

## N.H. House Finance Amendments

### Differences Between HB 1633, 2024-1214h, and MPP's Suggested Language

| Topic   | HB 1633<br>(Rep. Layon's<br>Amendment Is Not<br>Online)   | Rep. McGuire on<br>behalf of Sen. Abbas<br>2024-1214h  | MPP's Suggested<br>Amendment   |
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| <b>Governor Issue:</b><br>Licensed stores or<br>franchises?       | Licensed stores.<br><br>The Commission has<br>more control over<br>stores than any<br>legalization state. The<br>names would be<br>standardized. The<br>logos and exterior<br>look/feel can be as<br>well.<br><br>318-F:9 (I) (m) | State franchises.<br><br>318-F:13, throughout  | State franchises.<br><br>318-F:13, throughout  |
| <b>Governor Issue:</b> Hard<br>cap of 15 stores?                  | No, only for the first<br>30 months, after that<br>the numbers can be<br>increased.<br><br>Anticipated in Rep.<br>Layon's amendment.  | Somewhat unclear.<br><br><i>Says, "Except as<br/>otherwise provided in<br/>this chapter, no more<br/>than 15 cannabis retail<br/>store franchises shall<br/>be issued."</i><br><br>318-F:17 (III)                              | Yes. Rules include, "(1)<br>Prohibiting the<br>operation of more than<br>15 franchise cannabis<br>retail stores."<br><br>318-F:9 (III)(d)(1)   |
| <b>Governor Issue:</b><br>Franchise fee                           | 10% agency fee<br><br>318-F:25  | 12.5% franchise fee<br>318-F:17 (I)  | 10% franchise fee<br><br>318-F:25  |
| <b>Governor Issue:</b><br>Commission power over<br>prices, retail | No.   | Yes. "The commission<br>shall have the final<br>authority to set the<br>price of all cannabis<br>products sold in a<br>cannabis retail store."<br><br>Does not specify the<br>goals of price setting.<br><br>318-F:13 VIII (b) | Yes. The Commission<br>consults on and has<br>final authority to set<br>retail prices.<br>Goals: Creating a<br>market that is<br>competitive with<br>neighbor states,<br>affordable, and<br>preventing<br>anti-competitive<br>pricing, including<br>pricing products at a<br>loss on an ongoing<br>basis.<br>318-F:9 (III)(e)(3) |

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| <b>Governor Issue:</b><br>Commission power over prices, wholesale                                   | No.   | No.  | Yes. The Commission consults on and has final authority to set the price of wholesale cannabis.<br>Goals: Creating a market that is competitive with neighbor states, affordable, and "Ensuring wholesale prices are sufficient so competent cannabis cultivation facilities and product manufacturers do not operate at a loss."<br>318-F:9 (III)(e)(4) |
| <b>Governor Issue:</b> School buffer  | 1,000 feet buffer between schools and stores<br><br>318-F:16  | Buffer for all cannabis businesses:<br>One mile if the city/town has 50,000 or fewer residents.<br>½ mile otherwise.<br>318-F:16 | Buffer for stores:<br>One mile if the city/town has 50,000 or fewer residents.<br>½ mile otherwise.<br>318-F:16  |
| <b>Governor Issue:</b><br>Preventing marijuana miles  | Bans dispensaries within 1,000 feet of one another.<br><br>Rules must ensure an equitable distribution of stores based on geography and population.<br><br>Limit of one store per 15k residents of a city.<br><br>318-F:9 (III)(d)(4-5) | No limits on density or language to ensure geographic distribution.  | Bans dispensaries within 1,000 feet of one another.<br><br>Rules must ensure an equitable distribution of stores based on geography and population.<br><br>Limit of 1-2 stores per city/town, depending on population.<br><br>318-F:9 (III)(d)(10-11)  |
| <b>Possible Governor Issue:</b> Gives the Commission the final say on franchises'/stores' location? | Rules include restrictions on locations for all license types.  | "Location of the cannabis retail store, cannabis cultivation facility, or cannabis   | Rules will include "Considering <i>and deciding</i> the location of each proposed franchise."  |

