Moving Vehicle Prohibited; Penalty**

6 *(language from HB 639)*

- 7 I. *No person shall consume, smoke, or vaporize cannabis while driving or attempting to*
8 *drive a motor vehicle on a way, or while operating or attempting to operate an off-*
9 *highway recreational vehicle, snowmobile, boat, vessel, aircraft, or other motorized*
10 *device used for transportation.*
- 11
- 12 II. *No person shall smoke or vaporize cannabis while the person is a passenger in a motor*
13 *vehicle that is being driven on a way.*
- 14
- 15 III. *Any person who violates this section shall be guilty of a violation and shall be subject to*
16 *a fine not to exceed \$150. In addition, any person who violates paragraph I of this*
17 *section may have his or her driver's license, if a resident, or driving privilege, if a*
18 *nonresident, suspended for up to 60 days for a first offense and up to one year for a*
19 *subsequent offense.*
- 20
- 21 IV. *In this section, "way" shall have the same meaning as in RSA 265-A:44.*
- 22
- 23 V. *A person may not be convicted of both a violation of this section and a violation of RSA*
24 *265-A:1 based on the same incident.*
- 25

26 **318-F:5 Odor and Personal Possession of Cannabis Not Grounds for a Search.** *(language from*
27 *HB 639)*

- 28
- 29 I. *Except as provided in paragraph II of this section, the odor of cannabis or burnt cannabis,*
30 *or the possession of a quantity of cannabis that the officer does not have probable cause*
31 *to believe exceeds the possession limit of cannabis, shall not constitute in part or in whole*
32 *probable cause or reasonable suspicion and shall not be used as a basis to support any*
33 *stop or search of a person or motor vehicle.*
- 34
- 35 II. *Nothing in this section prevents a law enforcement official from conducting a test for*
36 *impairment based in part on the odor of recently burnt cannabis if the law enforcement*
37 *official would otherwise be permitted to do so under New Hampshire law.*
- 38

39 **318-F:6 Enforcement Authority**

- 40 I. *The commission shall have the primary responsibility for enforcing this chapter.*
41 *Local, county, and state law enforcement officers shall also have jurisdiction to*
42 *enforce this chapter. Such authority may be delegated to agents working under their*
43 *authority.*

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- II. The commission shall appoint liquor investigators whose primary function shall be the proper prosecution of this chapter. The liquor investigators shall have statewide jurisdiction, with reference to enforcement of all laws either in cooperation with, or independently of, the officers of any county or town. The commission shall have the primary responsibility for the enforcement of all cannabis laws upon premises where cannabis, cannabis products, and cannabis accessories are lawfully sold, stored, distributed, or manufactured. Any person violating the provisions of any law may be prosecuted by the commission or any of its investigators as provided in this section, or by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns.

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

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

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

- VI. The commission shall adopt by rule under RSA 541-A a formal enforcement policy for licensees under its jurisdiction. This policy shall specify the disciplinary action, to include but not limited to a schedule of fines as are authorized by this chapter for violations of statutory requirements, which the commission shall take for violations of various laws under its jurisdiction. The enforcement policy shall also specify mitigating and aggravating factors which the commission shall consider in determining penalties for specific actions.
 - a. In applying its enforcement policy, the liquor commission shall establish and enforce specific determinate penalties for specific offenses. The commission

1 shall not apply penalties such as license suspensions for indefinite periods of
2 time.

- 3
4 b. In addition to RSA 541-A:30, III, the commission may suspend, for a period of
5 not more than 24 hours without a hearing, any license issued under the
6 provisions of this title, if a risk to public health, safety, or welfare constitutes
7 an emergency requiring such suspension. Any such suspension shall be
8 approved directly by at least one member of the commission before taking
9 effect.

10
11 VII. The commission may transfer funds within and among all accounting units within the
12 commission's operating budget and to create accounting units and expenditure classes
13 as required and as the commissioner deems necessary and appropriate to address
14 present or projected budget deficits, or to respond to changes in federal law,
15 regulations, or programs, and otherwise as necessary for the efficient management of
16 the liquor commission and cannabis funds. The provisions of this section shall not be
17 subject to RSA 9:16-a, RSA 9:17-a, and RSA 9:17-c.

18
19 VIII. The commission may pay staff members working on both liquor and cannabis matters
20 increased wages until 18 months after the first franchise cannabis retail outlet license
21 is issued. A 10 percent stipend shall be established for commission staff based on
22 their salary, when engaged in the development and all administrative aspects of the
23 program.
24

25 **318-F:7 Regulation Of Cannabis**

26 I. Not later than 24 months after the effective date of this section, the commission shall
27 submit statutory language and initiate the rulemaking process pursuant to RSA 541-A for
28 the licensing and regulation of cannabis cultivation facilities as outlined in section II.
29

30 II. Not later than 24 months after the effective date of this section, the commission shall
31 submit statutory language and initiate the rulemaking process pursuant to RSA 541-A for
32 the licensing and regulation of all other cannabis establishments. The rules shall include
33 the following:
34

35 a. Procedures for the application, issuance, transfer, approval, denial, renewal,
36 suspension, and revocation of a license for cannabis establishments. Rules shall
37 include provisions for franchise cannabis retail outlet to be selected through a
38 request for application process.
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40 b. Procedures for the selection and operation of franchise cannabis retail outlet to
41 include but not limited to:
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- i. Location of the franchise cannabis retail outlet, including provisions prohibiting no more franchise cannabis retail outlets than the number of NHLC Liquor and Wine Outlet locations
 - ii. The handling and sale cannabis and cannabis products
 - iii. Storage facilities for cannabis and cannabis products
 - iv. Hours of operation.
 - v. The size and nature of the facilities, to include store design, franchise cannabis retail outlet.
 - vi. The definition of terms used in rulemaking for retail cannabis stores.
 - vii. Operation of franchise cannabis retail outlet
 - viii. Discount and compensation.
 - ix. Closure and vacancy of a franchise cannabis retail outlet
 - x. Advertising and promotion.
 - xi. Selection of franchise cannabis retail outlet
 - xii. Selection of applicant for franchise cannabis retail outlet
 - xiii. Renewal franchise cannabis retail outlet
 - xiv. Industry interest.
 - xv. Applicants, stores, and employees
 - xvi. Special seasonal franchise cannabis retail outlet
 - xvii. Requirements that franchise cannabis retail outlet stock cannabis products, including flower, with low and moderate amounts of THC and that they be at least as prominently displayed as high potency products.
- c. Training and continuing education required or recommended for licensees and all franchise cannabis retail outlet employees, which shall include training on checking photo identification and for false identification.
 - d. Procedures for the selection and operation of Cannabis Cultivation Facility and Cannabis Manufacturing Facility to include but not limited to:

