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2022 New Hampshire Revised Statutes

Title LXII - Criminal Code

Title 651 - Sentences

Section 651:2 - Sentences and Limitations.

Universal Citation: NH Rev Stat § 651:2 (2022)

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651:2 Sentences and Limitations. –

I. A person convicted of a felony or a Class A misdemeanor may be sentenced to imprisonment, probation, conditional or unconditional discharge, or a fine.

II. If a sentence of imprisonment is imposed, the court shall fix the maximum thereof which is not to exceed:

- (a) Fifteen years for a class A felony,
- (b) Seven years for a class B felony,
- (c) One year for a class A misdemeanor,
- (d) Life imprisonment for murder in the second degree, and, in the case of a felony only, a minimum which is not to exceed 1/2 of the maximum, or if the maximum is life imprisonment, such minimum term as the court may order.

II-a. A person convicted of murder in the first degree shall be sentenced as provided in RSA 630:1-a.

II-b. A person convicted of a second or subsequent offense for the felonious use of a firearm, as provided in RSA 650-A:1, shall, in addition to any punishment provided for the underlying felony, be given a minimum mandatory sentence of 3 years imprisonment. Neither the whole nor any part of the additional sentence of imprisonment hereby provided shall be served concurrently with any other term nor shall the whole or any part of such additional term of imprisonment be suspended. No action brought to enforce sentencing under this section shall be continued for sentencing, nor shall the provisions of RSA 651-A relative to parole apply to any sentence of imprisonment imposed.

II-c. [Repealed.]

II-d. A person convicted of manslaughter shall be sentenced as provided in RSA 630:2, II.

II-e. To the minimum sentence of every person who is sentenced to imprisonment for a maximum of more than one year shall be added a disciplinary period equal to 150 days for each year of the minimum term of the sentence, to be prorated for any part of the year. The presiding justice shall certify, at the time of sentencing, the minimum term of the sentence and the additional disciplinary period required under this paragraph. This additional disciplinary period may be reduced for good conduct as provided in RSA 651-A:22 and for earned time as provided in RSA 651-A:22-a. There shall be no addition to the sentence under this section for the period of pre-trial confinement for which credit against the sentence is awarded pursuant to RSA 651-A:23.

II-f. A person convicted of violating RSA 159:3-a, I shall be sentenced as provided in RSA 159:3-a, II and III.

II-g. If a person is convicted of a felony, an element of which is the possession, use or attempted use of a deadly weapon, and the deadly weapon is a firearm, such person may be sentenced to a maximum term of 20 years' imprisonment in lieu of any other sentence prescribed for the crime.

[Paragraph II-h effective January 1, 2023.]

II-h. A person charged with any offense under RSA 265, RSA 265-A, or RSA 630:3 whose offense was also based on facts involving the prohibited use of a mobile electronic device while driving, as defined in RSA 265:79-c, may be subject to enhanced penalties for such offenses, as follows:

- (a) If the offense would otherwise constitute a violation, it may be charged as a class B misdemeanor.
- (b) If the offense would otherwise constitute a class B misdemeanor, it may be charged as a class A misdemeanor.
- (c) If the offense would otherwise constitute a class A misdemeanor, it may be charged as a class B felony.
- (d) If the offense would otherwise constitute a class B felony, it may be charged as a class A felony.
- (e) If the offense is a class A felony or an unclassified felony, there shall be no enhanced charge.

III. A person convicted of a class B misdemeanor may be sentenced to conditional or unconditional discharge, a fine, or other sanctions, which shall not include incarceration or probation but may include monitoring by the department of corrections if deemed necessary and appropriate.

III-a. A person convicted of a violation may be sentenced to conditional or unconditional discharge, or a fine.

IV. A fine may be imposed in addition to any sentence of imprisonment, probation, or conditional discharge. The limitations on amounts of fines authorized in subparagraphs (a) and (b) shall not include the amount of any civil penalty, the imposition of which is authorized by statute or by a properly adopted local ordinance, code, or regulation. The amount of any fine imposed on:

- (a) Any individual may not exceed \$4,000 for a felony, \$2,000 for a class A misdemeanor, \$1,200 for a class B misdemeanor, and \$1,000 for a violation.
- (b) A corporation or unincorporated association may not exceed \$100,000 for a felony, \$20,000 for a misdemeanor and \$1,000 for a violation. A writ of execution may be issued by the court against the corporation or unincorporated association to compel payment of the fine, together with costs and interest.
- (c) If a defendant has gained property through the commission of any felony, then in lieu of the amounts authorized in paragraphs (a) and (b), the fine may be an amount not to exceed double the amount of that gain.

V. (a) A person may be placed on probation if the court finds that such person is in need of the supervision and guidance that the probation service can provide under such conditions as the court may impose. The period of probation shall be for a period to be fixed by the court not to exceed 5 years for a felony and 2 years for a class A misdemeanor, provided that the court may extend or modify the period of probation in accordance with subparagraph VII(a). Upon petition of the probation officer or the probationer, the period may be terminated sooner by the court if the conduct of the probationer warrants it.

(b) In cases of persons convicted of felonies or class A misdemeanors, or in cases of persons found to be habitual offenders within the meaning of RSA 259:39 and convicted of an offense under RSA 262:23, the sentence may include, as a condition of probation, confinement to a person's place of residence for not more than one year in case of a class A misdemeanor or more than 5 years in case of a felony. Such home confinement may be monitored by a probation officer and may be supplemented, as determined by the department of corrections or by the county department of corrections, by electronic monitoring to verify compliance.

(c) Upon recommendation by the department of corrections or by the county department of corrections, the court may, as a condition of probation, order an incarceration-bound offender placed in an intensive supervision program as an alternative to incarceration, under requirements and restrictions established by the department of corrections or by the county department of corrections.

(d) Upon recommendation by the department of corrections or by the county department of corrections, the court may sentence an incarceration-bound offender to a special alternative incarceration program involving short term confinement followed by intensive community supervision.

(e) The department of corrections and the various county departments of corrections shall adopt rules governing eligibility for home confinement, intensive supervision and special alternative incarceration programs.

(f) Any offender placed in a home confinement, intensive supervision or special alternative incarceration program who violates the conditions or restrictions of probation shall be subject to immediate arrest by a probation officer or any authorized law enforcement officer and brought before the court for an expeditious hearing pending further disposition.

(g) The court may include, as a condition of probation, restitution to the victim as provided in RSA 651:62-67 or performance of uncompensated public service as provided in RSA 651:68-70.

(h) In cases of a person convicted of a felony or class A misdemeanor, a court may require such person to be screened and/or evaluated for risk of substance use disorders at an impaired driver care management program (IDCMP) approved by the department of health and human services, and to comply with the treatment plan developed by the IDCMP as established under RSA 265-A:40, if the evidence demonstrates that substances were a contributing factor in the commission of the offense and if such person has the ability to pay the fees for the program in full.