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|   | <p>There is also a requirement that distribution of stores be equitable.</p> <p>318-F:9 (I) (n), (x)<br/>318-F:9 (III)(d)(5)</p>  | <p>production facility" is a factor in licensing.</p> <p>318-F:13 (II)(c)(1)</p>   | <p>Rules include restrictions on locations for all license types.</p> <p>318-F:9 (III) (n), (x)</p> <p>318-F:9, III (d)(2)</p>   |
| <p><b>Governor Issue:</b> Bans lobbying by cannabis businesses?</p>                                 | <p>No.</p>  | <p>Once they've had a license for 18 months, bans owners of all types of cannabis companies from lobbying on cannabis policy, "contributing funds to any entity engaged in these activities, or participating in political activity relating to cannabis legislation."</p> <p>318-F:20</p>                     | <p>Yes, by franchises only. "Not later than 20 months after the effective date of this section, the Secretary of State shall adopt rules pursuant to RSA 541-A, prohibiting or restricting lobbying by franchise cannabis retail stores in a manner consistent with the First Amendment. ...."</p> <p>318-F:9 (XI)</p> |
| <p><b>Governor Issue:</b> Advertising restrictions</p>  | <p>No advertising to the general public is allowed. Business listings, sponsoring charity events, and advertising on cannabis-specific publications is permissible.</p> <p>Includes numerous specific prohibitions on advertising in addition to general ban.</p> <p>318-F:9, I (m)</p> | <p>Only the Commission can advertise cannabis sales.</p> <p>No exception for already-legal advertising by ATCs.</p> <p>Includes numerous specific prohibitions on advertising that are also in the other two versions of the bill.</p> <p>318-F:13, II (e)<br/>318-F:13, III (e)<br/>318-F:13 VII (f), (g)</p> | <p>Only the Commission can advertise cannabis sales.</p> <p>Doesn't apply to currently legal advertising by ATCs. Imposes civil fines starting at \$1k and the possible suspension/revocation of one's license.</p> <p>318-F:10</p>  |
| <p><b>Patient affordability and access:</b> Exempts sales to registered patients from franchise</p> | <p>Yes, like almost every other legalization state.</p> <p>318-F:25 (I)(a)</p>  | <p>No. Registered patients would pay a "sin tax" if they buy from franchisees.</p>   | <p>Yes, like almost every other legalization state.</p> <p>318-F:25 (I)(a)</p>   |

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| stores from the<br>"franchise fee"   |   | 318-F:17   |  |
| <p><b>ATC integration:</b><br/>Provides due consideration to ATCs in licensing for at least one retail, cultivation, and manufacturing license for each of the three license holders.</p> <p>(Almost every adult-use state allows existing medical dispensaries to convert to be dual-use, if they pay a fee and meet requirements. Without being able to do so, they will likely go out of business as they could not get the same economies of scale.)</p> | <p>For retail outlets, "Providing that a major criteria in assessing the relative merits of each application will incorporate the successful operation of an alternative treatment center registered under RSA 126-X and may convert to a cannabis retail outlet for sales permitted under this chapter and RSA 126-X."</p> <p>Does not include any language regarding cultivation or manufacturing.</p> <p>318-F:9, I (d)(2)</p> | <p>None specific to (and only to) ATCs licensed in NH.</p> <p>One criteria for selecting retail, cultivation, and manufacturing licensees in any state: "Prior experience of the applicant in operating an alternative treatment center or other facility that cultivates, manufactures, or sells cannabis and/or cannabis products pursuant to and in accordance with the laws of the state of New Hampshire or another state."</p> <p>318-F:13, II, (c)(6)</p> | <p>Retail: Relevant experience is a factor for licensure. Creates a rebuttable presumption that each ATC that applies, is in good standing, and meets all qualifications will be granted at least one retail license, "given their pre-existing infrastructure and years of experience dispensing cannabis in compliance" with New Hampshire law.<br/>318-F:9 III, (d)(3)</p> <p>Cultivation and manufacturing: Each ATC will be issued at least one license of each of those types "provided it applies and meets all qualifications and requirements of licensure" and is in good standing with DHHS.<br/>318-F:9, III, (f)(2)<br/>318-F:9, III,(cc)</p> |
| <p><b>ATC integration:</b> Can ATCs apply for an adult-use license at the location of their existing operation?</p>  | <p>Not specified.</p>   | <p>Not specified.</p> <p>Provides ATCs "cannot be licensed at the same location as a cannabis retail store."<br/>318-F:1, XIII</p>   | <p>Yes, Rules will include restrictions on locations but can't prohibit a cannabis establishment "from being located at a facility that, at the time of application, is a location licensed to engage in activity as alternative treatment</p>   |

