



## Commentary: How we legalize matters

Matt Simon

February 7, 2022

New Hampshire residents overwhelmingly support legalizing cannabis, but some elected officials don't share the public's enthusiasm. As a result, the "Live Free or Die" state remains an island of prohibition surrounded by jurisdictions where cannabis is legal for adults.

Legislators currently have a choice between several competing legalization proposals. For example, House Bill 629 is a simple bill that would legalize possession and limited home cultivation, and it has already passed the House by a veto-proof margin. But some lawmakers have other ideas.

HB 1598, sponsored by Rep. Daryl Abbas, a Salem Republican, takes a very different approach. Instead of allowing home cultivation, the bill would establish a state monopoly for cannabis sales while maintaining felony penalties against home cultivation. The liquor commission would be the only entity authorized to operate cannabis retail stores, and all private sales would continue to be criminalized.

If you're thinking "that doesn't sound like a very 'Live Free or Die' approach to legalization," you certainly aren't alone.

Abbas spoke on the House floor in opposition to other legalization bills, but the House passed HB 629 despite his objections. This simple bill will proceed to the Senate. However, Abbas did succeed in halting the progress of HB 237, a comprehensive bill that would have legalized, regulated, and taxed retail sales.

As a result, HB 1598 is now the only cannabis regulation bill being actively considered. But should lawmakers who support legalization be willing to accept any such bill out of desperation, or should they insist on a more thoughtful and deliberative policymaking process?

In a recent conversation at the Cato Institute, Gov. Chris Sununu said New Hampshire should “learn from other states” when determining how to proceed on this issue. As a longtime advocate, I wholeheartedly agree: Some states have performed much better than others, and it’s important that we learn from their experiences.

Fortunately, we aren’t starting from scratch. Our legislators have been studying other states’ experiences for many years. In fact, their desire to “learn from other states” was the impetus behind a bipartisan study commission that met 26 times before recommending a very different system than the one proposed in HB 1598.

The Republican-chaired commission spoke with regulators and legislative leaders in eight states, and the recommendations it issued in 2018 were hailed as a “blueprint for potential legislation.” After thorough consideration, the commission recommended against a state monopoly and in favor of allowing private retailers.

It also recommended that limited home cultivation should be included in legalization, as it is in all neighboring states.

Another important consideration is the potential impact of legalization on New Hampshire’s therapeutic cannabis program. The commission recognized this and recommended that existing dispensaries should be allowed to participate in an adult-use retail market if retail sales become legal.

In many other states, medical cannabis businesses have helped to pioneer adult-use markets, providing valuable education and working to promote a culture of responsible cannabis use. Sadly, HB 1598 presents a serious threat to the therapeutic cannabis program. If cheap cannabis is made available in the equivalent of state liquor stores, fewer patients will be interested in registering for the program.

I currently work for Prime Alternative Treatment Centers, a nonprofit that operates two of New Hampshire’s seven dispensaries. Every day we see patients who are looking to cannabis for help treating symptoms such as pain and insomnia. Many of these patients have never used cannabis before or haven’t tried it in decades, so the education and support we provide is critical.

Many non-registered patients want to use cannabis for the same reasons as registered patients. Will they receive valuable education and support if they buy cannabis from the liquor commission? Or is the goal of HB 1598 simply to maximize revenue for the state without regard to other important considerations?

Fortunately for those of us who cannot support HB 1598, there are other worthy legalization efforts, including HB 629 and two constitutional amendment proposals that, if approved by legislators, would give voters the opportunity to decide the question in November.

Again, it’s easy to stop arresting and fining people for possession. This does not result in negative consequences, so it ought to be a top priority for legislators. However, we only get one

opportunity to transition from an unregulated market to a regulated market, and it's important that we work together and get this right.

I believe most Granite Staters would agree that these new economic opportunities should be broadly distributed rather than being concentrated in the hands of the state or a few large corporations, so I'm hoping the House will decide to shelve HB 1598 and focus on other vehicles. There is no point in advancing such a flawed bill when it's clear that much more public discussion is needed.