

Amendment to HB 1633-FN-A

1 Amend RSA 318-F:1, XXXV(a)(1) as inserted by section 5 of the bill by replacing it with the  
2 following:

3

4 (1) Two ounces of cannabis flower or cannabis trim or any combination thereof;

5

6 Amend RSA 318-F:7 as inserted by section 5 of the bill by inserting after paragraph IV the following  
7 new paragraph:

8

9 V. The provisions of this section shall not apply with respect to the employment of law  
10 enforcement officers. In addition to federal prohibitions on the use of marijuana and the possession  
11 of a firearm, law enforcement officers and peace officers shall be prohibited from prior use as  
12 identified in New Hampshire police standards and training council rules and any current use while  
13 employed as a law enforcement officer or peace officer.

14

15 Amend RSA 318-F:12 as inserted by section 5 of the bill by replacing it with the following:

16

17 318-F:12 Enforcement Activity Verifying Noncompliance.

18 It shall be a misdemeanor to sell any cannabis, cannabis product, cannabis accessories, or  
19 cannabis paraphernalia to a minor during enforcement activity initiated solely for the purpose of  
20 verifying noncompliance with RSA 318-F:5. It shall be a class A misdemeanor to knowingly sell  
21 cannabis, cannabis product, or cannabis paraphernalia to a minor at the time of any such  
22 enforcement activity. The commission shall retain the right to require the licensee or franchisee in  
23 such a circumstance to initiate additional training of its staff or individual employees. This section  
24 shall not apply to law enforcement initiatives involving surveillance, investigations, or criminal  
25 complaints of RSA 318-F:5.

26

27 Amend RSA 318-F:13, II(h) as inserted by section 5 of the bill by replacing it with the following:

28

29 (h) Annual mandatory training and continuing education required for licensees,  
30 franchisees, and all cannabis retail store employees, which shall include, but not be limited to,  
31 training on checking photo identification and for false identification, cannabis use disorder, mental  
32 health training, and mandatory reporting criteria. The rules set forth shall be specific as to the

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1 amount of annual training that is required and the specific subject matters the licensees,  
2 franchisees, and retail store employees are to be trained on each year.

3  
4 Amend RSA 318-F:13, II(r)(2) as inserted by section 5 of the bill by replacing it with the following:

5  
6 (2) That testing shall include, but not be limited to, analysis for residual solvents,  
7 poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; dangerous herbicides,  
8 pesticides, and fungicides; heavy metals; harmful microbials, such as E. coli or salmonella; and such  
9 other substances as the commission shall adopt by rule;

10  
11 Amend RSA 318-F:13, II(s) as inserted by section 5 of the bill by replacing it with the following:

12  
13 (s) Change in ownership, change in franchise, change in licenses, and changes in  
14 location for cannabis establishments.

15  
16 Amend RSA 318-F:13, III(f)(9) as inserted by section 5 of the bill by replacing it with the following:

17  
18 (9) Establishing the maximum amount of THC that may be included in each edible  
19 cannabis product serving as 10 milligrams and no more than 200 milligrams per package. For all  
20 other cannabis products, the cannabis control commission shall determine a maximum cannabis  
21 content based upon public health, mental health, and public safety criteria. In determining a  
22 maximum cannabis content, the cannabis control commission shall research scientific literature and  
23 the policies of other states and countries.

24  
25 Amend RSA 318-F:13, III as inserted by section 5 of the bill by inserting after subparagraph (g) the  
26 following new subparagraph:

27  
28 (h) Rules to ensure that a minimum of 5 licenses for cannabis cultivation facilities are  
29 awarded to independent growers with demonstrated experience in New Hampshire agriculture.