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|  |  |   | center under RSA<br>126-X"<br><br>318-F:9 III (x), III (n)  |
| <p><b>Integrating Therapeutic Cannabis Program/Avoiding "Dual Masters":</b><br/>Requires a plan to integrate the therapeutic cannabis program with the adult-use program, as is done in almost every medical cannabis state?</p> | <p>Yes. By Dec. 2024, the Commission and DHHS must draft a bill to transfer the TCP program, in whole or in part, to the Commission, and to regulate franchises' sales of cannabis to patients and caregivers.</p> <p>318-F:9 (VIII)</p> | <p>No.</p>  | <p>Yes. By Dec. 2024, the Commission and DHHS must draft a bill to transfer the TCP program, in whole or in part, to the Commission, and to regulate franchises' sales of cannabis to patients and caregivers.</p> <p>318-F:9 (X)</p>   |
| <p><b>ATC integration:</b><br/>Includes language on rulemaking to require due consideration of ATCs and for their seamless integration in the adult-use cannabis market.</p>   | <p>No. Includes status as an ATC as a major criteria for licensure for stores.</p> <p>318-F:9, I (d)(2)</p>  | <p>No.</p>  | <p>Adds to rulemaking,<br/>“(a) ... the commission shall give due consideration to [ATCs]. ...<br/>(b) The commission shall establish protocols for the seamless integration of alternative treatment centers into the adult-use cannabis market, ensuring that their operations comply with the regulations governing such market while acknowledging their established track record of compliance and contribution to the state's cannabis industry and the importance of ensuring therapeutic patients do not experience a</p> |

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|   |   |   | decline or loss of service.<br>(c) [Adult-use regulations] shall not unduly disadvantage their participation in the market, recognizing their role as pioneers in the state's cannabis industry."<br>318-F:9, II                            |
| <b>Criminal Justice/<br/>Increasing Penalties:</b><br>Could public smoking and vaping result in jail, which is not the case today?                                | Yes.<br>A 1 <sup>st</sup> offense is a violation. Does not specify the fine.<br>A 2 <sup>nd</sup> offense within five years carries a civil fine of up to \$500.<br>A subsequent offense within five years is a misdemeanor carrying up to 12 months in jail and/or up to \$2k fine.<br>318-F:3 | Yes.<br>A 1 <sup>st</sup> offense is a violation. Does not specify the fine.<br>A 2 <sup>nd</sup> or later offense within five years is a misdemeanor carrying up to 12 months in jail and/or up to \$2k fine.<br><br>318-F:3 | No.<br>A 1 <sup>st</sup> offense is a violation with a fine of up to \$100.<br>A 2 <sup>nd</sup> offense within five years carries a civil fine of up to \$500.<br>A subsequent offense is a Class B, fine-only misdemeanor.<br><br>318-F:3 |
| <b>Criminal Justice/<br/>Increasing Penalties:</b><br>Could a passenger vaping cannabis in a car — potentially even a parked car — be convicted of a misdemeanor? | No.<br>Smoking or vaping by a passenger is a violation, with a fine of up to \$150.<br><br>Also, there is an exception for parked cars.<br>318-F:4  | Yes.<br>A passenger smoking or vaping faces a misdemeanor with a fine of up to \$1,000.<br><br>There is no exception for parked cars or patients.<br>318-F:4  | No.<br>Smoking or vaping by a passenger is a violation, with a fine of up to \$150.<br><br>Also, there is an exception for parked cars.<br>318-F:4  |
| <b>Criminal Justice/ 4<sup>th</sup><br/>Amendment:</b> Prevents searches based on odor of cannabis, which will be legal and thus not contraband?                  | Yes. Provides the odor of cannabis is not grounds for a search, other than if it forms part of cause for a driver's impairment search.<br>318-F:6   | No. Does not include language to protect 4 <sup>th</sup> Amendment rights.  | Yes. Provides the odor of cannabis is not grounds for a search, other than if it forms part of cause for a driver's impairment search.<br>318-F:6   |
| <b>Criminal Justice &amp;<br/>Fostering Small</b>   | Yes.  | No.   | Yes.  |

