



N.H. 2023 Cannabis Legalization One-Page Bill Summary

New Hampshire's Republican and Democratic House leaders — Reps. Jason Osborne (R) and Matt Wilhelm (D) — are sponsoring a bill (HB 639) to legalize and regulate cannabis for adults 21 and older. The original language was crafted by a broad coalition of civil rights and policy organizations, industry representatives, and cannabis policy advocates.

HB 639 was amended in the House Commerce and House Ways & Means committees. On April 6, 2023, the House of Representatives passed HB 639 in a 272-109 (71%) vote, sending it to the Senate. Here are key provisions of HB 639, as amended in the House committees:

Adult-Use Possession: Freedoms and Limitations

- Adults who are 21 and older would be allowed to possess up to four ounces.
- Pending charges for up to four ounces would be dismissed.
- Home cultivation would be prohibited. (The original bill allowed six plants.)
- Smoking and vaping cannabis in public places where tobacco smoke is banned would be punishable by a civil fine of up to \$50.
- Cannabis could not be smoked or vaped in a moving vehicle.

State Regulation and Licensing of Cannabis Businesses, Fostering Small Businesses

- The Liquor Commission — renamed the Liquor and Cannabis Commission — would regulate and license retailers, cultivators, product manufacturers, and labs.
- The commission would develop rules governing security, health and safety, labeling, and advertising. Consumers would receive handouts on the risks of cannabis.
- Allows ATCs to apply to also serve adult-use consumers if they meet requirements including prioritizing patient access. ATCs must pay a to-be-determined fee.
- Localities could enact regulations and licensing requirements, limit the number of cannabis businesses, or ban them altogether. They could not ban delivery.
- There is no statewide cap on licenses.

Limited Non-Discrimination Protections

- A person could not be denied organ transplants, child custody, government benefits, professional or occupational licenses, or state or local jobs based on state-legal, responsible cannabis use. Private employers would not have to change their policies.

Taxation, Fees, and Distributing the Revenue

- Applies 12.5% tax on final products sold to retailers. Regulators would determine the value of products transferred between affiliated businesses.
- After administrative costs, revenue would be distributed to the education trust fund, to provide property tax relief (50%); unfunded pension liabilities (30%); a new Substance Abuse Prevention and Recovery Fund (10%); children's behavioral health services (5%); and training first responders to address detect impaired driving and respond to drug overdoses (5%).