(i) The court may include, as a condition of probation, a jail sentence of up to 30 days that a probation/parole officer may impose in segments of one to 7 days over the course of the probation period, in response to any violation of a condition of probation, in lieu of a violation of probation hearing. Such jail sanction shall be served at the county jail facility closest to or in reasonable proximity to where the probationer is under supervision.

VI. (a) A person may be sentenced to a period of conditional discharge if such person is not imprisoned and the court is of the opinion that probationary supervision is unnecessary, but that the defendant's conduct should be according to conditions determined by the court. Such conditions may include:

- (1) Restrictions on the defendant's travel, association, place of abode, such as will protect the victim of the crime or insure the public peace;
- (2) An order requiring the defendant to attend counselling or any other mode of treatment the court deems appropriate;
- (3) Restitution to the victim; and
- (4) Performance of uncompensated public service as provided in RSA 651:68-70.

(b) The period of a conditional discharge shall be 3 years for a felony and one year for a misdemeanor or violation. However, if the court has required as a condition that the defendant make restitution or reparation to the victim of the defendant's offense or that the defendant perform uncompensated public service and that condition has not been satisfied, the court may, at any time prior to the termination of the above periods, extend the period for a felony by no more than 2 years and for a misdemeanor or violation by no more than one year in order to allow the defendant to satisfy the condition. During any period of conditional discharge the court may, upon its own motion or on petition of the defendant, discharge the defendant unconditionally if the conduct of the defendant warrants it. The court is not required to revoke a conditional discharge if the defendant commits an additional offense or violates a condition.

VI-a. [Repealed.]

VI-b. A person sentenced to conditional discharge under paragraph VI may apply for annulment of the criminal record under RSA 651:5.

VII. (a) If a probationer violates his or her probation, the court may order any of the following:

- (1) Continue the sentence of probation.
- (2) Modify the conditions of the probation.
- (3) Extend the period of probation, provided the probationer agrees to the extension and the original period of probation plus any extension shall not exceed the probation periods authorized in paragraph V.
- (4) Revoke the sentence of probation.

(b) When a sentence of probation or a conditional discharge is revoked, the probationer may be fined, as authorized by paragraph IV, if a fine was not imposed in addition to the probation or conditional discharge. Otherwise, the probationer shall be sentenced to imprisonment as authorized by paragraph II.

VIII. A person may be granted an unconditional discharge if the court is of the opinion that no proper purpose would be served by imposing any condition or supervision upon the defendant's release. A sentence of unconditional discharge is for all purposes a final judgment of conviction.

Source. 1971, 518:1. 1973, 370:2. 1974, 34:13, 14. 1977, 397:1; 403:2. 1979, 126:6; 377:8. 1981, 397:1. 1982, 36:2. 1983, 382:8. 1986, 156:4. 1988, 19:4. 1989, 295:2. 1990, 95:1. 1991, 355:102. 1992, 19:1; 269:8-10; 284:85, 86, XIII. 1994, 192:1, 2. 1995, 237:4. 1996, 93:2-9. 1998, 366:3. 1999, 158:4. 2006, 163:1; 260:33. 2010, 247:12; Sp. Sess., 1:24. 2011, 268:2. 2012, 228:10. 2013, 156:8. 2014, 166:2, eff. Sept. 9, 2014; 176:10, eff. July 1, 2014. 2017, 35:1, 2, eff. July 8, 2017. 2022, 92:1, eff. Jan. 1, 2023.

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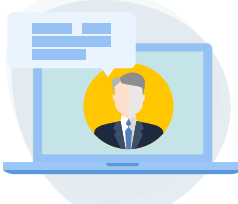
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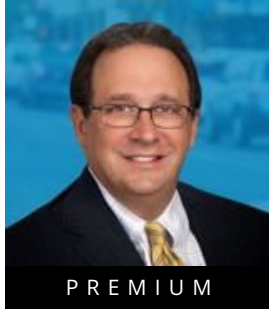
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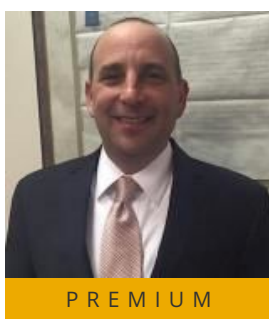
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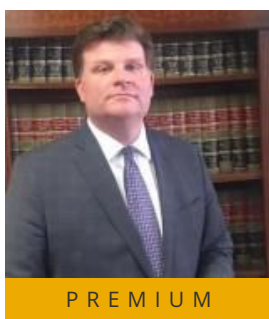
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2022 New Hampshire Revised Statutes Title XXX - Occupations and Professions Title 318-B - Controlled Drug Act Section 318-B:26 - Penalties.

Universal Citation: NH Rev Stat § 318-B:26 (2022)

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318-B:26 Penalties. –

I. Any person who manufactures, sells, prescribes, administers, or transports or possesses with intent to sell, dispense, or compound any controlled drug, controlled drug analog or any preparation containing a controlled drug, except as authorized in this chapter; or manufactures, sells, or transports or possesses with intent to sell, dispense, compound, package or repackage (1) any substance which he represents to be a controlled drug, or controlled drug analog, or (2) any preparation containing a substance which he represents to be a controlled drug, or controlled drug analog, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a violation involving any of the following, a person shall be sentenced to a maximum term of imprisonment of not more than 30 years, a fine of not more than \$500,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of life imprisonment, a fine of not more than \$500,000, or both:

(1) Five ounces or more of a mixture or substance containing any of the following, including any adulterants or dilutants: (A) Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed; or

(B) Cocaine other than crack cocaine, its salts, optical and geometric isomers, and salts of isomers; or

(C) Ecgonine, its derivatives, their salts, isomers, and salts of isomers.

(2) Lysergic acid diethylamide, or its analog, in a quantity of 100 milligrams or more including any adulterants or dilutants, or phencyclidine (PCP), or its analog, in a quantity of 10 grams or more including any adulterants or dilutants.

(3) Heroin or its analog, crack cocaine, or a fentanyl class drug in a quantity of 5 grams or more, including any adulterants or dilutants.

(4) Methamphetamine or its analog, in a quantity of 5 ounces or more, including adulterants or dilutants.

(b) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 20 years, a fine of not more than \$300,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than \$500,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity of 1/2 ounce or more, including any adulterants or dilutants;

(2) A substance classified in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of one ounce or more including any adulterants or dilutants;

(3) Lysergic acid diethylamide, or its analog, in a quantity of less than 100 milligrams including any adulterants or dilutants, or where the amount is undetermined, or phencyclidine (PCP) or its analog, in a quantity of less than 10 grams, including any adulterants or dilutants, or where the amount is undetermined;

(4) Heroin or its analog, crack cocaine, or a fentanyl class drug in a quantity of one gram or more, including any adulterants or dilutants;

(5) Methamphetamine or its analog, in a quantity of one ounce or more including any adulterants or dilutants;

(6) Marijuana in a quantity of 5 pounds or more including any adulterants or dilutants, or hashish in a quantity of one pound or more including any adulterants and dilutants;

(7) Flunitrazepam in a quantity of 500 milligrams or more.