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| <b>Business:</b> Authorizes adults to make and sell cannabis accessories (paraphernalia)?   | Authorizes adults 21+ to produce, sell, and distribute cannabis accessories to adults. Also allows tobacco retailers and stores to sell accessories. Provides for their regulation. Imposes a fine of up to \$1,000 for a first offense violations of rules, and a misdemeanor after that. Section 28. 318-F:5 | Allows tobacco retailers and franchises to sell accessories. Allows their regulation. Does not include language to allow anyone else to produce or sell cannabis-related accessories. Section 29.  | Authorizes adults 21+ to produce, sell, and distribute cannabis accessories to adults. Also allows tobacco retailers and stores to sell accessories. Provides for their regulation. Imposes a fine of up to \$1,000 for a first offense violations of rules, and a misdemeanor after that. Section 28 (unchanged by amendment). 318-F:5 |
| <b>Fostering Small Businesses:</b> Prohibiting excessive market concentration   | No one can have a <b>10% or greater</b> interest in more than 3* licenses of any one type or a company with managerial control over them. *After 2 years, the limit is 20% of the total licenses of a type. Limits are higher for labs. 318-F:1, XIX 318-F:14, II-III  | No one can have a <b>majority</b> interest in more than 3 of licenses of any one type.<br><br><i>(Appears to allow all franchises to have 33 1/3% ownership by the same three people/entities.)</i><br><br>318-F:1, XLII 318-F:13 II, (b)(3) | No one can have a <b>10% or greater</b> interest in more than 3* licenses of any one type or a company with managerial control over them. *After 2 years, the limit is 20% of the total licenses of a type. Limits are higher for labs. 318-F:1, XVIII 318-F:14   |
| <b>Fostering Small Businesses:</b> Includes a license type for limited manufacturers, which are licensed to produce products with no volatile extracts? | Yes. Includes a license type for limited manufacturers, which have lower fees— capped at a \$100 application fee, and no more than \$2,500 for their licensing or renewal.<br><br>318-F:1, throughout  | No, not provided for.  | Yes. Includes a license type for limited manufacturers, which have lower fees— capped at a \$100 application fee, and no more than \$2,500 for their licensing or renewal.<br><br>318-F:1, throughout.  |
| <b>Fostering Small Businesses:</b> Provides for different tiers of  | Yes. Cultivation facility licensing and renewal fees are capped at   | Yes, it envisions tiers. But it doesn't mandate  | Yes. Cultivation facility licensing and renewal fees are capped at  |

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| cultivation facilities, based on size, with lower fees?  | \$7,500. For the smallest growers, it caps application fees at \$250.<br><br>Cultivation facilities can apply to increase in size every year.<br><br>318-F:9 I, (b)(2, 5)<br>318-F:9, I (e)(4)(D)  | lower fees for smaller grows.   | \$7,500. For the smallest growers, it caps application fees at \$250.<br><br>Cultivation facilities can apply to increase in size every year.<br>318-F:9, III (b)(2, 5)<br>318-F:9 III, (f)(5)(D)   |
| <b>Fostering Small Businesses:</b> Caps the size of cultivation facilities?  | Yes. At 5,000 sq ft for indoor grows and 15,000 for outdoor. (With the three license cap and co-location this could be triple.)<br>318-F:9 I, (e)(4)   | No, there is no statutory limit to how large any one grower can be.                             | Yes. At 5,000 sq ft for indoor grows and 15,000 for outdoor. (With the three license cap and co-location this could be triple.)<br>318-F:9 III, (f)(5)  |
| <b>Fostering Small Businesses:</b> Imposes a reasonable on licensed cultivation canopy to prevent an oversupply or undersupply?      | Yes. Caps total canopy and grows, which will be re-assessed every year. "It must be high enough to ensure a competitive market, and it must account for some facilities having crop failures, cannabis that fails testing, and demand from visiting states."<br>318-F:9 I, (e) (1) | No. Not specified in statute.   | Yes. Caps total canopy and grows, which will be re-assessed every year. "It must be high enough to ensure a competitive market, and it must account for some facilities having crop failures, cannabis that fails testing, and demand from visiting states."<br><br>318-F:9 I, (f)(1) |
| <b>Fostering Small Businesses:</b> Allows for conditional approval, so applicants aren't required to buy or lease property to apply? | Yes.<br><br>318-F:12, VI   | No, none specified.   | Yes.<br><br>318-F:12, VI  |
| <b>Financial:</b> Appropriations   | Appropriates the following from the General Fund:<br><br>\$8 million to Liquor through 6/2025  | Appropriates the following from the General Fund:<br><br>\$9.6 million to Liquor through 6/2024 | Appropriates the following:<br><br>\$8 million to Liquor through 6/2025 (from the Liquor Fund)  |