30  
31 Amend RSA 318-F:14, V(d) as inserted by section 5 of the bill by replacing it with the following:

32  
33 (d) Opaque, child-resistant packaging, which shall be designed or constructed to be  
34 significantly difficult for children under 5 years of age to open and not difficult for adults to use  
35 properly as defined by 16 C.F.R. section 1700, et seq. Cannabis and cannabis products may be pre-  
36 packaged in opaque, child-resistant packaging or placed in a compliant exit package prior to transfer  
37 to a consumer.

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1 Amend RSA 318-F:19 as inserted by section 5 of the bill by replacing it with the following:

2  
3 318-F:19 Enactment of Municipal Ordinance.

4 I. Any town or city may allow cannabis retail outlets in their municipality according to the  
5 provisions of this subdivision, in the following manner:

6 (a) In a town, the question shall be placed on the warrant of an annual town meeting  
7 under the procedures set out in RSA 39:3, and shall be voted on a ballot. In a city, the legislative  
8 body may vote to place the question on the official ballot for any regular municipal election, or, in the  
9 alternative, shall place the question on the official ballot for any regular municipal election upon  
10 submission to the legislative body of a petition signed by 5 percent of the registered voters.

11 (b) The selectmen, aldermen, or city council shall hold a public hearing on the question  
12 at least 15 days but not more than 30 days before the question is to be voted on. Notice of the  
13 hearing shall be posted in at least 2 public places in the municipality and published in a newspaper  
14 of general circulation at least 7 days before the hearing.

15 (c) The wording of the question shall be substantially as follows: "Shall we allow the  
16 operation of cannabis establishments within this town or city?"

17 (d) The recount of any local option vote, the procedures for holding such a recount, the  
18 declaration of the results of such a recount, and the procedure for an appeal from such a recount  
19 shall be as provided in RSA 660:13 through RSA 660:15.

20 (e) Notwithstanding any other provision of law to the contrary, the provisions of RSA  
21 664:14 through RSA 664:22 shall apply to any election or meeting at which the voters of a  
22 municipality decide the question set forth in this section.

23 II. If a majority of those voting on the question vote "yes," cannabis establishments may be  
24 operated within the town or city.

25 III. If the question is not approved, the question may later be voted upon according to the  
26 provisions of paragraph I at the annual town meeting or regular municipal election held not less  
27 than 3 years after the election or meeting at which the question failed.

28 IV. A municipality that has voted to allow cannabis retail outlets may consider rescinding  
29 its action in the manner described in paragraph I of this section.

30 V. A municipality may enact an ordinance limiting the number of each type of non-retail  
31 cannabis establishment that may be permitted within the municipality.

32 VI. A municipality may not negotiate or enter into an agreement with a cannabis  
33 establishment or a cannabis establishment applicant requiring that the cannabis establishment or  
34 applicant provide money, donations, in-kind contributions, services, or anything of value to the  
35 locality.

36 VII. In a municipality that voted to permit cannabis establishments, if the municipality has  
37 a zoning ordinance, it shall consider adoption of an innovative land use control pursuant to RSA

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1 674:21, II, specifying where a cannabis establishment will be a permitted use and further provide  
2 what, if any, conditions will be placed upon cannabis establishments. If a municipality has passed  
3 an innovative land use control relative to cannabis establishments, it shall notify the liquor  
4 commission within 90 days of passage. Municipalities without zoning ordinances or which have  
5 failed to pass an innovative land use control relative to cannabis establishments will be governed by  
6 the provisions of RSA 318-F and administrative rules relating to cannabis establishments enacted  
7 pursuant to RSA 541-A. No local ordinance may be less restrictive than the provisions of RSA 318-F  
8 or administrative rules enacted pursuant to RSA 541-A.

9  
10 Amend RSA 318-F:21, III as inserted by section 5 of the bill by replacing it with the following:

11  
12 III. For the biennium ending June 30, 2025, the sum of \$8,000,000 is hereby appropriated to  
13 the liquor commission for the cost of administration of this chapter.