(c) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$100,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 15 years, a fine of not more than \$200,000, or both:

(1) A substance or mixture referred to in subparagraph I(a)(1) of this section, other than crack cocaine, in a quantity less than 1/2 ounce including any adulterants or dilutants;

(2) A substance or mixture classified as a narcotic drug in schedule I or II other than those specifically covered in this section, or the analog of any such substance, in a quantity of less than one ounce including any adulterants or dilutants;

(3) Methamphetamine, or its analog in a quantity of less than one ounce including any adulterants or dilutants;

(4) Heroin or its analog, crack cocaine, or a fentanyl class drug in a quantity of less than one gram, including any adulterants or dilutants;

(5) Marijuana in a quantity of one ounce or more including any adulterants or dilutants, or hashish in a quantity of 5 grams or more including any adulterants or dilutants;

(6) Flunitrazepam in a quantity of less than 500 milligrams;

(7) Any other controlled drug or its analog, other than those specifically covered in this section, classified in schedules I, II, III or IV.

(d) In the case of a violation involving any of the following, a person may be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$25,000, or both. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person may be sentenced to a maximum term of imprisonment of not more than 6 years, a fine of not more than \$50,000, or both:

(1) Marijuana in a quantity of less than one ounce including any adulterants or dilutants, or hashish in a quantity of less than 5 grams including any adulterants or dilutants;

(2) Any schedule V substance or its analog.

II. Any person who knowingly or purposely obtains, purchases, transports, or possesses actually or constructively, or has under his or her control, any controlled drug or controlled drug analog, or any preparation containing a controlled drug or controlled drug analog, except as authorized in this chapter, shall be sentenced as follows, except as otherwise provided in this section:

(a) In the case of a controlled drug or its analog, classified in schedules I, II, III, or IV, other than those specifically covered in this section, the person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class A felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of up to \$50,000 may be imposed.

(b) In the case of a controlled drug or its analog classified in schedule V, the person shall be sentenced to a maximum term of imprisonment of not more than 3 years, a fine of not more than \$15,000, or both. If a person commits any such violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony, except that notwithstanding the provisions of RSA 651:2, IV(a), a fine of not more than \$25,000 may be imposed.

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

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

(e) In the case of a residual amount of a controlled substance, as defined in RSA 318-B:1, XXIX-a, a person shall be guilty of a misdemeanor if the person is not part of a service syringe program under RSA 318-B:43.

III. A person shall be guilty of a misdemeanor who:

(a) Except as provided in RSA 318-B:2-c, controls any premises or vehicle where he or she knows a controlled drug or its analog is illegally kept or deposited;

(b) Aids, assists or abets a person in his presence in the perpetration of a crime punishable under paragraph II of this section, knowing that such person is illegally in possession of a controlled drug or its analog.

(c) Manufactures with the intent to deliver, delivers or possesses with the intent to deliver any drug paraphernalia when such paraphernalia is knowingly manufactured, delivered or possessed for one or more of the uses set forth in RSA 318-B:2, II.

(d) Places an advertisement in violation of RSA 318-B:2, III.

III-a. [Repealed.]

IV. Any person who attempts or conspires to commit any offense defined in this chapter is punishable by imprisonment or a fine or both, which may not exceed the maximum punishment prescribed for the offense, the commission of which was the object of the attempt or conspiracy.

V. Any person who violates this chapter by manufacturing, selling, prescribing, administering, dispensing, or possessing with intent to sell, dispense, or compound any controlled drug or its analog, in or on or within 1,000 feet of the real property comprising a public or private elementary, secondary, or secondary vocational-technical school, may be sentenced to a term of imprisonment or fine, or both, up to twice that otherwise authorized by this section. Except to the extent a greater minimum sentence is otherwise provided by this chapter, a sentence imposed under this paragraph shall include a mandatory minimum term of imprisonment of not less than one year. Neither the whole nor any part of the mandatory minimum sentence imposed under this paragraph shall be suspended or reduced.

VI. Except as otherwise provided in this paragraph, a person convicted under RSA 318-B:2, XII as a drug enterprise leader shall be sentenced to a mandatory minimum term of not less than 25 years and may be sentenced to a maximum term of not more than life imprisonment. The court may also impose a fine not to exceed \$500,000 or 5 times the street value of the controlled drug or controlled drug analog involved, whichever is greater. Upon conviction, the court shall impose the mandatory sentence unless the defendant has pleaded guilty pursuant to a negotiated agreement or, in cases resulting in trial, the defendant and the state have entered into a post-conviction agreement which provides for a lesser sentence. The negotiated plea or post-conviction agreement may provide for a specified term of imprisonment within the range of ordinary or extended sentences authorized by law, a specified fine, or other disposition. In that event, the court at sentencing shall not impose a lesser term of imprisonment or fine than that expressly provided for under the terms of the plea or post-conviction agreement.

VII. Any person who violates RSA 318-B:2, XI may be sentenced to a maximum term of imprisonment of not more than 20 years, a fine of not more than \$300,000, or both. If any person commits such a violation after one or more prior offenses, as defined in RSA 318-B:27, such person may be sentenced to a term of imprisonment of not more than 40 years, a fine of not more than \$500,000, or both.

VIII. Any person who knowingly or purposely obtains or purchases (1) any substance which he represents to be a controlled drug or controlled drug analog, or (2) any preparation containing a substance which he represents to be a controlled drug or controlled drug analog, except as authorized in this chapter, shall be guilty of a misdemeanor. If any person commits such a violation after one or more prior offenses as defined in RSA 318-B:27, such person shall be guilty of a class B felony.

IX. Any person who manufactures, sells, or dispenses methamphetamine, lysergic acid, diethylamide phencyclidine (PCP) or any other controlled drug classified in schedules I or II, or any controlled drug analog thereof, in violation of RSA 318-B:2, I or I-a, is strictly liable for a death which results from the injection, inhalation or ingestion of that substance, and may be sentenced to imprisonment for life or for such term as the court may order. For purposes of this section, the person's act of manufacturing, dispensing, or selling a substance is the cause of a death when:

(a) The injection, inhalation or ingestion of the substance is an antecedent but for which the death would not have occurred; and

(b) The death was not:

(1) Too remote in its occurrence as to have just bearing on the person's liability; or

(2) Too dependent upon conduct of another person which was unrelated to the injection, inhalation or ingestion of the substance or its effect, as to have a just bearing on the person's liability. It shall not be a defense to a prosecution under this section that the decedent contributed to his own death by his purposeful, knowing, reckless or negligent injection, inhalation or ingestion of the substance or by his consenting to the administration of the substance by another. Nothing in this section shall be construed to preclude or limit any prosecution for homicide. A conviction arising under this section shall not merge with a conviction of one as a drug enterprise leader or for any other offense defined in this chapter.