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|   | <p>\$500,000 to the new substance abuse fund</p> <p>\$100k for DHHS to collect baseline data</p> <p>Sec. 32</p>   | <p>\$500,000 to the new substance abuse fund</p> <p>\$8 million to Liquor through 6/2025</p> <p>\$100k for DPS to collect data it does not want to collect</p> <p>Sec. 31</p>   | <p>\$500,000 to the new substance abuse fund</p> <p>\$100k for DHHS to collect baseline data</p> <p>318-F:26, III<br/>Sec. 32</p>   |
| <b>Financial:</b> How much is allocated to the host municipality?           | <p>5% of the revenue left after costs of administration.</p> <p>318-F:26, V</p>   | <p>It is ambiguous and inconsistent. The host city or town gets: "1 percent of the 12.5 percent fee imposed on the cannabis retail store." 318-F:17</p> <p>That reads as if it is 0.125% of the sales price. 318-F:17, I</p> <p>However, this is omitted from Cannabis Fund allocations in 318-F:21.</p>        | <p>5% of the revenue left after costs of administration and paying back start-up costs.</p> <p>318-F:26, V</p>  |
| <b>Financial:</b> How is the franchise fee allocated, after implementation? | <p>After \$100k for DHHS for data, then:<br/>65% to SWEP<br/>10% for a new substance abuse fund<br/>10% for a new community reinvestment fund<br/>5% to host municipalities<br/>5% public safety for DREs, etc.<br/>5% child behavioral health</p> <p>318-F:26, V</p> | <p>After paying back start-up costs, \$100k for DPS (to collect data it doesn't have or want to collect) then:<br/>75% to SWEP<br/>10% for a new substance abuse fund<br/>5% legal aid<br/>5% child behavioral health<br/>5% public safety for DREs, etc.</p> <p>There is no mention of the 1% of 12.5% for</p> | <p>After paying back start-up costs, \$100k for DHHS for data, then:<br/>75% to SWEP<br/>10% for a new substance abuse fund<br/>5% legal aid<br/>5% to host municipalities<br/>5% public safety for DREs, etc.</p> <p>318-F:26, V</p> |

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|   |  | municipalities in this section.<br>318-F:21, V (b)  |   |
| <b>Financial:</b> Extra pay for liquor commission staff, in a way that creates a financial penalty for swift implementation.                              | Does not include the stipend.  | Provides for an additional 10% stipend for commission staff working on cannabis until 18 months after sales begin.<br>318-F:11, IX                    | Does not include the stipend.   |
| <b>Findings</b>   | Includes more findings, with a second section beginning, "Many years of work have led to this effort which addresses the following goals to put the state of New Hampshire in the driver's seat to focus on harm reduction, not profits ..." | Includes shorter findings.  | Includes shorter findings.  |
| <b>Safety:</b> Types of solvents individuals cannot use   | Individuals cannot use solvents to produce extracts other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol.<br>318-F:2, I, (a)   | Individuals cannot use solvents to produce extracts other than water, glycerin, propylene glycol, vegetable oil, or food-grade ethanol.<br>318-F:2, I | Individuals cannot use any method of extraction identified as potentially hazardous by the commission.<br>318-F:1, XXXVIII<br>318-F:2, I (a)<br>(added to address a DHHS concern) |
| <b>Respect for State Law:</b> Prohibits state and local law enforcement from assisting with a federal enforcement action against a state-legal operation? | Yes<br>318-F:3, II   | No.   | Yes<br>318-F:3, II  |
| <b>Personal Liberty:</b> Allows tenants to vape cannabis at their own home?   | Yes. Allows landlords to ban smoking, but typically not possession, vaping, or other non-smoked modes of administration.   | No. Allows landlords to ban smoking and vaping.<br>318-F:5, IV (a)  | Yes. Allows landlords to ban smoking, but typically not possession, vaping, or other non-smoked modes of administration.  |