- 1 i. Requirements for cannabis cultivators and cannabis manufactures be
2 operated and located in the State of New Hampshire
3
4 ii. Pricing structure for the wholesale price of cannabis and cannabis products
5 in consultation with the New Hampshire Liquor Commission.
6
7 e. Procedures to hear complaints and impose penalties if alternative treatment centers
8 licensed as a cannabis retail store fail to provide an adequate supply and variety of
9 therapeutic cannabis and cannabis products for qualifying patients.
10
11 f. A fee schedule of reasonable application, license, and annual renewal fees,
12 provided:
13
14 i. That cultivation facility licensing fees be tiered based on the size of the
15 facilities.
16
17
18 g. Qualifications for licensure that are directly and demonstrably related to the
19 operation of a cannabis establishment and which may not disqualify applicants
20 solely for cannabis offenses prior to the effective date of this chapter.
21
22 h. Criteria for selection among applicants when there are more qualified applicants
23 than there are number of licenses available in a particular municipality.
24
25 i. Record keeping requirements for cannabis establishments, including requirements
26 for implementation and compliance with the tracking system.
27
28 j. Requirements for the transportation of cannabis and cannabis products between
29 cannabis establishments, including documentation that shall accompany any
30 cannabis being transported.
31
32 k. Reasonable security requirements for each type of cannabis establishment, which
33 may be varied based on the size of the cannabis establishment.
34
35 l. Restrictions on where a cannabis establishment may be located, consistent with the
36 provisions of this chapter.
37
38 m. Standards for the operation of testing laboratories, including requirements for
39 equipment and qualifications for personnel.
40
41 n. Requirements for the testing of cannabis and cannabis products, including but not
42 limited to:
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44 i. Requirements to ensure at a minimum that cannabis and cannabis products
45 sold for human consumption do not contain contaminants that are injurious
46 to health and to ensure correct labeling;

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- ii. That testing shall include, but not be limited to, analysis for residual solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; dangerous herbicides, pesticides, and fungicides, heavy metals, and harmful microbials, such as E. coli or salmonella;
- iii. Threshold levels for each contaminant listed in subparagraph (2);
- iv. Providing that in the event that test results indicate the presence of quantities of any substance determined to be injurious to health, such cannabis or cannabis products shall be immediately quarantined and immediate notification to the commission shall be made. The contaminated product shall be documented and properly destroyed;
- v. That testing shall also verify THC and other cannabis potency representations for correct labeling;
- vi. That the commission shall determine an acceptable variance for potency representations and procedures to address potency misrepresentations;
- vii. That the commission shall determine the protocols and frequency of cannabis testing by a cannabis testing facility.
- viii. Allowances for remediation of cannabis and cannabis products whose test results are in excess of established thresholds; and
- ix. Minimum testing requirements for an effective cannabis and cannabis product quality assurance program for cannabis cultivation facilities and cannabis product manufacturing facilities.

31 III. No later than 24 months after the effective date of this chapter, shall submit statutory
32 language to the general court and initiate the rulemaking process pursuant to RSA 541-
33 A allowing alternative treatment centers registered to operate pursuant to RSA 126-X to
34 apply to co-locate with, and operate a cannabis retail store, a cannabis cultivation facility,
35 cannabis product manufacturing facility, cannabis transporter, or any combination of
36 those licenses. A cannabis establishment license is required in addition to registration as
37 an alternative treatment center and a license required for each type of cannabis
38 establishment operated by the alternative treatment center. Proposed statues and rules
39 shall include consultation with the department of health and human services, the
40 therapeutic cannabis medical oversight board, and be completed after holding at least one
41 public hearing. Provisions shall include but are limited to:

- 42
- 43 a. A separate license is required for each alternative treatment center dispensing
- 44 location and each cannabis establishment type
- 45

- b. separation of cannabis sales to qualifying patients and consumers, such as by requiring separate counters;
- c. Requirement for alternative treatment centers licensed as a cannabis establishments to prioritize therapeutic cannabis access;
- d. Requirement for alternative treatment centers licensed as a cannabis establishment to maintain or increase the diversity of therapeutic cannabis products available for qualifying patients;
- e. Requirement for alternative treatment centers licensed as a cannabis establishment to avoid raising prices for qualifying patients beyond the rate of inflation, for at least 2 years after licensure;
- f. A requirement that in the event of crowding, inadequate parking, or similar issues limiting therapeutic cannabis access, the for alternative treatment centers licensed as a cannabis establishment shall take measures to prioritize therapeutic cannabis access, such as setting aside certain business hours when the establishment will only serve qualifying patients and their designated caregivers; and providing for the suspension of sales of cannabis to adult-use consumers in the event of a product shortage.
- g. Cannabis sold by for alternative treatment centers licensed as a cannabis establishment to qualifying patients directly or via their designated caregivers shall meet the requirements of RSAm126-X:8 and rules issued pursuant to chapter RSA 126-X.
- h. Cannabis sold by for alternative treatment centers licensed as a cannabis establishment to qualifying patients directly or via their designated caregivers may have higher THC per serving than is permitted by rules governing cannabis establishments.

IV. Not later than 24 months after the effective date of this section, the commission shall initiate the rulemaking process pursuant to RSA 541-A for regulation on the advertising, manufacture, and sale of cannabis, cannabis products, and cannabis accessories. The rules shall include the following:

- a. Health and safety rules, including but not limited to the packaging and preparing of cannabis products, restricting the use of pesticides and other chemicals during cultivation and processing that may be dangerous to cannabis consumers, and sanitation requirements.
- b. Health and safety rules and standards for the cultivation of cannabis and manufacture of cannabis products, including:

- 1 i. Prohibitions on additives to products that are toxic, misleading to
2 consumers, or designed to make the product more appealing to children;
3
4 ii. Safety standards regulating the manufacture of cannabis extracts and
5 concentrated cannabis products; and
6
7 iii. A prohibition on the inclusion of nicotine and other additives to cannabis
8 products that are designed to make the product more addictive or more
9 intoxicating.
10
11 c. Establishing the maximum amount of THC that may be included in each cannabis
12 product serving as 20 milligrams, except that the commission may change this
13 amount through rulemaking
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15 d. Reasonable health and safety restrictions on cannabis accessories that may be
16 manufactured or sold in New Hampshire, including a prohibition on any
17 vaporization device that includes toxic or addictive additives. The commission may
18 prohibit types of vaporizers that are particularly likely to be utilized by minors
19 without detection, but may not completely ban or unreasonably restrict the
20 manufacture or sale of vaporization devices.
21
22 e. Restrictions on the advertising, signage, marketing, and display of cannabis and
23 cannabis products, including but not limited to:
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25 i. A prohibition on mass-market campaigns that have a likelihood of reaching
26 minors;
27
28 ii. A prohibition on marketing to minors, including marketing specifically
29 related to social media;
30
31 iii. A prohibition on cannabis products that are named, packaged, marketed, or
32 designed in a way that mimics or is likely to cause confusion with
33 commercially available, trademarked non-cannabis products, including
34 relating to their logos, the sound of the product or brand, packaging, taste,
35 appearance, and commercial impression;
36
37 iv. A prohibition on giveaways of cannabis, cannabis products, or cannabis
38 accessories, including samples;
39
40 v. A prohibition on billboard advertising, sound trucks, or outdoor internally
41 illuminated screen displays consistent with alcohol advertising prohibitions
42 in RSA 179:31; and
43
44 vi. A requirement for any advertising to include a standard, recognizable
45 symbol that a product contains cannabis or THC.