IX-a. A qualifying patient or designated caregiver as defined in RSA 126-X:1 who sells cannabis to a person who is not a qualifying patient or a designated caregiver shall be guilty of a class B felony and shall be sentenced to a maximum term of imprisonment of not more than 7 years, a fine of not more than \$300,000, or both.

X. Any penalty imposed for violation of this chapter shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

XI. Any person who violates any provision of this chapter for which a penalty is not provided by paragraphs I through IX shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

XII. The penalty categories set forth in this section based upon the weight of the drug involved are material elements of the offense; however, the culpability requirement shall not apply to that element of the offense.

XIII. Any person who violates any provision of this chapter shall be fined a minimum of \$350 for a first offense and \$500 for a second or subsequent offense, except that any person who violates the provisions of RSA 318-B:26, II(c) or RSA 318-B:26, II(d) shall be fined \$350. This paragraph shall not apply to violations of RSA 318-B:2-c.

Source. 1969, 421:1. 1970, 48:3. 1973, 528:204. 1977, 547:21. 1981, 114:2; 513:3, 4. 1988, 6:4. 1989, 195:2; 207:2-5. 1991, 364:2. 1993, 291:1. 1994, 186:3-11. 1998, 359:3, 4. 2005, 177:52. 2006, 241:2. 2013, 242:4. 2016, 2:2-4, eff. Jan. 21, 2016; 307:1-3, eff. Aug. 20, 2016. 2017, 117:5, eff. June 16, 2017; 248:3-5, eff. Sept. 16, 2017.

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2022 New Hampshire Revised Statutes Title XXX - Occupations and Professions Title 318-B - Controlled Drug Act Section 318-B:1 - Definitions.

Universal Citation: NH Rev Stat § 318-B:1 (2022)

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318-B:1 Definitions. –

The following words and phrases, as used in this chapter, shall have the following meanings, unless the context otherwise requires:

I. "Abuse of drugs" means the use of controlled drugs solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment or in a program of research operated under the direction of a physician, pharmacologist, physiologist, chemist, or advanced practice registered nurse.

I-a. "Administer" means an act whereby a single dose of a drug is instilled into the body of or given to a person or animal for immediate consumption or use.

I-aa. "Advanced emergency medical care provider" means a person licensed to provide advanced emergency medical care under RSA 151-B.

I-b. " Advanced practice registered nurse " means a person licensed to practice as an advanced practice registered nurse in this state pursuant to RSA 326-B:18.

II. "Amphetamine-type drugs" means amphetamine, optical isomers thereof, salts of amphetamine and its isomers, and chemical compounds which are similar thereto in physiological effect, and which show a like potential for abuse.

II-a. "Anabolic steroid" includes any of the following or any isomer, ester, salt, or derivative of the following that acts in the same manner on the human body:

(a) Clostebol;

(b) Dehydrochloromethyltestosterone;

(c) Ethylestrenol;

(d) Fluoxymesterone;

(e) Mesterolone;

(f) Methandienone;

(g) Methandrostenolone;

(h) Methenolone;

(i) Methyltestosterone;

(j) Nandrolone;

(k) Norethandrolone;

(l) Oxandrolone;

(m) Oxymesterone;

(n) Oxymetholone;

(o) Stanozolol; and

(p) Testosterone.

III. "Barbiturate-type drugs" means barbituric acid and its salts, derivatives thereof and chemical compounds which are similar thereto in physiological effect, and which show a like potential for abuse.

IV. "Cannabis-type drug" means all parts of any plant of the Cannabis genus of plants, whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture or preparation of such plant, its seeds or resin. Such term does not include the mature stalks of such plants, fiber produced from such stalks, oil or cake made from the seeds of such plants, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seeds of such plants which are incapable of germination.

V. "Cocaine-type drugs" means coca leaves, cocaine, ecgonine, and chemical compounds which are similar thereto in chemical structure or which are similar thereto in physiological effect and which show a like potential for abuse.

V-a. "Commissioner" means the commissioner of the department of health and human services.

VI. "Controlled drugs" means any drug or substance, or immediate precursor, which is scheduled pursuant to RSA 318-B:1-a.

VI-a. (a) " Controlled drug analog " means a substance, however constituted, the chemical structure of which is derivative of, or substantially similar to that of a controlled drug and:

(1) Which has been shown in laboratory studies to bind with and activate the same central nervous receptors that are responsible for the psychoactive effects of a certain controlled drug or controlled drug class; or

(2) With respect to a particular person, which such person represents or intends to have similar psychoactive effects on the central nervous system as a controlled drug.

(b) "Controlled drug analog" shall not include:

(1) A controlled drug;

(2) Any substance for which there is an approved new drug application;

(3) With respect to a particular person, any substance, if an exemption is in effect for investigational use for that person under 21 U.S.C. section 355, to the extent conduct with respect to the substance is pursuant to such an exemption; or

(4) Any compound, mixture, or preparation that contains any controlled drug or controlled drug analog that is not for administration to a human being or animal, and that is packaged in such a form or concentration, or with adulterants or denaturants so that, as packaged, it does not present any significant potential for abuse.

VI-b. "Crack cocaine", also known as cocaine base or rock cocaine, means the free base form of cocaine in which the molecule is not chemically combined as an acid salt.

VII. "Dentist" means a person authorized by law to practice dentistry in this state.

VII-a. "Department" means the department of health and human services.

VIII. "Dispense" means to distribute, leave with, give away, dispose of, deliver, or sell one or more doses of and shall include the transfer of more than a single dose of a medication from one container to another and the labelling or otherwise identifying a container holding more than a single dose of a drug.

IX. "Drug dependence" means a state of physical addiction or psychic dependence, or both, upon a drug following use of that drug upon a repeated periodic or continuous basis except:

(a) Upon a morphine-type drug as an incident to current medical treatment of a demonstrable physical disorder, other than produced by the use of the drug itself, or

(b) Upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant drugs as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than produced by the drug itself.

X. "Drug-dependent person" means any person who has developed a state of psychic or physical dependence, or both, upon a controlled drug following administration of that drug upon a repeated periodic or continuous basis. No person shall be classified as drug dependent who is dependent:

(a) Upon a morphine-type drug as an incident to current medical treatment of a demonstrable physical disorder other than drug dependence, or

(b) Upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic or other stimulant and depressant drugs as an incident to current medical treatment of a demonstrable physical or psychological disorder, or both, other than drug dependence.

X-a. " Drug paraphernalia " means all equipment, products and materials of any kind which are used or intended for use or customarily intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

(a) Kits used or intended for use or customarily intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(b) Kits including but not limited to cocaine kits, used or intended for use or customarily intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(c) Isomerization devices used or intended for use or customarily intended for use in increasing the potency of any species of plant which is a controlled substance.

(d) Testing equipment used or intended for use or customarily intended for use in identifying, or analyzing the strength, effectiveness or purity of controlled substances.

(e) Scales and balances used or intended for use or customarily intended for use in weighing or measuring controlled substances.

(f) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use or customarily intended for use in cutting controlled substances.