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|   | 318-F:21, IV (b)  |  | 318-F:21, IV (b)  |
| <b>Agency Duties:</b> Charges the correct agency with data collection?  | Yes. Requires reports on various data compiled by DHHS, which is willing to take it on. Appropriates \$100,000 in funding to DHHS for the data collecting and reporting. 318-F:24 | No. Requires a report on various data by department of safety, information and analysis center, drug monitoring initiative, which asked not to be included in the bill. Appropriates \$100,000 in funding for data collection to the agency that rejected those duties. 318-F:10 | Yes. Requires reports on various data compiled by DHHS, which is willing to take it on. Appropriates \$100,000 in funding to DHHS for the data collecting and reporting. 318-F:24 |
| <b>Efficient Implementation:</b><br>Timeline for rules  | Gives the Commission 18 months to adopt rules for cultivation facilities.<br><br>It has 20 months to adopt rules for all other cannabis businesses. 318-F:9, I                    | Gives the Commission 24 months to "submit statutory language and approve rules" to license cultivation facilities and labs.<br><br>It has 30 months to "submit statutory language and approve rules" on franchising. 318-F:13, I, II   | Gives the Commission 18 months to adopt rules for cultivation facilities.<br><br>It has 20 months to adopt rules for all other cannabis businesses. 318-F:9, I                    |
| <b>Efficient Implementation:</b><br>Timeline for licensing  | The commission starts accepting applications within 2 months of final rules. It issues them within 120 days after receiving the application. 318-F:12, III (a), (c)               | There is no deadline to begin accepting applications. The Commission has 60 days to act on each application, which may be extended. 318-F:13, 318-F:13, II (a)(1)  | The commission starts accepting applications within 2 months of final rules. It issues them within 120 days after receiving the application. 318-F:12, III (a), (c)               |
| <b>Commission Authority:</b><br>Grants the commission authority to interpret statutes and administrative rules as they relate to the chapter? | No.   | Yes.<br>318-F:11, III  | No.   |

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| <b>Due Process:</b> Timeframe and procedures regarding suspensions   | “(b) In addition to RSA 541-A:30, III, the commission may suspend, <b>for a period designated in rules, without a hearing,</b> any license issued under the provisions of this title, if a risk to public health, safety, or welfare constitutes an emergency requiring such suspension. <b>Any such suspension shall notify such persons designated in rules within 24 hours.</b> ”<br>318-F:7 VI, (b) | “VII. ... In addition to RSA 541-A:30, III, the commission may suspend, <b>for a period of not more than 72 hours without a hearing,</b> any license or franchise issued under the provisions of this title, if a risk to public health, safety, or welfare constitutes an emergency requiring such suspension. <b>Any such suspension shall be subject to paragraph VI and approved directly by at least one member of the commission before taking effect.</b> ”<br>318-F:11, VII | “(b) In addition to RSA 541-A:30, III, the commission may suspend, <b>for a period of not more than 72 hours without a hearing,</b> any license or franchise issued under the provisions of this title, if a risk to public health, safety, or welfare constitutes an emergency requiring such suspension. Any such suspension shall notify such persons designated in rules within 24 hours.”<br>318-F:7 VI, (b) |
| <b>Criminal Justice:</b> Has a defense for good faith sales to someone with a convincing fake ID during an enforcement action? | Yes. Includes a defense for good defense faith reliance on a convincing fake ID.<br>318-F:20, II  | No. There is a defense, but it is not included in the section about an enforcement action. (All versions using “knowingly.”)<br>318-F:12  | Yes. Includes a defense for good defense faith reliance on a convincing fake ID.<br>318-F:20, II  |
| <b>Advisory Board:</b><br>Composition  | Creates a 21-member advisory board including health, medical, and substance abuse experts; an attorney; a finance expert; patients; consumers; industry reps; law enforcement; 2 senators; and 2 reps.<br><br>Provides they will be ousted for inadequate attendance.<br>318-F:8, II-III  | Creates a 12-member board with no patients or consumers, no attorney, and no finance expert (there’s a member of the public who may or may not be one of those).<br><br>Does not provide they will be ousted for inadequate attendance.<br><br>318-F:23   | Creates a 21-member advisory board including health, medical, and substance abuse experts; an attorney; a finance expert; patients; consumers; industry reps; law enforcement; 2 senators; and 2 reps.<br><br>Provides they will be ousted for inadequate attendance.<br>318-F:8, II-III  |