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- f. Packaging, product manufacturing, and labeling requirements for cannabis and cannabis products, including but not limited to:
 - i. Packaging and labeling approval process prohibiting but not limited to the following:
 - (a) Statements on the label or packaging are false or misleading.
 - (b) Any written statements on the label or packaging are illegible.
 - (c) The packaging or labeling contains subliminal or similarly deceptive advertising techniques.
 - (d) The packaging or labeling features a depiction of athletes that is deceptive and misleading in that it implies that consuming cannabis or cannabis products is conducive to athletic skill or physical prowess, or that consuming cannabis does not hinder the athlete’s performance.
 - (e) The packaging or labeling features illustrations, subject matter, or other attributes that are consistent with products marketed toward children and youths.
 - (f) The packaging or labeling features a depiction of consumption of cannabis or cannabis products while seated in, about to enter, operating, or about to operate an automobile or other machinery.
 - (g) An aspect of the packaging or labeling normalizes or encourages excessive consumption.
 - (h) The packaging or labeling does not indicate in manner that is sufficiently clear that the product contains cannabis or cannabis products; or
 - (i) The packaging or labeling used might result in confusion regarding whether the product is a cannabis or cannabis products.
 - (j) The commission shall make a decision within 60 days of receipt of a complete application and provide the decision to the licensee. The commission shall extend the time period for the decision upon written agreement of the applicant.

- 1 (k) The product is offered for sale under the name, identity or
2 characteristics of another food or beverage or mimics another food
3 or beverage, or the characteristics of another food or beverage
4
- 5 (l) Product is packaged in packaging that is designed or constructed to
6 be significantly difficult for children under five years of age to
7 open, and not difficult for adults to use properly.
- 8
- 9 ii. Mandating the disclosure of the THC content of each product;
- 10
- 11 iii. Requirements to ensure cannabis products and their packaging are not
12 designed to appeal to or be attractive to minors, including providing that
13 they cannot be in the shape of cartoons, toys, animals, or people; and
14
- 15 iv. Prohibiting flavors and designs of cannabis-infused beverages, oils, and
16 edibles that resemble or imitate candy flavors that are marketed to minors;
17
- 18 v. Warnings, including but not limited to, those described in RSA 318-F:8;
19
- 20 vi. A requirement for any label, an for certain products where appropriate, to
21 include a standard, recognizable symbol that a product contains cannabis or
22 THC; and
23
- 24 vii. Potency limits for cannabis products.
- 25
- 26 V. In order to ensure that individual privacy is protected, the commission shall not require
27 a consumer to provide a franchise cannabis retail outlet with personal information other
28 than government-issued identification to determine the consumer's age, and a retail
29 cannabis store shall not be required to acquire and record personal information about
30 consumers.
31
- 32 VI. In order to ensure that individual privacy is protected, no cannabis establishment may
33 record or store a consumer's name, address, purchases, or contact information unless the
34 consumer consents in writing. No cannabis establishment may make granting permission
35 for the collection or storage of such information a condition of a consumer purchasing
36 cannabis from the establishment.
37
- 38 VII. Not later than 24 months after the effective date of this chapter, the commission, in
39 consultation with the department, shall develop an informational handout, which
40 franchise cannabis retail outlet and cannabis retail stores shall make available to all
41 consumers, and which shall include information detailed in RSA 318-F:8.
42
- 43 VIII. No later than 36 months after the effective date of this section, the commission shall
44 make written recommendations to the general court regarding the regulation of hemp,

1 cannabinoids, synthetic cannabinoids, and intoxicating products derived from hemp
2 including:

- 3
- 4 a. What hemp products the commission would regulate;
 - 5
 - 6 b. How the products would be regulated, including whether a license would be
7 required and whether hemp processors and manufacturers should be licensed and
8 regulated by the commission;
 - 9
 - 10 c. Any license fees or other charges that would be assessed on hemp products and
11 license fees assessed on hemp processors and manufacturers; and
 - 12
 - 13 d. The resources required to regulate hemp processors, product manufacturers, hemp
14 products, and the retail sale of intoxicating hemp products.
 - 15
 - 16
 - 17

18 **318-F:8 Informational Materials and Warning Labels.**

- 19
- 20 I. The commission, in consultation with the department, shall design at least 2 versions
21 of informational handout, one of which is specific to high potency products.
22
 - 23 II. A franchise cannabis retail outlet and cannabis retail store shall include an
24 informational handout designed by the commission in consultation with the department
25 with all cannabis and cannabis products sold to consumers, and shall include the high
26 potency version in all cannabis concentrates and other high potency sales. The
27 informational handouts shall include scientifically accurate information, including:
28
 - 29 a. Advice about the potential risks of cannabis, and, in the case of the high potency
30 handout, risks specific to high potency products, including:
 - 31 i. The risks of driving under the influence of cannabis, and the fact that doing
32 so is illegal;
 - 33 ii. Any adverse effects unique to adolescents or young adults, including effects
34 related to the developing mind;
 - 35 iii. Potential adverse events and other risks, including related to mental health;
36 and
 - 37 iv. Risks of using cannabis during pregnancy or breastfeeding. This may be
38 identical to that required under RSA 126-X:8, XVI(c)(7).
 - 39
 - 40 b. Information about methods for administering cannabis;
 - 41
 - 42 c. How long cannabis may impair a person after it is ingested in each manner; and
 - 43
 - 44 d. How to recognize problematic usage of cannabis and how to obtain appropriate
45 services or treatment;
 - 46

- e. Information regarding safe storage and disposal of cannabis and paraphernalia to prevent accidental poisonings, including the contact information for the Northern New England Poison Control Center. This may be identical to that required under RSA 126-X:8, XVI(c)(8); and
- f. Unless federal statutory law or case law has changed and such a warning is no longer accurate, a disclosure that:
 - i. Cannabis is illegal under U.S. federal law, and
 - ii. Under the United States government’s 1986 Gun Control Act, any ‘unlawful’ user of a controlled substance is prohibited from purchasing or owning a gun.

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

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

- V. All cannabis products sold by franchise cannabis retail outlet and a cannabis retail stores shall include:
- a. A warning label that provides, “Caution: When eaten or swallowed, the intoxicating effects of this product may be delayed by up to 2 hours,” unless the commission determines that a different time frame should be specified.
 - b. A disclosure of ingredients and possible allergens.
 - c. A nutritional fact panel.
 - d. Opaque, child-resistant packaging, which shall be designed or constructed to be significantly difficult for children under 5 years of age to open and not difficult for normal adults to use properly as defined by 16 C.F.R. section 1700.20.

318-F:9 Franchise Fee Imposed

- I. A franchise fee on the monthly total gross revenue derived from the sale of cannabis and cannabis products by a franchise cannabis retail outlet and cannabis retail store imposed at the rate of 15% percent. The municipalities where the franchise cannabis retail outlet or

1 cannabis retail store is located will receive 1% of the 15% tax imposed on the cannabis
2 franchise cannabis retail outlet or cannabis retail store.

