

05/23/2024 2147s

2024 SESSION

24-2115
05/10

HOUSE BILL *1278-FN*

AN ACT relative to qualifying medical conditions for purposes of therapeutic cannabis; and relative to the summer EBT program, the SNAP elderly simplified application and the school lunch program and making appropriations therefor.

SPONSORS: Rep. W. Thomas, Hills. 12; Rep. Vail, Hills. 6; Rep. Newell, Ches. 4; Rep. A. Murray, Hills. 20; Rep. M. Perez, Hills. 43; Rep. Wheeler, Hills. 33

COMMITTEE: Health, Human Services and Elderly Affairs

AMENDED ANALYSIS

This bill adds debilitating or terminal medical conditions to the qualifying medical conditions for therapeutic cannabis if a health care provider certifies the potential benefit to the patient. The bill also removes certain limitations on a qualifying visiting patient's access to cannabis.

This bill further directs the department of health and human services to participate in the federal summer EBT program and the SNAP elderly simplified application program and makes appropriations to the department for this purpose. The bill also provides reimbursement through the department of education to schools providing free and reduced priced lunch meals to students.

Explanation: Matter added to current law appears in *bold italics*.

Matter removed from current law appears ~~in brackets and struck through~~.

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to qualifying medical conditions for purposes of therapeutic cannabis; and relative to the summer EBT program, the SNAP elderly simplified application and the school lunch program and making appropriations therefor.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subparagraph; Qualifying Medical Conditions for Purposes of Therapeutic Cannabis; Debilitating or Terminal Medical Conditions. Amend RSA 126-X:1, IX(b) by inserting after subparagraph (6) the following new subparagraph:

(7) For adults 21 years of age or older, any debilitating or terminal medical condition or symptom for which the potential benefits of using therapeutic cannabis would, in the provider's clinical opinion, likely outweigh the potential health risks for the patient. In order to certify a patient under this category, a certifying provider shall include on the written certification the patient's specific condition or symptom and attest to their clinical opinion.

2 Repeal. RSA 126-X:2, V(a), relative to limitations for a visiting qualifying patient, is repealed.

3 New Subparagraph; Schools; Food and Nutrition Programs. Amend RSA 189:11-a, VII by inserting after subparagraph (b) the following new subparagraph:

(c) Such school which demonstrates to the department of education that an approved school wellness policy, as required under the Healthy, Hunger-Free Kids Act of 2010, Public Law 111-296, and the Richard B. Russell National School Lunch Act, 42 U.S.C. section 1758b is in effect, and that such school is providing lunch meals to pupils that meet or exceed the United States Department of Agriculture's child nutrition criteria may apply for and receive a reimbursement for each lunch meal served to a pupil and an additional reimbursement for each meal served to students eligible for a reduced price meal. The department of education shall request biennial appropriations in an amount sufficient to meet projected school lunch reimbursements to ensure students eligible for reduced price meals are offered lunch at no cost. The department of education shall prescribe forms as necessary under this subparagraph.

4 New Paragraphs; Human Service; Summer EBT and Elderly Simplified Application. Amend RSA 161:2 by inserting after paragraph XIII-b the following new paragraphs:

XIII-c. Summer EBT. The department shall apply for and meet all deadlines to participate in the federal Summer EBT program so that families whose children are eligible for free and reduced price meals can receive benefits on an EBT card in the summer. The department shall include in its biennial budget request under RSA 9:4 funding for any administrative costs related to administering the federal Summer EBT program.

XIII-d. Elderly Simplified Application. The department shall apply for and participate in the elderly simplified application project within the Supplemental Nutrition Assistance Program (SNAP). The department shall include in its biennial budget request under RSA 9:4 funding for any administrative costs related to administering the SNAP elderly simplified application.

5 Appropriations.

I. The sum of \$143,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding personnel costs associated with the summer EBT program established by section 1 of this act. The department may contract with external resources, fill unfunded positions, or take other appropriate actions to facilitate the administrative support required under the provisions of this bill. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

II. The sum of \$55,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding systems and technology costs associated with the summer EBT program established by section 1 of this act for the summer of 2024. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

III. The sum of \$667,500 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding systems and technology costs associated with the summer EBT program established by section 1 of this act for the summer of 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

IV. The sum of \$82,500 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding transaction fees in the issuance of EBT costs associated with the summer EBT program established by section 1 of this act for the summer of 2024. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

V. The sum of \$82,500 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding transaction fees in the issuance of EBT costs associated with the summer EBT program established by section 1 of this act for the summer of 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

VI. The sum of \$10,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding one-time set-up costs associated with the summer EBT program established by section 1 of this act for the summer of 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

VII. The sum of \$25,000 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding outreach costs associated with the summer EBT program established by section 1 of this act for the summer of 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

VIII. The sum of \$37,500 for the biennium ending June 30, 2025, is hereby appropriated to the department of health and human services for the purpose of funding technology costs associated with the SNAP elderly simplified application established by section 1 of this act. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

IX. In addition to the appropriations contained in paragraphs I through VIII of this section, the department of health and human services may accept and expend matching federal funds without prior approval of the fiscal committee of the general court for this purpose.

X. For the purpose of funding RSA 189:11-a, VII(c) as inserted by section 3 of this act, the sum necessary to provide school reimbursement for the free and reduced priced meal program is appropriated to the department of education for the biennium ending June 30, 2025. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

6 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. The remainder of this act shall take effect July 1, 2024.

LBA
24-2115
11/1/23

**HB 1278-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to qualifying medical conditions for purposes of therapeutic cannabis.

FISCAL IMPACT: **State** **County** **Local** **None**

| Estimated State Impact - Increase / (Decrease) | | | | |
|--|---|---------|---------|---------|
| | FY 2024 | FY 2025 | FY 2026 | FY 2027 |
| Revenue | \$0 | \$0 | \$0 | \$0 |
| <i>Revenue Fund(s)</i> | Application and fee revenue under RSA 126-X, relative to the use of cannabis for therapeutic purposes | | | |
| Expenditures | \$0 | \$0 | \$0 | \$0 |
| <i>Funding Source(s)</i> | Application and fee revenue under RSA 126-X, relative to the use of cannabis for therapeutic purposes | | | |
| Appropriations | \$0 | \$0 | \$0 | \$0 |
| <i>Funding Source(s)</i> | None | | | |

- Does this bill provide sufficient funding to cover estimated expenditures? Yes
- Does this bill authorize new positions to implement this bill? No

METHODOLOGY:

This bill changes the definition of "qualifying medical condition" under RSA 126-X, the state's therapeutic cannabis law, by adding any debilitating or terminal medical condition for which therapeutic cannabis is recommended by a clinical provider. The Department of Health and Human Services indicates that this change may result in more patients eligible for the therapeutic cannabis program. To the extent that additional patients apply to the program, there will be an increase in application fee revenue received by the Department. Though indeterminable, the Department estimates the bill may result in up to 10 percent growth, increasing revenue by up to \$70,000 per year. Under the statutorily mandated self-funding structure of the therapeutic cannabis program in RSA 126-X and the fee structure established in administrative rule, any increase in application fee revenue will result in lower annual registration fees for the alternative treatment centers. There will be an increase in the number of applications processed by the Department, however it is not expected that the increase will necessitate additional staff.

AGENCIES CONTACTED:

Department of Health and Human Services