| <b>Topic</b>  | <b>HB 1633</b><br>(Rep. Layon's Amendment Is Not Online)  | <b>Rep. McGuire on behalf of Sen. Abbas 2024-1214h</b>   | <b>MPP's Suggested Amendment</b>  |
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| <b>Advisory Board: Duties</b>   | Includes categories in McGuire/Abbas amendment, plus advising on whether to license more stores and cannabis cultivation canopy, what additional types of cannabis businesses (including on-site), if any, the commission should license, whether to set up a state reference lab, and hold public hearings.<br><br>318-F:8, VI | Purview is: considering matters submitted by commission, recommending changes to commission rules, advising on regs, and review, new science-based evidence of public health issues on the use of cannabis. Does not require public hearings/soliciting public input.<br><br>318-F:23, VII | Based on HB 1633, but removes references to licensing additional stores and possible onsite facilities. Adds advising on issues "relating to maintaining and expanding affordable access to a diversity of cannabis and cannabis products for qualifying patients" and integrating the TCP program.<br>318-F:8, VI      |
| <b>Business Regulation: Factors in licensing</b>  | The Commission will set rules for the selection of licensees.<br><br>318-F:9  | Factors in the selection of franchisees, cultivation facilities, and manufacturer licensees will include: location, various standard procedures, security measures, hours of operation, financial capacity, and the size, nature, and layout of franchise.<br><br>318-F:13, II (c)         | Includes factors very similar to, but without identical language as the McGuire amendment. (i.e. McGuire's lists "financial capacity" which could prioritize only the most wealthy, while this amendment includes, "Whether the applicant will have the financial capacity to successful operate.")<br><br>318-F:9, III |
| <b>Business Regulation: Allows vertical integration, with one entity having multiple license types?</b> | Yes. But labs must be independent.<br><br>"Except as provided in RSA 318-F:14, nothing in this chapter prevents a person or entity from holding multiple types of cannabis licenses and   | Seemingly, though it removes the quoted language currently in HB 1633. Creates a defined term "Vertically integrated cannabis establishment" that is never used in the bill.   | Yes. But labs must be independent.<br><br>"Except as provided in RSA 318-F:14, nothing in this chapter prevents a person or entity from holding multiple types of cannabis licenses or both licenses and  |