- 3
4 II. The commission shall adopt rules under RSA 541-A relative to the franchise fee
5 procedures needed to implement the provisions of this section.

6
7 **318-F: 10 Residency Required.**
8

- 9 I. Except as provided in this section, any person applying for a cannabis establishment
10 license shall be a resident, or shall have at least one director, officer, or partner who is a
11 New Hampshire resident.
12
13 II. This section shall not apply to an applicant for a testing facility registration.
14

15 **318-F:11 Alcohol Infused Cannabis Products Prohibited**
16

- 17 I. It is unlawful to manufacture, import, offer, or sell in this state a consumable product that
18 contains cannabis or any form of tetrahydrocannabinol in combination with beer, wine,
19 spirits, or any other type of liquor in the same product.
20
21 II. In accordance with section 1 of this act, it is unlawful to manufacture, import, offer, or sell
22 in this state a consumable product that contains cannabis or any form of
23 tetrahydrocannabinol in combination with beer, wine, spirits, or any other type of liquor in
24 the same product.
25

26 **318-F:12 Tracking System**
27

- 28 I. The commission shall require all cannabis establishments to utilize an inventory tracking
29 system, including use of a universal product code, for tracking the transfer of cannabis and
30 cannabis products between licensed cannabis establishments and the sale of cannabis and
31 cannabis products to consumers. The system shall ensure an accurate accounting of the
32 production, processing, and sale of cannabis and cannabis products and shall enable
33 separate tracking of cannabis flowers, immature cannabis plants, and other parts of
34 cannabis sold from cannabis cultivation facilities. The system shall allow for the tracking
35 of lab testing results for all cannabis and shall be capable of swiftly identifying all products
36 involved in a product recall. The commission may develop and maintain a system that
37 satisfies the requirements of this section, or it may select a vendor to develop and maintain
38 a system.
39

40 **318-F:13 Enactment of Municipal Ordinance.**
41

- 42 I. The voters of any city or town shall vote on whether to allow cannabis establishments in
43 the municipality at the biennial election held in November 2024. The wording of the
44 question shall be substantially as follows: “Shall we allow the operation of cannabis
45 establishments within this city or town?” and “Shall we allow the operation of a franchise

1 cannabis retail outlet or cannabis retail store in this city or town?” If a majority of the
2 qualified voters present and voting in a municipality signal their approval of the operation
3 of cannabis establishments, then cannabis establishments may start applying for approval
4 on or after July 1, 2025. The recount of any local option vote, the procedures for holding
5 such a recount, the declaration of the results of such a recount and the procedure for an
6 appeal from such a recount shall be as provided in RSA 660:13-15. A municipality’s
7 prohibition on cannabis establishments may not prohibit transportation through the
8 municipality or deliveries within the municipality by cannabis establishments located in
9 other jurisdictions.

- 10
11 II. In a municipality that voted to permit cannabis establishments, if the municipality has a
12 zoning ordinance, it shall consider adoption of an innovative land use control pursuant to
13 RSA 674:21, II specifying where a cannabis establishment will be a permitted use and
14 further provide what, if any, conditions will be placed upon cannabis establishments. If a
15 municipality has passed an innovative land use control relative to cannabis establishments,
16 it shall notify the liquor commission within 90 days of passage. Municipalities without
17 zoning ordinances or which have failed to pass an innovative land use control relative to
18 cannabis establishments will be governed by the provisions of RSA 318-F and
19 administrative rules relating to cannabis establishments enacted pursuant to RSA 541-A.
20 No local ordinance may be less restrictive than the provisions of RSA 318-F or
21 administrative rules enacted pursuant to RSA 541-A.

22
23 **318-F:14 Restrictions on Location Near Schools.**

- 24
25 I. *No cannabis establishment shall operate, nor shall a prospective cannabis establishment*
26 *apply for a license, if the establishment would be located within 2,000 feet of the property*
27 *line of a pre-existing public or private pre-school, elementary, or secondary school.*
28

29 **318-F:15 Lawful Operation of Cannabis-Related Facilities.** (Language from HB 369)

- 30 I. *If undertaken by a person 21 years of age or older, the following acts shall not be illegal*
31 *under New Hampshire law or be a basis for seizure or forfeiture of assets under New*
32 *Hampshire law:*
33
34 a. *Possessing, displaying, or transporting cannabis or cannabis products; obtaining*
35 *or purchasing cannabis from a cannabis cultivation facility; delivering or*
36 *transferring cannabis to a cannabis testing facility; obtaining or purchasing*
37 *cannabis or cannabis products from a cannabis product manufacturing facility; or*
38 *sale, delivery, or distribution of cannabis or cannabis products to an adult who is*
39 *21 years of age or older or to franchise cannabis retail outlet and cannabis retail*
40 *store or alternative treatment centers, if the person or business entity conducting*
41 *the activities described in this paragraph has obtained a current, valid license to*
42 *operate a franchise cannabis retail outlet or cannabis retail store or is acting in*
43 *his or her capacity as an owner, employee, or agent of a licensed franchise*
44 *cannabis retail outlet or cannabis retail store*

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b. *Cultivating, harvesting, processing, packaging, transporting, displaying, or possessing cannabis; obtaining or purchasing cannabis seeds or seedlings or immature cannabis plants from any adult 21 years of age or older; delivering or transferring cannabis to a cannabis testing facility; selling or transferring cannabis that has not been processed into extracts, concentrates, or other preparations to a cannabis cultivation facility, a cannabis product manufacturing facility, or a franchise cannabis retail outlet, cannabis retail store, alternative treatment center; or obtaining or purchasing cannabis from a cannabis cultivation facility, if the person or business entity conducting the activities described in this paragraph has obtained a current, valid license to operate a cannabis cultivation facility or is acting in his or her capacity as an owner, employee, or agent of a licensed cannabis cultivation facility.*

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

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

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

f. *Possessing, obtaining, cultivating, processing, storing, transporting, or receiving cannabis obtained from a cannabis establishment or transporting, delivering, or transferring cannabis to a cannabis establishment if the person or business entity has obtained a current, valid license to operate a cannabis transporter or is*

1 *acting in his or her capacity as an owner, employee, or agent of a registered*
2 *cannabis transporter.*

3
4 g. *Obtaining or purchasing cannabis from a cannabis cultivation facility; delivering*
5 *or transferring cannabis to a cannabis testing facility; or obtaining or purchasing*
6 *cannabis or cannabis products from a cannabis product manufacturing facility if*
7 *the person or business entity conducting the activities described in this paragraph*
8 *possesses a valid license to operate an alternative treatment center or is acting in*
9 *his or her capacity as an owner, employee, or agent of a licensed alternative*
10 *treatment center.*

11
12 h. *Leasing or otherwise allowing the use of property owned, occupied, or controlled*
13 *by any person, corporation, or other entity for any of the activities conducted*
14 *lawfully in accordance with this chapter.*

15
16 i. *Selling, offering for sale, transferring, transporting, or delivering cannabis to*
17 *establishments licensed to process or sell cannabis under the laws of other states*
18 *if the person or business entity has obtained a current, valid license to operate a*
19 *cannabis transporter, cannabis product manufacturing facility, or cannabis*
20 *cultivation facility or is acting in his or her capacity as an owner, employee, or*
21 *agent of a cannabis transporter, cannabis product manufacturing facility, or*
22 *cannabis cultivation facility.*

23 **318-F:16 Proof of Purchaser's Identity.**

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

28
29 II. Photographic identification presented under this section shall be consistent with the
30 appearance of the person and shall not be expired and shall be correct and free of
31 alteration, erasure, blemish, or other impairment.