(g) Separation gins and sifters used or intended for use or customarily intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

(h) Blenders, bowls, containers, spoons and mixing devices used or intended for use or customarily intended for use in compounding controlled substances.

(i) Capsules, balloons, envelopes and other containers used or intended for use or customarily intended for use in packaging small quantities of controlled substances.

(j) Containers and other objects used or intended for use or customarily intended for use in storing or concealing controlled substances.

(k) Objects used or intended for use or customarily intended for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.

(2) Water pipes.

(3) Carburetion tubes and devices.

(4) Smoking and carburetion masks.

(5) Chamber pipes.

(6) Carburetor pipes.

(7) Electric pipes.

(8) Air-driven pipes.

(9) Chillums.

(10) Bongs.

(11) Ice pipes or chillers.

XI. "Federal food and drug laws" means the Federal Food, Drug and Cosmetic Act, as amended (Title 21 U.S.C. § 301 et seq.).

XI-a. " Fentanyl class drug " shall mean the following drugs: fentanyl, 3-methylfentanyl, 3-methylthiofentanyl, acetyl-fentanyl, acetyl-alpha-methylfentanyl, alpha-methylfentanyl, alpha-methylthiofentanyl, beta-hydroxyl-3-methylfentanyl, beta-hydroxyfentanyl, para-fluorofentanyl, thiofentanyl, alfentanil, carfentanil, remifentanil, sufentanil, and all optical isomers of these substances. Drugs which become controlled after September 1, 2015, pursuant to RSA 318-B:1-a; and are known or scheduled with a common name that includes the term "fentanyl", or "fentanil" shall also be considered as belonging to this class, along with optical isomers of same. Drugs may be added or removed from this classification by action of the general court.

XII. "Comprehensive Drug Abuse Prevention and Control Act of 1970" means the applicable law of the United States relating to opium, coca leaves and other narcotic drugs.

XIII. "Hallucinogenic drugs" are psychodysleptic drugs which assert a confusional or disorganizing effect upon mental processes or behavior and mimic acute psychotic disturbances. Exemplary of such drugs are mescaline, peyote, psilocybin and d-lysergic acid diethylamide.

XIV. "Laboratory" means a scientific or medical establishment entrusted with the custody of controlled drugs and the use of controlled drugs for scientific and medical purposes and for purposes of instruction, research or analysis.

XIV-a. " Law enforcement officer " means any officer of the state or political subdivision of the state who is empowered by law to conduct investigations of or to make arrests for offenses enumerated in this chapter.

XV. "Manufacturer" means a person who, by compounding, mixing, cultivating, growing or other process, produces or prepares controlled drugs, but shall not mean a pharmacist who compounds controlled drugs to be sold or dispensed on prescription.

XVI. "Morphine-type drugs" means morphine and chemical compounds which are similar thereto in physiological effect and which show a like potential for abuse.

XVII. "Narcotic drugs" means cocaine-type and morphine-type drugs, and drugs other than cannabis-type regulated under the Comprehensive Drug Abuse Prevention and Control Act of 1970.

XVIII. "Nurse" means a person licensed to perform nursing as defined in RSA 326-B.

XIX. "Official written order" means an order written on a form provided for that purpose by the United States Attorney General under the laws of the United States making provision therefor, if such order forms are authorized and required by federal law, or conforming to the requirements of such a form and provided by the department of health and human services, or, if no such order form is provided, on an official form provided for that purpose by the department of health and human services.

XIX-a. "Optometrist" means a person authorized by law to practice optometry in this state pursuant to RSA 327.

XX. "Other stimulant and depressant drugs" means controlled drugs other than amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenics and morphine-type which are found to exert a stimulant and depressant effect upon the higher functions of the central nervous system and which are found to have a potential for abuse.

XXI. "Person" means any corporation, association or partnership, or one or more individuals.

XXII. "Pharmacist" means a person authorized by law to practice pharmacy pursuant to RSA 318.

XXIII. "Pharmacy" means an establishment licensed pursuant to RSA 318.

XXIV. "Physician" means a person authorized by law to practice medicine in this state pursuant to RSA 329.

XXIV-a. " Podiatrist " means a person authorized by law to practice podiatry in this state pursuant to RSA 315.

XXV. "Potential for abuse" means that there is a likelihood that a drug will be used solely for its stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system as distinguished from use recommended by a practitioner as a therapeutic agent in a course of medical treatment or in a program of research operated under the direction of a physician, pharmacologist, or advanced practice registered nurse.

XXVI. "Practitioner" means any person who is lawfully entitled to prescribe, administer, dispense or distribute controlled drugs to patients.

XXVI-a. " Practitioner-patient relationship " means a medical connection between a licensed practitioner and a patient that includes an in-person exam, a history, a diagnosis, a treatment plan appropriate for the licensee's scope of practice, and documentation of all prescription drugs including name and dosage. A licensee may prescribe for a patient whom the licensee does not have a practitioner-patient relationship under the following circumstances: for a patient of another licensee for whom the prescriber is taking call; for a patient examined by another New Hampshire licensed practitioner; or for medication on a short-term basis for a new patient prior to the patient's first appointment. The definition of a practitioner-patient relationship shall not apply to a practitioner licensed in another state who is consulting to a New Hampshire licensed practitioner with whom the patient has a relationship.

XXVII. "Prescribe" means order or designate a remedy or any preparation containing controlled drugs.

XXVIII. " Prescription " means an oral, written, or facsimile or electronically transmitted order for any controlled drug or preparation issued by a licensed practitioner to be compounded and dispensed by a pharmacist and delivered to a patient for a medicinal or therapeutic purpose arising from a practitioner-patient relationship.

XXIX. "Registry number" means the number assigned to each person registered under the federal narcotic laws.

XXIX-a. " Residual amount " means an unusable amount of a controlled substance in or on a hypodermic syringe or needle.

XXX. "Sale" means barter, exchange or gift, or offer therefor, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee.

XXXI. "State food, drug and cosmetic laws" means RSA 146.

XXXI-a. " Substantially similar in chemical structure " means that the substance in question shares a common core structure with a controlled drug, meaning that the "backbone" of the molecule is the same, and has no more than 2 points of divergence (additions, deletions, or substitutions) from the controlled drug, which may consist of a single atom or a functional group or some combination thereof. Functional groups are further defined as alkyl, alkenyl, alkynyl, ring structures (either homocyclic or heterocyclic, with or without additional attached functional groups), organic halides, alkoxy, alcohol, ether, amine, aldehyde, ketone, carboxylic acid, ester, amide, nitrile, nitro, sulfide, thiene, thioester, or thiol.

XXXII. "Veterinarian" means a person authorized by law to practice veterinary medicine in this state pursuant to RSA 332-B.