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|  | from co-locating the businesses."<br>318-F:12, VII  | 318-F:1, XLIII   | franchises and from co-locating the businesses. However, the commission may prohibit a franchise from co-locating with any or all other types of cannabis establishments."<br><br>318-F:12, VII   |
| <b>Hours:</b> Limits retail hours of operation?  | Yes. Bans sales before 6 a.m. and after 11:45 p.m.<br>318-F:9 I, (o)  | Not in statute. Curiously, instead of setting hours, a factor in licensing is hours of operation.<br>318-F:13 II, (c)  | Yes. Bans sales before 6 a.m. and after 11:45 p.m.<br>318-F:9 I, (o)  |
| <b>Business Regulation In a Very Limited Market:</b> Prohibits flipping a license without becoming operational? And other rules on transfers of ownership. | The Commission will craft rules on changing ownership and location. Until a cannabis store or grower has been operational for 12 months, it can't change more than 35% of the original ownership absent good cause.<br>318-F:9, I (y) | No ban on flipping a license before opening. "The commission shall approve the transfer or sale of any cannabis establishment."<br>318-F:13, VIII (a)  | Includes both the HB 1633 and McGuire language — preventing flipping and requiring the commission to approve the transfer or sale of any cannabis establishment.<br><br>318-F:9, III, (e)(1)  |
| <b>Business Regulation In a Very Limited Market:</b> Revokes license of those who fail to become operational in a timely manner or show good cause?        | Yes. For cultivation facilities and stores at a date certain unless they show they have been trying to get open in good faith and with diligence.<br>318-F:9 I, (d)(6)<br>318-F:9 I, (e)(2)   | Yes. But without a specific deadline. Rules will include "Timelines by which licensees and franchisees must commence operations and procedures for revoking and reissuing licenses and franchises where such timeline is not met."<br><br>318-F:13 II, (d) | Yes. For cultivation facilities. Licenses will be revoked if they are not operational within 20 months of licensure unless they show they have been trying to get open in good faith and with diligence.<br><br>Also includes the language from 2024-1214h for franchisees.<br>318-F:9 III, (d)(9)<br>318-F:9, III (f)(7) |

| Topic  | HB 1633<br>(Rep. Layon's<br>Amendment Is Not<br>Online)   | Rep. McGuire on<br>behalf of Sen. Abbas<br>2024-1214h   | MPP's Suggested<br>Amendment   |
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| <b>Minors:</b> Includes age gating to enter a cannabis store?  | Yes. Only those 21+ and patients are allowed in cannabis stores.<br><br>318-F:11  | No. Does not appear to.   | Yes. Only those 21+, patients, and first responders or other government workers performing their official duties are allowed in cannabis stores.<br><br>318-F:11 |
| <b>Local:</b> Provides for a municipal role in reviewing applications?   | Yes. The Commission forwards applications to the host community, which is also a provided a fee, and asked if the applicant complies with local rules. The municipality will have 90 days to review applications and advise if they comply.<br>318-F:12, II<br>318-F:13, IV | The language involving the Commission forwarding the application to the municipalities is removed, as are references to fees for municipalities' work reviewing applications. Language remains obligating the municipality to review applications within 90 days.<br>318-F:19 IV          | Yes. They are sent application, provided a fee, and asked if the applicant complies with local rules.<br>318-F:12, II<br>318-F:13, IV                            |
| <b>Local:</b> Fees for municipality to review license application  | \$500, or \$75 for the smallest grows.<br>318-F:12, II  | None mentioned.   | \$500, or \$75 for the smallest grows.<br>318-F:12, II   |
| <b>Local:</b> Requires municipalities that opt in to consider innovative land use for cannabis businesses?                         | No. Allows for them to choose to do so.<br><br>318-F:13 (VI)  | Yes. If it has a zoning ordinance, "it <b>shall</b> consider adoption of an innovative land use control ... specifying where a cannabis establishment will be a permitted use and further provide what, if any, conditions will be placed upon cannabis establishments."<br>318-F:19 (VI) | No. Allows for them to choose to do so.<br>318-F:13 (VI)   |
| <b>Contingency:</b> Includes a contingency clause on the provision allowing N.H. businesses to sell to businesses in other states? | No.<br>Does not wait to change NH state law on NH licensees selling to licensees in   | Yes.<br>Provides that the section removing NH penalties for NH licensees selling to licensees in other  | No.<br>Does not wait to change NH state law on NH licensees selling to licensees in other  |

| <b>Topic</b> | <b>HB 1633</b><br>(Rep. Layon's<br>Amendment Is Not<br>Online) | <b>Rep. McGuire on<br/>behalf of Sen. Abbas</b><br><b>2024-1214h</b>                      | <b>MPP's Suggested<br/>Amendment</b>                    |
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|              | other states until<br>federal law changes.<br>318-F:18 I, (j)  | states is contingent on<br>the AG certifying it has<br>become federally legal.<br>Sec. 34 | states until federal law<br>changes.<br>318-F:18 I, (j) |