32
33 III. The establishment of all of the following facts by a franchise cannabis retail outlet or
34 cannabis retail store or an agent or employee of a franchise cannabis retail outlet or
35 cannabis retail store making a sale of cannabis or cannabis accessories to a person under
36 the age of 21 shall constitute an affirmative defense to any prosecution for such sale:

37
38 a. That the person presented what an ordinary and prudent person would believe to
39 be valid documentation of a type listed in RSA 179:8.

40
41 b. That the sale was made in good faith relying upon such documentation and
42 appearance in the reasonable belief that the person was 21 years of age or older.

1 No identification scanning or collection of personally identifiable information
2 shall be required under this section.

3 **318-F:17 Enforcement Activity Verifying Noncompliance.**

- 4 I. It shall be a violation to sell any cannabis, cannabis product, or cannabis
5 paraphernalia to a minor during enforcement activity initiated solely for the purpose
6 of verifying noncompliance with 318-F:18. It shall be a misdemeanor to knowingly
7 sell cannabis, cannabis product, or cannabis paraphernalia to a minor at the time of
8 any such enforcement activity. The commission shall retain the right to require the
9 licensee in such a circumstance to initiate additional training of its staff or individual
10 employee. This section shall not apply to law enforcement initiatives involving
11 surveillance, investigations, or criminal complaints of 318-F:18.

12 **318-F:18 Driving; Minors; and Control of Property.** *(language form HB 639)*

- 13 I. *Nothing in this chapter shall be construed to permit driving or operating under the*
14 *influence of drugs or liquor pursuant to RSA 265-A, nor shall this section prevent the*
15 *state from enacting and imposing penalties for driving under the influence of or while*
16 *impaired by cannabis.*
- 17
- 18 II. *Nothing in this chapter shall be construed to permit the transfer of cannabis, with or*
19 *without remuneration, to a person under the age of 21, or to allow a person under the*
20 *age of 21 to purchase, possess, use, transport, grow, or consume cannabis.*
- 21
- 22 III. *Nothing in this chapter shall prohibit a state or county correctional facility from*
23 *prohibiting the possession, consumption, use, display, transfer, distribution, sale,*
24 *transportation, or growing of cannabis on or in the correctional facility's property.*
- 25
- 26 IV. *Except as provided in this section, this chapter does not require any person, corporation,*
27 *or any other entity that occupies, owns, or controls a property to allow the consumption,*
28 *cultivation, display, sale, or transfer of cannabis on or in that property.*
- 29 a. *In the case of the rental of a residential dwelling, a landlord shall not prohibit the*
30 *possession of cannabis or the consumption of cannabis by non-smoked means*
31 *unless:*
- 32
- 33 i. *The tenant is a roomer who is not leasing the entire residential dwelling;*
- 34
- 35 ii. *The residence is incidental to the provision of educational, counseling,*
36 *religious, or similar service;*
- 37
- 38 iii. *The residence is a transitional housing facility; or*
- 39

1 iv. *Failing to prohibit cannabis possession or consumption would violate*
2 *federal law or regulations or cause the landlord to lose a monetary or*
3 *licensing-related benefit under federal law or regulations.*

4
5 b. *This chapter shall not prevent a landlord from prohibiting cannabis smoking or*
6 *cannabis cultivation.*

7
8 c. *An adult who is 21 or older may use cannabis on privately owned real property*
9 *only with permission of the property owner or, in the case of leased or rented*
10 *property, with the permission of the tenant in possession of the property, except*
11 *that a tenant shall not allow a person to smoke cannabis on rented property if*
12 *smoking on the property violates the lease or the lessor's rental policies that*
13 *apply to all tenants at the property. However, a tenant may permit an adult who*
14 *is 21 or older to use cannabis on leased property by ingestion or inhalation*
15 *through vaporization even if smoking is prohibited by the lease or rental policies.*
16 *For purposes of this chapter, vaporization shall mean the inhalation of cannabis*
17 *without the combustion of the cannabis.*

18 **318-F:19 Enforcement of Contracts.** *(language form HB 639)*

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

26 **318-F:20 Non-Discrimination for State-Legal Cannabis Activities and Prior Convictions.**
27 *(language form HB 639)*

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

30
31 a. *Providing advice or services related to cannabis establishments or applications to*
32 *operate cannabis establishments on the basis that cannabis is illegal under*
33 *federal law; or*

34
35 b. *Engaging in activities allowed by this chapter.*

36
37 II. *An applicant for a professional or occupational license may not be denied a license*
38 *based on:*

39
40 a. *Previous employment related to cannabis establishments operating in accordance*
41 *with state law;*

- 1
2 b. *A prior conviction for a non-violent cannabis offense that does not involve*
3 *distribution to minors, or*
4
5 c. *Engaging in activities allowed by this chapter.*
6
7 III. *Except as provided in this section, neither the state nor any of its political subdivisions*
8 *may impose any penalty or deny any benefit or entitlement for conduct permitted under*
9 *this chapter or for the presence of cannabinoids or cannabinoid metabolites in the*
10 *urine, blood, saliva, breath, hair, or other tissue or fluid of a person who is 21 years of*
11 *age or older.*
12
13 IV. *Except as provided in this section, neither the state nor any of its political subdivisions*
14 *may deny a driver’s license, a professional license, housing assistance, social services,*
15 *or other benefits based on cannabis use or for the presence of cannabinoids or*
16 *cannabinoid metabolites in the urine, blood, saliva, breath, hair, or other tissue or fluid*
17 *of a person who is 21 years of age or older.*
18
19 V. *A person shall not be denied custody of or visitation with a minor for acting in*
20 *accordance with this chapter, unless the person’s behavior is such that it creates an*
21 *unreasonable danger to the minor that can be clearly articulated and substantiated.*
22
23 VI. *Except as provided in this section, neither the state nor any of its political subdivisions*
24 *may discriminate against a person in hiring, termination, or any term or condition of*
25 *employment, or otherwise penalize a person in employment or contracting, if the*
26 *discrimination is based upon either of the following:*
27
28 a. *Engaging in activities allowed by this chapter;*
29
30 b. *A prior conviction for a non-violent cannabis offense that does not involve*
31 *distribution to minors; or*
32
33 c. *Testing positive for the presence of cannabinoids or cannabinoid metabolites in*
34 *the urine, blood, saliva, breath, hair, or other tissue or fluid of the individual's*
35 *body.*
36
37 VII. *This section does not prevent an employer from disciplining an employee or contractor*
38 *for ingesting cannabis in the workplace or for working while impaired by cannabis.*
39
40 a. *The protections provided by this section do not apply to the extent that they*
41 *conflict with a governmental employer’s obligations under federal law or*
42 *regulations or to the extent that they would disqualify the entity from a monetary*
43 *or licensing-related benefit under federal law or regulations.*