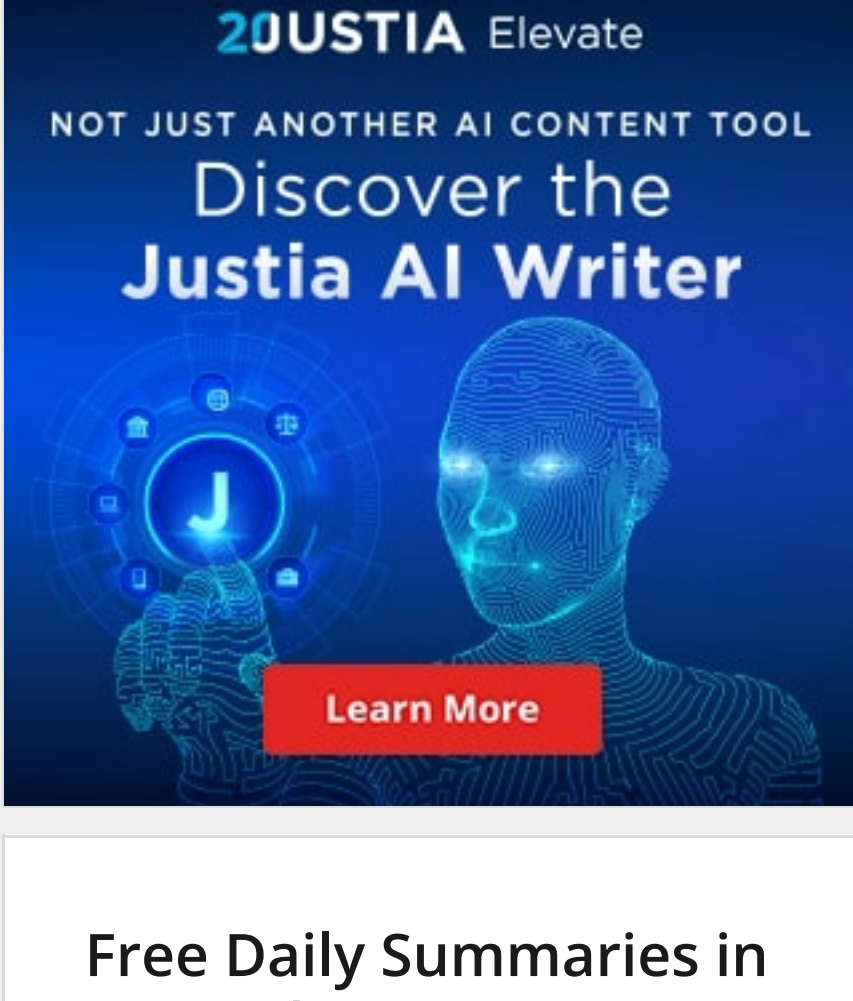
XXXIII. "Wholesaler" means a person who supplies or distributes controlled drugs that he himself has not produced or prepared to hospitals, practitioners, pharmacies, other wholesalers, manufacturers or federal, state and municipal agencies.

Source. 1969, 421:1. 1975, 255:2. 1977, 547:1-4, 1981, 513:1. 1985, 190:98; 293:1, 2; 324:17, 18. 1988, 6:1. 1989, 195:1; 361:1. 1993, 333:3. 1994, 186:1; 333:16-18. 1995, 310:155, 156, 181. 1996, 267:22. 2000, 176:4. 2001, 15:3; 282:8. 2005, 293:8. 2008, 217:3. 4. 2009, 54:5. 2011, 63:4. 2016, 2:1, eff. Jan. 21, 2016. 2017, 117:3, eff. June 16, 2017. 2021, 115:2. 3, eff. Sept. 7, 2021.

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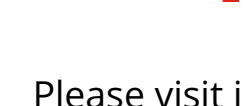
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2022 New Hampshire Revised Statutes Title XXX - Occupations and Professions Title 318-B - Controlled Drug Act Section 318-B:2 - Acts Prohibited.

Universal Citation: NH Rev Stat § 318-B:2 (2022)

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318-B:2 Acts Prohibited. –

I. It shall be unlawful for any person to manufacture, possess, have under his control, sell, purchase, prescribe, administer, or transport or possess with intent to sell, dispense, or compound any controlled drug, or controlled drug analog, or any preparation containing a controlled drug, except as authorized in this chapter.

I-a. It shall be unlawful for any person to manufacture, sell, purchase, transport or possess with intent to sell, dispense, compound, package or repack (1) any substance which he represents to be a controlled drug or controlled drug analog, or (2) any preparation containing a substance which he represents to be a controlled drug or controlled drug analog, except as authorized in this chapter.

I-b. It shall be unlawful for a qualifying patient or designated caregiver as defined under RSA 126-X:1 to sell cannabis to another person who is not a qualifying patient or designated caregiver. A conviction for the sale of cannabis to a person who is not a qualifying patient or designated caregiver shall not preclude or limit a prosecution or conviction of any person for sale of cannabis or any other offense defined in this chapter.

II. It shall be unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be used or is customarily intended to be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, ingest, inhale, or otherwise introduce into the human body a controlled substance.

II-a. It shall be unlawful for any person, at retail, to sell or offer for sale any drug paraphernalia listed in RSA 318-B:1, X-a.

III. It shall be unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing that the purpose of the advertisement, when viewed as a whole, is to promote the sale of objects intended for use or customarily intended for use as drug paraphernalia.

IV. In determining whether an object is drug paraphernalia under this chapter, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(a) Statements by an owner or by anyone in control of the object concerning its use;

(b) Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance;

(c) The proximity of the object, in time and space, to a direct violation of this chapter;

(d) The proximity of any residue of controlled substances;

(e) The existence of any residue of controlled substances on the object;

(f) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use as drug paraphernalia;

(g) Instructions, oral or written, provided with the object concerning its use;

(h) Descriptive materials accompanying the object which explain or depict its use;

(i) National and local advertising concerning its use;

(j) The manner in which the object is displayed for sale;

(k) Direct or circumstantial evidence of the ratio of sales of the objects to the total sales of the business enterprise;

(l) Whether the object is customarily intended for use as drug paraphernalia and the existence and scope of other legitimate uses for the object in the community; and

(m) Expert testimony concerning its use.

V. No person shall obtain or attempt to obtain a controlled drug:

(a) By fraud, deceit, misrepresentation, or subterfuge;

(b) By the forgery or alteration of a prescription or of any written order;

(c) By the concealment of a material fact;

(d) By the use of a false name or the giving of a false address; or

(e) By submission of an electronic or on-line medical history form that fails to establish a valid practitioner-patient relationship.

VI. No person shall willfully make a false statement in any prescription, order, report, or record required hereby.

VI-a. No person or entity shall issue clinical decision support alerts or similar notices, warnings, or announcements by means of electronic health record software or similar electronic means designed to increase prescriptions for scheduled drug products, in violation of the Anti-Kickback Statute 42 U.S.C. section 1320a-7b(b), or with the intent to defraud the United States pursuant to 18 U.S.C. section 371.

VII. No person shall, for the purpose of obtaining a controlled drug, falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, practitioner, or other authorized person.

