

Draft C of C Amendment to HB 1633-FN-A

1 Amend RSA 318-F:4, II as inserted by section 5 of the bill by replacing it with the following:

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3 II. No person shall smoke or vaporize cannabis while the person is a passenger in a motor
4 vehicle that is being driven on a way.

5

6 Amend RSA 318-F:13, II(c)(6) as inserted by section 5 of the bill by replacing it with the following:

7

8 (6) Prior experience of the applicant in operating an alternative treatment center or
9 other facility that cultivates, manufactures, or sells cannabis and/or cannabis products pursuant to
10 and in accordance with, first, the laws of the state of New Hampshire or, second, another state.

11

12 Amend RSA 318-F:17, I as inserted by section 5 of the bill by replacing it with the following:

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14 I. A franchise fee on the monthly total gross revenue derived from the sale of cannabis and
15 cannabis products, and therapeutic grade therapeutic products, excluding the sale of cannabis
16 accessories by a cannabis retail store, shall be imposed on cannabis retail stores at the rate of 12-1/2
17 percent.

18

19 Amend the bill by inserting after section 5 the following and renumbering the original sections 6
20 through 34 to read as 9 through 37, respectively:

21

22 ~~6 Temporary Language until 2026; Personal Possession of Marijuana. Amend RSA 318-B:2-c,~~
23 ~~II-III to read as follows:~~

24 II. Except as provided in RSA 126-X, any person who knowingly possesses [~~3/4 of an ounce~~]
25 **2 ounces** or less of marijuana, including adulterants or dilutants, shall be guilty of a violation, and
26 subject to the penalties provided in paragraph V.

27

28 III. Except as provided in RSA 126-X, any person who knowingly possesses [~~5~~] **10** grams or
29 less of hashish, including adulterants or dilutants, shall be guilty of a violation, and subject to the
penalties provided in paragraph V.

30

31 ~~7 Temporary Language until 2026; Personal Possession of Marijuana. Amend RSA 318-B:2-c,~~
VI(d) to read as follows:

1 (d) Any person in possession of an identification card, license, or other form of
2 identification issued by the state or any state, country, city, or town, or any college or university,
3 who fails to produce the same upon request of a police officer or who refuses to truthfully provide his
4 or her name, address, and date of birth to a police officer who has informed the person that he or she
5 has been found to be in possession of what appears to the officer to be ~~[3/4 of an ounce]~~ **2 ounces** or
6 less of marijuana, a personal-use amount of a regulated marijuana-infused product, or ~~[5]~~ **10** grams
7 or less of hashish, may be arrested for a violation of paragraph II, III, or IV.

8 8 Temporary Language Until 2026; Penalties for Marijuana Possession. Amend RSA 318-B:26,
9 II(c)-(d) to read as follows:

10 (c) In the case of more than ~~[3/4 ounce]~~ **2 ounces** of marijuana or more than ~~[5]~~ **10**
11 grams of hashish, including any adulterants or dilutants, the person shall be guilty of a
12 misdemeanor. In the case of marijuana-infused products possessed by persons under the age of 21 or
13 marijuana-infused products as defined in RSA 318-B:2-e, other than a personal-use amount of a
14 regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), that are possessed by a
15 person 21 years of age or older, the person shall be guilty of a misdemeanor.

16 (d) In the case of ~~[3/4 ounce]~~ **2 ounces** or less of marijuana or ~~[5]~~ **10** grams or less of
17 hashish, including any adulterants or dilutants, the person shall be guilty of a violation pursuant to
18 RSA 318-B:2-c. In the case of a person 21 years of age or older who possesses a personal-use amount
19 of a regulated marijuana-infused product as defined in RSA 318-B:2-c, I(b), the person shall be guilty
20 of a violation pursuant to RSA 318-B:2-c.

21
22 Amend the bill by replacing section 12 with the following:

23
24 12 2026 Language; Controlled Drug Act; Penalties. Amend RSA 318-B:26, II(c)-(d) to read as
25 follows:

26 (c) In the case of more than 2 ounces of marijuana or more than 10 grams of hashish,
27 including any adulterants or dilutants~~;~~ ***is possessed by a person who is under 21 years of age,***
28 ***or, in the case of an amount exceeding the possession limit defined in RSA 318-F:1,***
29 ***possessed by a person who is 21 years of age or older, except if possessed by a person***
30 ***authorized pursuant to RSA 126-X,*** the person shall be guilty of a misdemeanor. ~~[In the case of~~
31 ~~marijuana-infused products possessed by persons under the age of 21 or marijuana-infused products~~
32 ~~as defined in RSA 318-B:2-e, other than a personal-use amount of a regulated marijuana-infused~~
33 ~~product as defined in RSA 318-B:2-c, I(b), that are possessed by a person 21 years of age or older, the~~
34 ~~person shall be guilty of a misdemeanor.]~~

35 (d) In the case of 2 ounces or less of marijuana or 10 grams or less of hashish, including
36 any adulterants or dilutants, ***that is possessed by a person who is under 21 years of age,*** the
37 person shall be guilty of a violation pursuant to RSA 318-B:2-c. ~~[In the case of a person 21 years of~~

1 ~~age or older who possesses a personal use amount of a regulated marijuana infused product as~~
2 ~~defined in RSA 318-B:2-c, I(b), the person shall be guilty of a violation pursuant to RSA 318-B:2-c.]~~

3
4 Amend the bill by replacing section 14 with the following:

5
6 14 2026 Language; Controlled Drug Act; Personal Possession of Marijuana. Amend RSA 318-
7 B:2-c to read as follows:

8 318-B:2-c ~~[Personal]~~ Possession of Marijuana *by a Person Under 21 Years of Age.*

9 ~~[I.]~~ In this section:

10 ~~[(a)]~~ I. "Marijuana" *is defined as stated in RSA 318-F:1, II.* ~~[includes the leaves, stems,~~
11 ~~flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted~~
12 ~~from any part of such plant and every compound, manufacture, salt, derivative, mixture, or~~
13 ~~preparation from such resin including hashish, and further, shall not include the mature stalks of~~
14 ~~such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other~~
15 ~~compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or~~
16 ~~cake, or the sterilized seed of such plant which is incapable of germination. Marijuana shall not~~
17 ~~include hemp grown, processed, marketed, or sold under RSA 439-A.~~

18 ~~(b) "Personal use amount of a regulated marijuana infused product" means one or more~~
19 ~~products that is comprised of marijuana, marijuana extracts, or resins and other ingredients and is~~
20 ~~intended for use or consumption, such as, but not limited to, edible products, ointments, and~~
21 ~~tinctures, which was obtained from a state where marijuana sales to adults are legal and regulated~~
22 ~~under state law, and which is in its original, child resistant, labeled packaging when it is being~~
23 ~~stored, and which contains a total of no more than 300 milligrams of tetrahydrocannabinol.]~~

24 II. Except as provided in RSA 126-X, any person *under 21 years of age* who knowingly
25 possesses 2 ounces or less of marijuana, including adulterants or dilutants, shall be guilty of a
26 violation, and subject to the penalties provided in paragraph V.

27 III. Except as provided in RSA 126-X, any person *under 21 years of age* who knowingly
28 possesses 10 grams or less of hashish, including adulterants or dilutants, shall be guilty of a
29 violation, and subject to the penalties provided in paragraph V.

30 IV. ~~[Except as provided in RSA 126-X, any person 21 years of age or older possessing a~~
31 ~~personal use amount of a regulated marijuana infused product shall be guilty of a violation, and~~
32 ~~subject to the penalties provided in paragraph V. Persons 18 years of age or older and under 21~~
33 ~~years of age who knowingly possess marijuana infused products shall be guilty of a misdemeanor.]~~

34 V.(a) Except as provided in this paragraph, any person 18 years of age or older who is
35 convicted of violating paragraph II or III~~], or any person 21 years of age or older who is convicted of~~
36 ~~violating paragraph IV]~~ shall be subject to a fine of \$100 for a first or second offense under this
37 paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any

1 person convicted based upon a complaint which alleged that the person had 3 or more prior
2 convictions for violations of paragraph II^[5] *or* III ~~[*or* IV]~~, or under reasonably equivalent offenses in
3 an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period
4 preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the
5 marijuana~~[, regulated marijuana infused products,]~~ or hashish to the state. A court shall waive the
6 fine for a single conviction within a 3-year period upon proof that person has completed a substance
7 abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A
8 person who intends to seek an assessment in lieu of the fine shall notify the court, which shall
9 schedule the matter for review after 180 days. Should proof of completion of an assessment be filed
10 by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

11 (b) Any person under 18 years of age who is convicted of violating paragraph II or III
12 shall forfeit the marijuana or hashish and shall be subject to a delinquency petition under RSA 169-
13 B:6.

14 VI.(a) Except as provided in this section, no person shall be subject to arrest for a violation
15 of paragraph II^[5] *or* III^[5] ~~[*or* IV]~~ and shall be released provided the law enforcement officer does not
16 have lawful grounds for arrest for a different offense.

17 (b) Nothing in this chapter shall be construed to prohibit a law enforcement agency from
18 investigating or charging a person for a violation of RSA 265-A.

19 (c) Nothing in this chapter shall be construed as forbidding any police officer from taking
20 into custody any minor who is found violating paragraph II^[5] *or* III^[5] ~~[*or* IV]~~.

21 (d) Any person *under 21 years of age who is* in possession of an identification card,
22 license, or other form of identification issued by the state or any state, country, city, or town, or any
23 college or university, who fails to produce the same upon request of a police officer or who refuses to
24 truthfully provide his or her name, address, and date of birth to a police officer who has informed the
25 person that he or she has been found to be in possession of what appears to the officer to be 2 ounces
26 or less of marijuana~~[, a personal use amount of a regulated marijuana infused product,]~~ or 10 grams
27 or less of hashish, may be arrested for a violation of paragraph II^[5] *or* III^[5] ~~[*or* IV]~~.

28 VII. All fines imposed pursuant to this section shall be deposited into the alcohol abuse
29 prevention and treatment fund established in RSA 176-A:1 and utilized for evidence-informed
30 substance abuse prevention programs.

31 VIII.(a) No record that includes personally identifiable information resulting from a
32 violation of this section shall be made accessible to the public, federal agencies, or agencies from
33 other states or countries.

34 (b) Every state, county, or local law enforcement agency that collects and reports data
35 for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the
36 number of violations of paragraph II^[5] *or* III^[5] ~~[*or* IV]~~. The data collected pursuant to this paragraph

1 shall be available to the public. A law enforcement agency may update the data annually and may
2 make this data available on the agency's public Internet website.

3

4 Amend the bill by replacing section 37 with the following:

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6 37 Effective Date.

7 I. RSA 318-F:13, RSA 318-F:19, RSA 318-F:20, RSA 318-F:21, and RSA 318-F:22, as inserted
8 by section 5 of this act, and sections 6, 7, 8, and 30 of this act, shall take effect upon its passage.

9 II. Section 35 of this act shall take effect July 1, 2029.

10 III. The remainder of this act shall take effect January 1, 2026.

UNAPPROVED