



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 Rep. Renny Cushing (D-Hampton) and a bipartisan group of seven House cosponsors and three Senate cosponsors, HB 640 reduces 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 new law, as signed by Gov. Chris Sununu on July 18, 2017. The law took effect on September 16, 2017.

Amounts: Under the new 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.

New Offense: The law creates a new misdemeanor offense for adults who fail to keep their edible marijuana products secure, causing them to be accessed by persons under 18.

Revenue: All revenue from fines imposed under the new law is placed in a special fund for substance abuse prevention programs.