1
2 b. *This section does not authorize any person to engage in, and does not prevent the*
3 *imposition of any civil, criminal, disciplinary, or other penalties, including*
4 *discipline or termination by a governmental employer, any task while under the*
5 *influence of cannabis, when doing so would constitute negligence or professional*
6 *malpractice.*

7
8 VIII. *For the purposes of medical care, including organ and tissue transplants, the use of*
9 *cannabis does not constitute the use of an illicit substance or otherwise disqualify a*
10 *person from needed medical care and may only be considered with respect to evidence-*
11 *based clinical criteria.*

12
13 IX. *Notwithstanding any other provision of law, unless there is a specific finding that the*
14 *individual's use, cultivation, or possession of cannabis could create a danger to the*
15 *individual or another person, it shall not be a violation of conditions of parole,*
16 *probation, or pre-trial release to:*

17
18 a. *Engage in conduct allowed by this chapter; or*

19
20 b. *Test positive for cannabis, tetrahydrocannabinol, or any other cannabinoid or*
21 *metabolite of cannabis.*

22
23 X. *This section does not authorize any person to engage in, and does not prevent the*
24 *imposition of any penalties for engaging in, the following conduct:*

25
26 a. *Undertaking any task under the influence of cannabis, when doing so would*
27 *constitute negligence or professional malpractice.*

28
29 b. *Operating, navigating, or being in actual physical control of any motor vehicle,*
30 *aircraft, train, or motorboat while under the influence of cannabis.*

31 **318-F:21 Data Collection Related to Cannabis Legalization and Regulation.** *(language form*
32 *HB 639)*

33 I. *No later than 6 months after the effective date of this chapter and every 2 years*
34 *thereafter, the department of safety, information and analysis center, drug monitoring*
35 *initiative, shall produce and publish a report that includes baseline data and the most*
36 *current data regarding health and welfare outcomes since cannabis became legal and*
37 *regulated for adults' use, including but not limited to high school graduation rates; youth*
38 *and adult rates of alcohol, cannabis, and illegal drug use; rates of maladaptive use of*
39 *cannabis; rates of alcohol abuse; opiate use and abuse rates; the number and type of*
40 *youth and adult convictions for cannabis offenses; and the rates of individuals needing*
41 *but not receiving substance abuse treatment. The report shall also include information*

1 *on treatment and prevention services provided, education campaigns undertaken, and*
2 *funding allocated under RSA 318-F:21.*

3
4 *II. No later than 6 months after the effective date of this chapter, and again 18 months after*
5 *the effective date of this chapter, the Judicial Branch shall produce and publish a report*
6 *that includes the number of cases dismissed pursuant to RSA 651:5-e.*

7 **318-F:22 Cannabis Fund Established.**

8
9 I. There is established a non-lapsing fund to be known as the cannabis fund. The fund
10 shall be kept distinct and separate from all other funds in the state treasury, and the
11 moneys credited to the fund shall be held distinct and separate from all other funds over
12 which the state treasurer has control. Moneys in the fund shall be deposited with any
13 financial institution as defined in RSA 383-A:2-201(a)(27-a), with a branch in the
14 state. Moneys credited to the fund shall include deposits into the fund by the
15 commission pursuant to this chapter.

16
17 II. For the biennium ending **June 30, 2025**, and every biennium thereafter, the commission
18 shall include the cost of administration of this chapter in the commission's efficiency
19 expenditure request pursuant to RSA 9:4.

20
21 III. For the biennium ending **June 30, 2025**, the sum of **9,645,920** is hereby appropriated
22 to the Liquor Commission for the cost of administration of this chapter. Said sum shall
23 be a charge against the fund.

24
25 IV. For the biennium ending **June 30, 2025**, the sum of \$500,000 is hereby appropriated to
26 the substance use prevention and recovery fund established in RSA 318-F:23 for the
27 cost of developing and implementing a public education campaign prior to initiation of
28 retail sales. Said sum shall be a charge against the fund.

29
30 V. After deducting appropriations charged to the fund for the cost of administration of this
31 chapter, the remaining funds shall be appropriated and distributed on a quarterly basis
32 as follows:

33
34 a. The sum of \$100,000 annually to the department of safety, information and analysis
35 center, drug monitoring initiative, for data collection and reporting related to the
36 health impacts of cannabis prohibition and cannabis regulation; and

37
38 b. Of the remaining funds:

39
40 i. Fifty percent of remaining funds shall be disbursed to the education trust
41 fund established in RSA 198:39. The comptroller shall notify the
42 commissioner of the department of revenue administration of the amount of
43 the transfer. For the purpose of setting the education tax rate under RSA
44 76:3, the amount of revenue required to be collected pursuant to RSA 76:3
45 shall be reduced by the amount transferred to the education trust fund as

1 required in this subparagraph, and the commissioner shall set the rate at a
2 level sufficient to generate the reduced amount. This rate shall be effective
3 for the following fiscal year.
4

- 5 ii. Thirty percent of remaining funds shall be disbursed to the department of
6 administrative services to be credited to the New Hampshire retirement
7 system to offset the retirement system's unfunded accrued liability. Upon
8 certification by the commissioner of the department of administrative
9 services that the retirement system has no remaining unfunded accrued
10 liability, this disbursement of funds shall be credited to the education trust
11 fund established in RSA 198:39.
12
- 13 iii. Ten percent of remaining funds, or \$25,000,000, whichever is less, shall be
14 credited to the substance abuse prevention and recovery fund in RSA 318-
15 F:22 for use by the department of health and human services, bureau of drug
16 and alcohol services, in evidence-based, voluntary programs for substance
17 use-related education, prevention, treatment, and recovery that includes
18 mental health treatment that is contributing to substance misuse, and for
19 scientifically and medically accurate public education campaigns educating
20 youth and adults about the health and safety risks of alcohol, tobacco,
21 cannabis, and other substances, including education campaigns separately
22 targeting youth and adults that provide medically and scientifically accurate
23 information about the health and safety risks posed by cannabis use,
24 including driving under the influence of cannabis.
25
- 26 iv. Five percent of remaining funds shall be disbursed to public safety agencies,
27 including police, fire, and rescue agencies, for the hiring and training of
28 additional drug recognition experts, for advanced roadside impaired driving
29 enforcement training, and to assist in responding to drug overdose incidents.
30
- 31 v. Five percent of remaining funds shall be disbursed to the department of
32 health and human services, division for behavioral health, bureau of
33 children's behavioral health, to be used for children's behavioral health
34 services.
35

36 **318-F:23 Substance Abuse Prevention and Recovery Fund Established.** (language form HB
37 639)
38