VIII. No person shall make or utter any false or forged prescription or false or forged written order.

IX. No person shall affix any false or forged label to a package or receptacle containing controlled drugs.

X. Possession of a false or forged prescription for a controlled drug by any person, other than a pharmacist in the pursuance of his profession, shall be prima facie evidence of his intent to use the same for the purpose of illegally obtaining a controlled drug.

XI. It shall be unlawful for any person 18 years of age or older to knowingly use, solicit, direct, hire or employ a person 17 years of age or younger to manufacture, sell, prescribe, administer, transport or possess with intent to sell, dispense or compound any controlled drug or any preparation containing a controlled drug, except as authorized in this chapter, or to manufacture, sell, transport or possess with intent to sell, transport or possess with intent to sell, dispense, compound, package or repack (1) any substance which he represents to be a controlled drug or controlled drug analog, or (2) any preparation containing a substance which he represents to be a controlled drug or controlled drug analog, except as authorized in this chapter. It shall be no defense to a prosecution under this section that the actor mistakenly believed that the person who the actor used, solicited, directed, hired or employed was 18 years of age or older, even if such mistaken belief was reasonable. Nothing in this section shall be construed to preclude or limit a prosecution or conviction for a violation of any other offense defined in this chapter or any other provision of law governing an actor's liability for the conduct of another.

XII. A person is a drug enterprise leader if he conspires with one or more persons as an organizer, supervisor, financier, or manager to engage for profit in a scheme or course of conduct to unlawfully manufacture, sell, prescribe, administer, dispense, bring with or transport in this state methamphetamine, lysergic acid diethylamide, phencyclidine (PCP) or any controlled drug classified in schedule I or II, or any controlled drug analog thereof. A conviction as a drug enterprise leader shall not merge with the conviction for any offense which is the object of the conspiracy. Nothing in this section shall be construed to preclude or limit a prosecution or conviction of any person for conspiracy or any other offense defined in this chapter.

XII-a. It shall be unlawful for any person to knowingly acquire, obtain possession of or attempt to acquire or obtain possession of a controlled drug by misrepresentation, fraud, forgery, deception or subterfuge. This prohibition includes the situation in which a person independently consults 2 or more practitioners for treatment solely to obtain additional controlled drugs or prescriptions for controlled drugs.

XII-b. It shall be unlawful for any person to knowingly obtain, or attempt to obtain, or to assist a person in obtaining or attempting to obtain a prescription for a controlled substance without having formed a valid practitioner-patient relationship.

XII-c. It shall be unlawful for any person to, by written or electronic means, solicit, facilitate or enter into any agreement or contract to solicit or facilitate the dispensing of controlled substances pursuant to prescription orders that do not meet the federal and state requirements for a controlled drug prescription, and without an established valid practitioner-patient relationship.

XII-d. It shall be unlawful for any pharmacy to ship finished prescription products, containing controlled substances, to patients residing in the state of New Hampshire, pursuant to any oral, written or online prescription order that was generated based upon the patient's submission of an electronic or online medical history form. Such electronic or online medical questionnaires, even if followed by telephonic communication between practitioner and patient, shall not be deemed to form the basis of a valid practitioner-patient relationship.

XII-e. It shall be unlawful for any pharmacist to knowingly dispense a controlled substance pursuant to any oral, written, or electronic prescription order, which he or she knows or should have known, was generated based upon the patient's submission of an electronic or online medical history form. Such electronic or online medical questionnaires, even if followed by telephonic communication between practitioner and patient, shall not be deemed to form the basis of a valid practitioner-patient relationship.

XII-f. It shall be unlawful for any person to prescribe by means of telemedicine a controlled drug classified in schedule II through IV, except as provided in RSA 318-B:2, XVI, (a) and (b).

XIII. Nothing in this section shall be deemed to preclude or limit a prosecution for theft as defined in RSA 637.

XIV. It shall be an affirmative defense to prosecution for a possession offense under this chapter that the person charged had a lawful prescription for the controlled drug in question or was, at the time charged, acting as an authorized agent for a person holding a lawful prescription. An authorized agent shall mean any person, including but not limited to a family member or caregiver, who has the intent to deliver the controlled drug to the person for whom the drug was lawfully prescribed.

XV. Persons who have lawfully obtained a controlled substance in accordance with this chapter or a person acting as an authorized agent for a person holding a lawful prescription for a controlled substance may deliver any unwanted or unused controlled substances to law enforcement officers acting within the scope of their employment and official duties for the purpose of collection, storage, and disposal of such controlled drugs in conjunction with a pharmaceutical drug take-back program established pursuant to RSA 318-E.

XVI. (a)(1) The prescribing of a non-opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and drug, but not less than annually.

(b)(1) The prescribing of an opioid controlled drug classified in schedule II through IV by means of telemedicine shall be limited to prescribers as defined in RSA 329:1-d, I and RSA 326-B:2, XII(a).

(2) Subsequent in-person exams shall be by a practitioner licensed to prescribe the drug at intervals appropriate for the patient, medical condition, and opioid, but not less than annually.

(c) The prescription authority under this paragraph shall be limited to a practitioner licensed to prescribe the drug and in compliance with all federal laws, including the United States Drug Enforcement Agency registration or waiver when required.

Source. 1969, 421:1. 1977, 547:5. 1981, 513:2. 1983, 36:1; 292:1, 2. 1988, 6:2, 3. 1989, 207:1; 361:2, 3. 1990, 129:2. 2000, 176:5. 2008, 145:1; 217:5, 6. 2011, 63:5. 2013, 242:3. 2015, 246:3, 4. 2016, 221:1, 2, eff. Aug. 8, 2016. 2020, 27:9, eff. July 21, 2020. 2021, 183:3, eff. Jan. 1, 2022. 2022, 251:4, eff. June 24, 2022.

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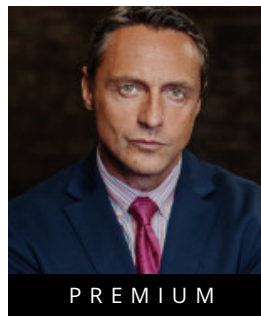
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2022 New Hampshire Revised Statutes Title XXX - Occupations and Professions Title 318-B - Controlled Drug Act Section 318-B:2-c - Personal Possession of Marijuana.

Universal Citation: NH Rev Stat § 318-B:2-c (2022)

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318-B:2-c Personal Possession of Marijuana. –

I. In this section:

(a) " Marijuana " includes the leaves, stems, flowers, and seeds of all species of the plant genus cannabis, but shall not include the resin extracted from any part of such plant and every compound, manufacture, salt, derivative, mixture, or preparation from such resin including hashish, and further, shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. Marijuana shall not include hemp grown, processed, marketed, or sold under RSA 439-A.

