Workers' Comp

State by State Marijuana Laws

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After a year of immense change, the United States continues to battle the COVID-19 pandemic and the opioid crisis. A continued interest in using marijuana as a substitute for opioids in the treatment of chronic pain has prompted many states to legalize the drug for medical purposes with several also legalizing for recreational purposes. The 2020 election cycle proved this trend is here to stay, with voters in several states approving ballot initiatives to legalize the drug.

As we move into 2021, what updates do you need to know? Below is an interactive map showing the updated landscape of marijuana legalization across the United States. Of note, in 2020, voters in Arizona, Mississippi, Montana, New Jersey and South Dakota passed ballot initiatives to legalize marijuana either for medical or recreational purposes. Scroll over these states to learn more about the ballot initiatives and next steps for the state legislatures.

Additionally, this map will give you insights into which states have passed legislation or faced litigation over reimbursement for medical marijuana, plus which states have only legalized medical marijuana for limited purposes. For more information on marijuana and its potential impact on the workers' compensation industry, read our whitepaper.

With all of this conflicting legislation, it is easy to get overwhelmed. Understanding what laws exist in each state gives us a better idea of how to proceed with workers' compensation claims and business in general. Overall, though most states have moved toward legalization, there is no clear concept of what "medical marijuana" is. Every state has its own interpretation of what is acceptable. Beyond that, most states have not set any precedent for what insurers must do in the face of a workers' compensation claim involving medical marijuana. A few have made headway in this area, but often these rulings are a case-by-case basis and do not set a hardline standard for all claims. Only a handful of states have required medical marijuana to be reimbursed, which we may see a trend toward in the future.

Whatever the future holds, medical marijuana is sure to continue to be an interesting topic of discussion. Follow Mitchell ScriptAdvisor on LinkedIn and Twitter to receive more updates as the topic develops.

Sources:

Decriminalization: http://www.ncsl.org/research/civil-and-criminal-justice/marijuana-overview.aspx#2

State laws: http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx

Map: http://www.ncsl.org/portals/1/imagelibrary/svg/canabis.svg

Other state reimbursement laws (CT, ME, MN, NJ, NM): https://www.ncci.com/Articles/Pages/II_Marijuana-Conversation-RegLeg.aspx

https://www.ncci.com/Articles/Pages/II_Marijuana-Conversation-Insurer.aspx

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