- 39 I. *There is hereby established in the state treasury the substance abuse prevention and
40 recovery fund that shall be kept distinct and separate from all other funds. All proceeds
41 allocated to the fund pursuant to RSA 318-F:22 shall be deposited in the fund. The
42 state treasurer shall invest the fund in accordance with RSA 6:8. Any earnings on fund
43 moneys shall be added to the fund. All moneys in the fund shall be non-lapsing and
44 shall be continually appropriated to the commissioner of the department of health and
45 human services for the purposes and in the manner set forth in RSA 126-A:98.*
46

1 **STATUTORY CHANGES (language from HB 639)**

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

4 (k) Objects used or intended for use or customarily intended for use in ingesting, inhaling, or
5 otherwise introducing [~~marijuana,~~] cocaine[~~, hashish, or hashish oil~~] into the human body, such
6 as:
7

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

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

19 10. Controlled Drug Act; Penalties. Amend the introductory paragraph in RSA 318-B:26, II to
20 read as follows:

21 II. Any person who knowingly or purposely obtains, purchases, transports, or possesses
22 actually or constructively, or has under his control, any controlled drug or controlled drug
23 analog, or any preparation containing a controlled drug or controlled drug analog, except as
24 authorized in this chapter **or as otherwise authorized by law**, shall be sentenced as follows,
25 except as otherwise provided in this section:
26

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

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

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

43 (e) In the case of a residual amount of a controlled [~~substance,~~] **drug, other than**
44 **marijuana** [~~as defined in RSA 318-B:1, XXIX-a~~], a person shall be guilty of a misdemeanor
45 if the person is not part of a service syringe program under RSA 318-B:43.
46

1 12. Controlled Drug Act; Penalties. Amend RSA 318-B:26, III(a) to read as follows:
2 (a) ~~[Except as provided in RSA 318-B:2-e,]~~ Controls any premises or vehicle where he or she
3 knows a controlled drug or its analog, *other than marijuana*, is illegally kept or deposited;
4

5 13. Personal Possession of Marijuana. Amend RSA 318-B:2-c to read as follows:
6 318-B:2-c ~~[Personal]~~ Possession of Marijuana *by a Person Under 21 Years of Age*.

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

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

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

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

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

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

33 (a) Except as provided in this paragraph, any person 18 years of age or older who is convicted
34 of violating paragraph II or III~~], or any person 21 years of age or older who is convicted of~~
35 ~~violating paragraph IV]~~ shall be subject to a fine of \$100 for a first or second offense under
36 this paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period;
37 however, any person convicted based upon a complaint which alleged that the person had 3 or
38 more prior convictions for violations of paragraph II~~;~~ *or* III~~[or IV]~~, or under reasonably
39 equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph,
40 within a 3-year period preceding the fourth offense shall be guilty of a class B
41 misdemeanor. The offender shall forfeit the marijuana~~], regulated marijuana infused~~
42 ~~products,]~~ or hashish to the state. A court shall waive the fine for a single conviction within a
43 3-year period upon proof that person has completed a substance abuse assessment by a licensed
44 drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an
45 assessment in lieu of the fine shall notify the court, which shall schedule the matter for review

1 after 180 days. Should proof of completion of an assessment be filed by or before that time,
2 the court shall vacate the fine without a hearing unless requested by a party.

3 (b) Any person under 18 years of age who is convicted of violating paragraph II or III shall
4 forfeit the marijuana or hashish and shall be subject to a delinquency petition under RSA 169-
5 B:6.~~[VI.]~~ V.(a) Except as provided in this section, no person shall be subject to arrest for a
6 violation of paragraph II~~;~~ *or* III~~;~~~~or IV~~ and shall be released provided the law enforcement
7 officer does not have lawful grounds for arrest for a different offense.

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

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

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

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

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

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

31 14. Alcohol or Drug Impairment; Possession of Drugs. Amend RSA 265-A:43 to read as follows:
32 265-A:43 Possession of Drugs. Any person who drives on any way a vehicle while knowingly
33 having in his or her possession or in any part of the vehicle a controlled drug or controlled drug
34 analog in violation of the provisions of RSA 318-B shall be guilty of a misdemeanor, and his
35 or her license shall be revoked or his or her right to drive denied for a period of 60 days and at
36 the discretion of the court for a period not to exceed 2 years. This section shall not apply to
37 the possession of marijuana or hashish as provided in RSA 318-B:2-c~~;~~ ~~or a personal-use~~
38 ~~amount of a regulated marijuana-infused product as defined in RSA 318-B:2-e, I(b).~~

39
40 15. New Section; Sentences; Annulment of Certain Arrests and Convictions for
41 Cannabis. Amend RSA 651 by inserting after section 5-b the following new section:
42 651:5-c Certain Crimes Not to be Pursued; Dismissal.

43 I. As used in this section:

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

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

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

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

11 III. On the first day of the fifth month next following the effective date of RSA 318-F, any
12 guilty verdict, plea, placement in a diversionary program, or other entry of guilt on a matter
13 that was entered prior to that effective date, but the judgment of conviction or final disposition
14 on the matter was not entered prior to that date, and the guilty verdict, plea, placement in a
15 diversionary program, or other entry of guilt solely involved one or more crimes or offenses
16 involving a person 21 years of age or older knowingly or purposely obtaining, purchasing,
17 transporting, manufacturing or possessing, actually or constructively, or having under his or
18 her control, no more than the possession limit of cannabis, shall be vacated by operation of
19 law. The judicial branch, in consultation with the attorney general, may take any
20 administrative action as may be necessary to vacate the guilty verdict, plea, placement in a
21 diversionary program, or other entry of guilt.
22

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

24 76:3 Education Tax. Beginning July 1, 2005, and every fiscal year thereafter, the
25 commissioner of the department of revenue administration shall set the education tax rate at a
26 level sufficient to generate revenue of \$363,000,000, *less any amount credited to the*
27 *education trust fund pursuant to RSA 318-F:25*, when imposed on all persons and property
28 taxable pursuant to RSA 76:8, except property subject to tax under RSA 82 and RSA 83-F. The
29 education property tax rate shall be effective for the following fiscal year. The rate shall be
30 set to the nearest 1/2 cent necessary to generate the revenue required in this section.
31

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

34 I. "Alternative treatment center" means a *domestic business corporation organized under*
35 *RSA 293-A, a domestic limited liability company organized under RSA 304-C, or a not-for-*
36 *profit [entity] voluntary corporation organized under RSA 292 that is* registered under RSA
37 126-X:7 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, sells,
38 supplies, and dispenses cannabis, and related supplies and educational materials, to qualifying
39 patients, designated caregivers, other alternative treatment centers, and visiting qualifying
40 patients.
41

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

44 (4) The name, address, and date of birth of each principal officer and board member of the
45 alternative treatment center. The board of *directors, or board of managers as*
46 *applicable*, for the ~~[nonprofit]~~ *alternative treatment center* shall include at least one