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

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

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

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

V. (a) Except as provided in this paragraph, any person 18 years of age or older who is convicted of violating paragraph II or III, or any person 21 years of age or older who is convicted of violating paragraph IV shall be subject to a fine of \$100 for a first or second offense under this paragraph, or a fine of up to \$300 for any subsequent offense within any 3-year period; however, any person convicted based upon a complaint which alleged that the person had 3 or more prior convictions for violations of paragraph II, III or IV, or under reasonably equivalent offenses in an out-of-state jurisdiction since the effective date of this paragraph, within a 3-year period preceding the fourth offense shall be guilty of a class B misdemeanor. The offender shall forfeit the marijuana, regulated marijuana-infused products, or hashish to the state. A court shall waive the fine for a single conviction within a 3-year period upon proof that person has completed a substance abuse assessment by a licensed drug and alcohol counselor within 60 days of the conviction. A person who intends to seek an assessment in lieu of the fine shall notify the court, which shall schedule the matter for review after 180 days. Should proof of completion of an assessment be filed by or before that time, the court shall vacate the fine without a hearing unless requested by a party.

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

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

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

(c) Nothing in this chapter shall be construed as forbidding any police officer from taking into custody any minor who is found violating paragraph II, III, or IV.

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

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

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

(b) Every state, county, or local law enforcement agency that collects and reports data for the Federal Bureau of Investigation Uniform Crime Reporting Program shall collect data on the number of violations of paragraph II, III, or IV. The data collected pursuant to this paragraph shall be available to the public. A law enforcement agency may update the data annually and may make this data available on the agency's public Internet website.

Source. 2017, 248:2, eff. Sept. 16, 2017. 2019, 306:3, eff. July 30, 2019.

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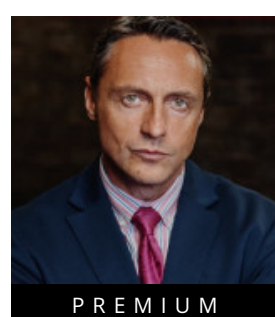
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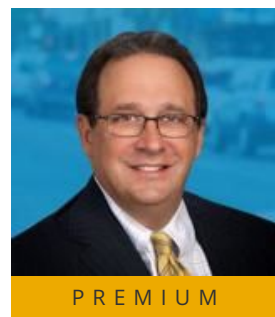
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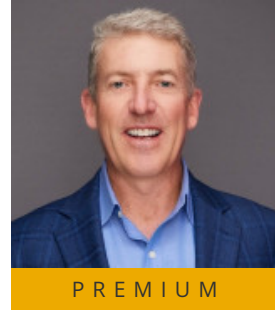
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2010 New Hampshire Statutes TITLE XXI MOTOR VEHICLES CHAPTER 263 DRIVERS' LICENSES Section 263:56-b Revocation or Denial for Drugs or Alcohol Involvement.

Universal Citation: NH Rev Stat § 263:56-b (1996 through Reg Sess)

263:56-b Revocation or Denial for Drugs or Alcohol Involvement. –

I. Any person who is not yet 21 years of age on the date of the incident, who is convicted, found to be delinquent under RSA 169-B, or found to be in need of services under RSA 169-D, for any offense involving the sale, possession, use, or abuse of alcohol or of controlled drugs as defined in RSA 318-B:1, VI, or of a controlled drug analog as defined under RSA 318-B:1, VI-a, may at the discretion of the court be subject to the revocation or denial of a driver's license or privilege to drive for not less than 90 days but not more than one year on the first finding or conviction under this paragraph, and not less than 6 months but not more than 2 years for a subsequent finding or conviction. Nothing in this section shall prevent the court from requiring any person subject to its provisions from successfully completing any alcohol or substance abuse education program in lieu of a loss or denial of driving license or privilege. The director, upon receipt of a notification from the court that the court has ordered the suspension of a person's license or driving privilege pursuant to this paragraph, shall forthwith issue a formal order of suspension and, in the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license. Notwithstanding RSA 169-B:35 or any other law regarding confidentiality, any court which convicts or makes a finding that an offense described in this section has occurred involving a person who meets the age limits specified in this section, and which orders the revocation or denial of a driver's license or privilege to drive, shall forward a notice of such conviction or finding to the director. The director shall maintain the confidentiality of notices received.

II. The director shall, when ordered by the court, revoke the driver's license or privilege to drive or deny an application for a license for not less than 90 days but not more than one year on the first finding or conviction under paragraph I, and not less than 6 months but not more than 2 years for a subsequent finding or conviction; provided, however, that the director shall not revoke or deny a license or privilege to drive under this paragraph without first giving the person an opportunity for a hearing to determine that the person is the individual who was convicted of the offense and against whom the court order applies. In the case of denial of an application for a license, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

III. Any person who is not yet 18 years of age on the date of the incident, and who is convicted, found to be delinquent under RSA 169-B, or found to be in need of services under RSA 169-D, for the offense of sale or possession with intent to sell controlled drugs as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, shall be subject to revocation or denial of a driver's license or privilege to drive for a mandatory period of at least one year and a maximum period of up to 5 years. In the case of denial of an application for a license under this section, the period imposed shall begin on the date the person is eligible by age for the issuance of a license.

IV. The driver's license of any person who is 18 years of age or older on the date of the incident, and who is convicted of the offense of sale or possession with intent to sell controlled drugs as defined in RSA 318-B:1, VI or a controlled drug analog as defined under RSA 318-B:1, VI-a, may be revoked, at the discretion of the court, for any period of time, including for life. The court of relevant jurisdiction shall have the discretion to determine when the revocation shall begin.

Source. 1989, 415:3. 1990, 222:11, 12. 2002, 136:2, eff. Jan. 1, 2003. 2006, 204:1, eff. July 1, 2006. 2011, 26:1, eff. April 28, 2011.

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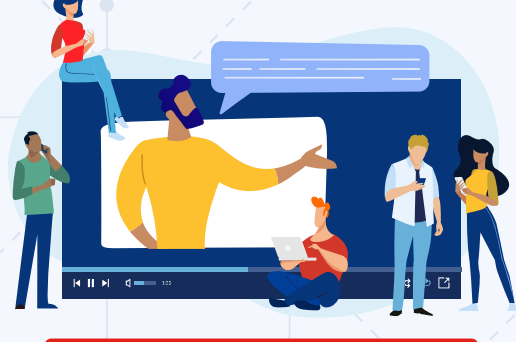
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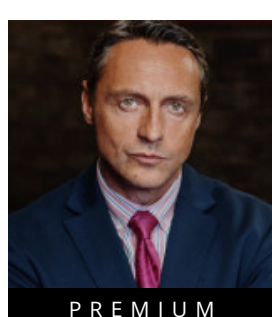
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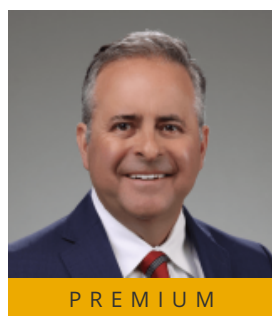
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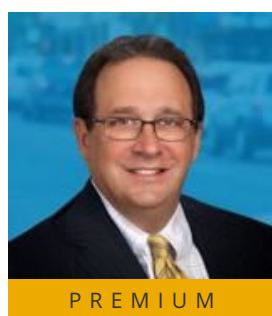
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