14  
15 Amend RSA 318-F:21, V(b)-(d) as inserted by section 5 of the bill by replacing it with the following:

16  
17 (b) Twenty percent shall be allocated to the alcohol abuse prevention and treatment fund  
18 established by RSA 176-A. This allocation shall be in addition to any other monies allocated to the  
19 fund, and shall be distributed by the governor's commission on alcohol and drug abuse prevention,  
20 treatment, and recovery in the manner established in RSA 12-J and RSA 176-A:1;

21 (c) Fifteen percent shall be allocated to public safety agencies, including police, fire, and  
22 rescue agencies, for the hiring and training of additional drug recognition experts, for advanced  
23 roadside impaired driving enforcement training, for reimbursement of local police agencies for  
24 salaries of police officers during their attendance at the trainings listed in this subparagraph, and to  
25 assist in responding to drug overdose incidents; and

26 (d) Fifteen percent shall be disbursed to the department of health and human services,  
27 division of behavioral health, for the purpose of supporting the children's system of care.

28  
29 Amend RSA 318-F:22, I as inserted by section 5 of the bill by replacing it with the following:

30  
31 I. There shall be a cannabis control commission ("CCC") to study and approve rules and  
32 regulations proposed by the liquor commission on the regulation, public health issues, and business  
33 operations of cannabis establishments. The cannabis control commission shall be administratively  
34 attached to the liquor commission.

35  
36 Amend RSA 318-F:22, II(d) as inserted by section 5 of the bill by replacing it with the following:

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1           (d) A prevention specialist, who is currently certified by the prevention certification  
2 board of New Hampshire, appointed by the chairman of the governor's commission on alcohol and  
3 other drugs.

4  
5 Amend RSA 318-F:22, II as inserted by section 5 of the bill by inserting after subparagraph (l) the  
6 following new subparagraph:

7  
8           (m) The commissioner of the department of agriculture, markets, and food, or designee.

9  
10 Amend the bill by replacing section 30 with the following:

11  
12           I. The sum of \$100,000 annually to the department of health and human services, for data  
13 collection and reporting related to the health impacts of cannabis legalization and regulation under  
14 RSA 318-F:10. The governor is authorized to draw a warrant for said sum out of any money in the  
15 treasury not otherwise appropriated.

16           II. The sum of \$8,000,000 for the fiscal year ending June 30, 2025 is hereby appropriated to  
17 the liquor commission for deposit into the cannabis fund established in RSA 318-F:21 for the  
18 administration of RSA 318-F. Said appropriation shall be a charge against the liquor fund.

19           III. For the biennium ending June 30, 2025, the sum of \$500,000 is hereby appropriated to  
20 the cannabis fund established in RSA 318-F:21 for the purpose of funding the appropriation in RSA  
21 318-F:21, IV, to the alcohol abuse prevention and treatment fund established by RSA 176-A. The  
22 governor is authorized to draw a warrant for said sum out of any money in the treasury not  
23 otherwise appropriated.

24           IV. The sum of \$250,000 for the fiscal year ending June 30, 2025, and the sum of \$250,000  
25 for the fiscal year ending June 30, 2026, are hereby appropriated to the liquor commission for the  
26 purpose of hiring a consultant to assist the liquor commission with developing the administrative  
27 rules required under this chapter. The governor is authorized to draw a warrant for said sum out of  
28 any money in the treasury not otherwise appropriated.

29  
30 Amend the bill by replacing all after section 31 with the following:

31  
32           32 Prospective Repeal. RSA 318-F:22, relative to the cannabis control commission, is repealed.

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

37           34 Effective Date.

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- 1           I. RSA 318-F:13, RSA 318-F:19, RSA 318-F:20, RSA 318-F:21, and RSA 318-F:22, as inserted
- 2 by section 5 of this act, shall take effect upon its passage.
- 3           II. Section 32 of this act shall take effect July 1, 2029.
- 4           III. The remainder of this act shall take effect January 1, 2026.