1 physician, advance practice registered nurse, or pharmacist licensed to practice in New
2 Hampshire and at least one patient qualified to register as a qualifying patient. The majority
3 of board members, *or managers as applicable*, shall be New Hampshire residents. A medical
4 professional listed in this subparagraph may be a member of the alternative treatment center
5 board *or directors, or managers as applicable*, but shall not maintain an ownership interest in
6 the center.
7

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

10 I. An alternative treatment center shall be operated on a *for profit or* not-for-profit basis for
11 the benefit of its patients. An alternative treatment center need not be recognized as a tax-
12 exempt organization by the Internal Revenue Service.
13

14 20. New Paragraphs; Use of Cannabis for Therapeutic Purposes; Alternative Treatment Center
15 Requirements. Amend RSA 126-X:8 by inserting after paragraph XVIII the following new
16 paragraphs:

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

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

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

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

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

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

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

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

7 XXIV.(a) Any alternative treatment center choosing to convert or merge pursuant to this
8 section shall obtain an independent fair market valuation of its total assets as of June 30,
9 2024. The valuation of the total assets of such alternative treatment center, if positive, shall be
10 distributed to one or more charitable organizations solely for charitable purposes. The director
11 of charitable trusts shall receive a copy of the valuation and may file any objection relating
12 thereto with the court within 60 days. Except as set forth in this section and notwithstanding
13 any other law to the contrary, no portion of the assets of such alternative treatment center after
14 the conversion or merger, as applicable, shall be deemed to be charitable assets.

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

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

21
22 21. Voluntary Corporations; Change of Name. Amend RSA 292:7 to read as follows:
23 292:7 Change of Name; Amending Articles.

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

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

42
43 22. New Subparagraph; New Hampshire Business Corporations Act; Entity Conversion
44 Authorized. Amend RSA 293-A:9.50 by inserting after subparagraph (f) the following new
45 subparagraph:

1 (g) Alternative treatment centers registered pursuant to RSA 126-X and organized pursuant to
2 RSA 292 may become a domestic corporation pursuant to a plan of conversion in accordance
3 with RSA 126-X:8, XX and this subdivision. The alternative treatment center shall be deemed
4 to be a domestic unincorporated entity for purposes of applying RSA 293-A:9.50 through RSA
5 293-A:9.56, except that approval of the conversion shall be as outlined in RSA 126-X:8, XX.
6

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

9 I. Any other business entity, ***including alternative treatment centers pursuant to RSA 126-***
10 ***X:8, XX***, may make a statutory conversion of its business organization form to the limited
11 liability company business organization form under this act by complying with the
12 requirements of this section and with applicable law governing the other business
13 entity. ***Approval of a conversion of an alternative treatment center pursuant to this***
14 ***paragraph shall be as outlined in RSA 126-X:8, XX.***
15

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

18 IX. In the case of the conversion of an alternative treatment center registered under RSA 126-
19 X and organized pursuant to RSA 292, such conversion shall be approved by the board of
20 directors in accordance with RSA 126-X:8, XX.
21

22 25. Liquor Investigation; Training. Amend RSA 176:9 to read as follows:

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

26 II. Any new liquor investigator employed by the commission under this section after August
27 13, 1985, shall, within 6 months of employment, satisfactorily complete a preparatory police
28 training program as provided by RSA 106-L:6, unless he or she has already completed such a
29 program.

30 III. The commissioner, deputy commissioner, assistant, or liquor investigator may enter any
31 place where liquor, beverages, tobacco products, e-cigarettes, ***or cannabis*** are sold, [ø] ***or***
32 ***manufactured, or cultivated*** at any time, and may examine any license or permit issued or
33 purported to have been issued under the terms of this title. They shall make complaints for
34 violations of this title.
35

36 26. Liquor Commission; Assistants and Employees. Amend RSA 176:7 to read as follows:
37 176:7 Assistants and Employees.

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

41 ***II. The commission may select and retain market consultants through a competitive bidding***
42 ***process approved by the governor and the executive council. Any such contract with a third-***
43 ***party agent shall be for consulting services relating to marketing and regulation of cannabis***
44 ***for purposes of cultivation, manufacturing, testing, and retail sale.***
45
46

1 27. Prosecutions. Amend RSA 179:59 to read as follows:

2 179:59 Prosecutions. The commission shall appoint liquor investigators whose primary
3 function shall be the proper prosecution of this title **and RSA 318-F**. The liquor investigators
4 shall have statewide jurisdiction, with reference to enforcement of all laws either in
5 cooperation with, or independently of, the officers of any county or town. The commission
6 shall have the primary responsibility for the enforcement of all liquor and beverage laws **and**
7 **cannabis laws** upon premises where liquor, [~~and~~] beverages, **and cannabis** are lawfully sold,
8 stored, distributed, or manufactured **or cultivated**. Any person violating the provisions of any
9 law may be prosecuted by the commission or any of its investigators as provided in this section,
10 or by county or city attorneys, or by sheriffs or their deputies, or by police officials of towns.

11
12 28. New Paragraph; Commission to Sell. Amend RSA 176:11 by inserting after paragraph II the
13 following new paragraph:

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

18
19 29. New Paragraph; Retail Tobacco License. Amend RSA 178:19-a by inserting after paragraph
20 V the following new paragraph:

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

23
24
25 30. New Paragraph; Rulemaking; Liquor Commission. Amend RSA 176:14 by inserting after
26 paragraph IX the following new paragraph:

27 IX-a. Cannabis licenses, including:

- 28 (a) Procedures for the application for, issuance, transfer, denial, renewal, suspension, and
29 revocation of a license for cannabis establishments.
30 (b) License operations for each cannabis license type.
31 (c) Collection of additional fees as required by statute.

32
33
34 **31. Appropriations.**

35 ***I. The sum of \$100,000 for the fiscal year ending June 30, 2025 is hereby appropriated to***
36 ***the department of safety, information and analysis center, drug monitoring initiative, for the***
37 ***purpose of collecting baseline data to be used in the reports required pursuant to RSA 318-***
38 ***F:21. The governor is authorized to draw a warrant for said sum out of any money in the***
39 ***treasury not otherwise appropriated.***

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

43 ***III. The sum of \$8,000,000 for the fiscal year ending June 30, 2025 is hereby appropriated***
44 ***to the liquor commission for deposit into the cannabis fund established in RSA 318-F:22 for***
45 ***the administration of RSA 318-F. The governor is authorized to draw a warrant for said***
46 ***sum out of any money in the treasury not otherwise appropriated.***

1 *IV. The sum of \$500,000 for the biennium ending June 30, 2025 is hereby appropriated to*
2 *the substance use prevention and recovery fund established in RSA 318-F:23 for the cost of*
3 *developing and implementing a public education campaign prior to initiation of retail sales.*
4

5 *32. Repeal. RSA 318-B:1, X-a(g), relative to separation gins and sifters used or intended for*
6 *use with cannabis, is repealed.*
7

8 *33. Effective Date.*

9 *I. RSA 318-F:15, IX, as inserted by section 7 of this act, shall take effect upon certification by*
10 *the attorney general of New Hampshire to the director of the office of legislative services and*
11 *the secretary of state that the conduct allowed by that paragraph has become legal under the*
12 *United States Code.*

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