Workers' Comp

Louisiana Amends Medical Marijuana Law, Exempts Reimbursement for Workplace Injuries

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In the final days of the Louisiana 2018 Regular Session of the legislature, lawmakers passed HB579, making amendments to their medical marijuana law. The legislation adds glaucoma, Parkinson's disease, severe muscle spasms, intractable pain and post-traumatic stress disorder as conditions that can now qualify for treatment using medical marijuana. The bill also adds a definition of intractable pain, which says in part, *"It is pain so chronic and severe as to otherwise warrant an opiate prescription."*

Of particular importance to the workers' compensation industry is a provision that exempts employers and workers' compensation insurers from having to reimburse for medical marijuana-related to injuries sustained on the job. The legislation states, *"Notwithstanding any other provision of law to the contrary, employers and their worker's compensation insurers shall not be obliged or ordered to pay for medical marijuana in claims arising under Title 23 of the Louisiana Revised Statutes of 1950, the Louisiana Workers' Compensation Law."*

Reimbursing for medical marijuana in the workers' compensation system is a gray area in many states and the question often results in a court deciding the issue. Until Congress decides the future scheduling of marijuana, reimbursement will likely remain a gray area in most states. The clear declaration in HB579 is very helpful in providing guidance to providers, injured workers, employers and insurance carriers in Louisiana regarding their financial responsibility related to the prescribing of medical marijuana for work-related injuries.

Governor Edwards is expected to sign the legislation. Unless it is vetoed, the new law will become effective on August 1, 2018.

Complete text of HB579 can be found here.

For questions regarding this alert, or any other legislative or regulatory matter, please contact Brian Allen, vice president of government affairs, at Brian.Allen@mitchell.com or at 801.903.5754.



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