



An Overview of New Hampshire's Decriminalization Law

Summary of New Hampshire's Decriminalization Bill, HB 640, as Signed into Law by Governor Chris Sununu

Sponsored by the late, great Rep. Renny Cushing (D-Hampton) and a bipartisan group of cosponsors, HB 640 reduced New Hampshire's penalty for possessing small amounts of marijuana from a criminal misdemeanor to a civil violation in most cases. Below is a brief overview of the law, as signed by then-Gov. Chris Sununu on July 18, 2017. In 2024, however, the legislature passed and Gov. Sununu signed a bill that created an "open container" law for cannabis in a vehicle.

Amounts: Under the decriminalization law, penalties are reduced for possession of three-quarters of an ounce or less of marijuana, five grams of hashish, and — for adults 21 or older —marijuana-infused products purchased from states where they were legally sold, if they are stored in the properly labeled, child-proof containers. The total amount of THC, the active ingredient in cannabis, is limited to 300 mg, which is about equivalent to three-quarters of an ounce.

First and Second Offense Penalty: For adults 18 and older, the first two offenses within three years carry a \$100 civil fine.

Subsequent Offenses: A third offense within three years carries a \$300 fine, while a fourth offense within a three-year period can be charged as a Class B misdemeanor, punishable by a fine of up to \$1,200.

Arrests: Possession of the above amounts of marijuana or marijuana products is no longer an arrestable offense, except in cases where people refuse to identify themselves or lie about their identity. Minors found with marijuana can also be taken into custody.

Minors: Those under 18 years of age are subject to the jurisdiction of the juvenile court, which will be expected to order a substance abuse evaluation unless factors exist that make it unneeded.

Negligent Storage Penalty: The decriminalization law created a misdemeanor offense for adults who fail to keep their edible marijuana products secure, causing them to be accessed by persons under 18.

Open Container Law: In 2024, the General Court passed and then-Gov. Sununu signed SB 426, which added containers of cannabis that had ever been opened to New Hampshire's open container law. It excludes therapeutic cannabis. The law now imposes a \$150 fine on anyone transporting cannabis in a location other than the trunk or — if there is no trunk — either the glove compartment or the compartment least accessible to the driver. In the case of a driver, it allows for their driver's license to be suspended for up to 60 days. It also prohibits drivers and boaters under 21 years old from transporting cannabis, other than therapeutic cannabis, even if it isn't in an "open container" and imposes a driver's license suspension of 60-90 days.

Revenue: All revenue from fines imposed under the law is placed in a special fund for substance

abuse prevention programs.