



## An Overview of New Hampshire's Medical Cannabis Law

Gov. Hassan signed New Hampshire's medical cannabis bill, HB 573, into law on July 23, 2013. Beginning in 2016, patients were able to access cannabis from regulated, licensed alternative treatment centers (ATCs). Since the initial law's passage, some improvements have been made, most notably by expanding the qualifying conditions to include chronic pain and PTSD. However, patients are still not allowed to cultivate cannabis at home.

The law is codified at [RSA Chapter 126-X](#). The state's Therapeutic Cannabis Program website, which includes application materials, is [here](#).

***In a nutshell, what does the medical cannabis law do?*** It allows patients with qualifying medical conditions to register with the state Department of Health and Human Services to possess up to two ounces of cannabis at a time. Up to four non-profit alternative treatment centers (ATCs) — with a total of seven locations — may grow and sell cannabis to patients. Patients may designate up to two caregivers to pick up their medicine for them, but neither patients nor caregivers may cultivate cannabis under any circumstances. Caregivers typically may assist no more than five patients.

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***How do patients qualify for legal protections?*** To qualify, a patient must obtain a written certification from a physician or an advanced practice registered nurse and send it in to the [health department](#). The provider must be primarily responsible for treating the patient's qualifying condition. The department will then issue identification cards to patients, which will expire after a year unless the provider has specified an earlier expiration date.

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***How much medical cannabis can patients possess?*** Patients are allowed to possess up to two ounces at a time. They may obtain up to two ounces every 10 days from any of the [ATC locations](#). (Until fall 2021, patients had to designate a single ATC.)

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***What conditions must patients have to qualify?*** Qualifying conditions have been expanded over the years.

As of March 2022, the standalone conditions are autism spectrum disorder (additional requirements apply for patients under 21), PTSD, moderate to severe chronic pain, and severe pain that has not responded to previously prescribed medications or surgical measures or for which other treatment options produced serious side effects.

In addition, patients can qualify if they have **both** one of the below conditions **and** one of the below symptoms.

The qualifying conditions are Alzheimer's disease, amyotrophic lateral sclerosis (ALS), cancer, chronic pancreatitis, Crohn's disease, Ehlers-Danlos syndrome, epilepsy, glaucoma, hepatitis C, HIV/AIDS, lupus, multiple sclerosis, muscular dystrophy, Parkinson's disease, spinal cord injury or disease, traumatic brain injury, ulcerative colitis, and one or more injuries or conditions that has resulted in one or more qualifying symptoms.

The qualifying symptoms are agitation of Alzheimer's disease, cachexia, chemotherapy-induced anorexia, constant or severe nausea, elevated intraocular pressure, moderate to severe insomnia, moderate to severe vomiting, seizures, severe pain that has not responded to previously prescribed medications or surgical measures or for which other treatment options produced serious side effects, severe, persistent muscle spasms, and wasting syndrome.

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**What kind of rules must alternative treatment centers follow?** ATCs must be non-profit and may not be located within 1,000 feet of the property of a drug-free zone or school. They must provide patients with educational information on strains and dosage and must collect information patients voluntarily provide on strains' effectiveness and side effects. Staff must be at least 21, wear ATC-issued badges, and cannot have any felony convictions.

The law includes numerous additional requirements, including for periodic inventories, staff training, reporting incidents, prohibiting non-organic pesticides, and requiring recordkeeping. ATCs cannot possess more than either 80 mature plants and 80 ounces total, or three mature plants and six ounces per patient. The health department — with input from an advisory council — has set additional rules, including for electrical safety, security, sanitary requirements, advertising, hours of operations, personnel, liability insurance, and labeling. Rules on security include standards for lighting, physical security, video security, alarms, measures to prevent loitering, and on-site parking.

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**Can patients cultivate their own cannabis at home?** No. Then-Gov. Hassan insisted on maintaining felony penalties for home cultivation, with no exceptions. The House of Representatives has passed several bills to allow home cultivation, and in 2019, the Senate followed suit. However, Gov. Chris Sununu vetoed the bill, and the override effort fell three votes short in the Senate.

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**Can minors qualify as patients?** Yes. Minors with qualifying serious medical conditions may register if the parent or guardian responsible for their health care decisions submits written certifications from two providers, one of which must be a pediatrician. The parent must also serve as the patient's caregiver and control the frequency of the patient's cannabis use.

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**Do out-of-state patients have protections?** Yes. Out-of-state patients with a valid medical cannabis card from another state are allowed to bring their cannabis into New Hampshire and use it in the state. They must also have documentation from their physicians that they have a condition that qualifies under New Hampshire law.

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**Does the law offer patients any protections from discrimination?** It includes some protections against discrimination, including in child custody cases and in medical care — such as organ transplants.

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**Does the law include restrictions on where cannabis can be possessed?** Yes. It can't be possessed:

- on the grounds of a preschool, elementary, or secondary school
  - in a place of employment without the written permission of the employer
  - in any correctional facility
  - in any public recreation center or youth center
  - at any law enforcement facility
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**What restrictions does the law include on where cannabis can be used?** Cannabis cannot be *used* on someone else's property without the written permission of the property owner or, in the case of leased property, without the permission of the tenant. Cannabis cannot be *smoked* on leased premises if doing so would violate rental policies. Cannabis cannot be *smoked or vaporized* in a public place, including a public bus, any other public vehicle, a public park, a public beach, or a public field.

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