Workers' Comp

Several Marijuana Bills Under Consideration

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The dawning of the new year saw a flurry of activity on medical and recreational marijuana laws. States continue to push the envelope on the conditions covered and more states are jumping on the medical marijuana bandwagon. All of this activity is being staged against the backdrop of the continued treatment of marijuana as a Schedule I drug under federal law and some signaling from Congress and the White House that they are considering changing the status of marijuana.

The current status of marijuana is somewhat inhibiting robust clinical studies that most providers and insurers need to feel comfortable about recommending or paying for the drug to treat an injured worker. However, that lack of clinical study has not slowed policy makers as they press forward on expanding the use of medical marijuana in their respective states. Some state legislators are also pushing to have insurers cover the cost of medical marijuana.

Other major topics for consideration this year are opioids, drug formularies, directed care, auto personal injury protection and workers' compensation reform.

Medical Marijuana

State	Bill
Arkansas	HB 1150 would expand the qualifying conditions eligible for medical marijuana.
Connecticut	HB 5197 would include medical marijuana in their PDMP. HB 5442 adds chronic pain as a qualifying condition. SB 45 adds opioid use disorder and withdrawal as a qualifying condition. SB 476 would allow for home cultivation for medical use.
Florida	SB 372 would allow medical marijuana to be smoked.

State	Bill
?Hawaii	HB 37 adds opioid use disorder and withdrawal as a qualifying condition. HB 1534 would require workers' compensation payers to reimburse for medical marijuana.
Indiana	HB 1384 would legalize medical marijuana in the Hoosier state.
?Iowa	SF 104 would legalize medical marijuana in the Hawkeye state.
Kentucky	HB 136 legalizes the medical use of marijuana — workers' compensation payers would be exempt from having to reimburse for its use.
Maryland	HB 33 would add opioid use disorder as a qualifying condition.
Mississippi	HB 1371 proposes to legalize medical marijuana.
Nebraska	LB 110 would legalize medical marijuana.
?New Hampshire	SB 175 modifies qualifying conditions to “any condition for which treatment is determined to be necessary by the provider.”
New Jersey	AB 10 expands qualifying illnesses and increases the allowed quantity to a 3-ounce maximum and a 180 days supply. AB 4824 would include medical marijuana on the PDMP. AB 4505 would require employers or insurers to reimburse for medical marijuana.
New York	SB 2058 expands qualifying conditions to allow the prescriber's professional judgment to determine necessity. SB 2054 would treat medical marijuana as a prescription drug and require reimbursement by insurers, including workers' compensation.
North Dakota	HB 1529 would allow medical marijuana to be prescribed to minors.
Oklahoma	HB 2614 would legalize the use of medical marijuana.
South Carolina	HB 3018, The Medical Use of Marijuana Act would allow use for severe or chronic pain and exempts insurers from any requirement to reimburse.
Texas	HB 209 would allow medical cannabis for qualifying conditions and terminal illnesses.
Vermont	HB 14 seeks to have workers' compensation payers cover the cost of medical marijuana.
Wyoming	HB 278 would legalize marijuana for medical use.

Recreational Marijuana

Though recreational use of marijuana may not have direct impact in workers' compensation, we do believe the trend in legalizing recreational use is informative as it could impact drug-free workplace programs and may impact worker safety. It is interesting to see these laws sweeping across the country.

State	Bill
Connecticut	SB 496 would legalize marijuana for recreational use.
Hawaii	SB 686 would allow for recreational use of marijuana.
Illinois	HB 902 would legalize marijuana for recreational use.
Indiana	HB 1460 would legalize marijuana for recreational use.

State	Bill
?Kentucky	SB 80 would allow for recreational use of marijuana.
Minnesota	HF 465 would allow for recreational use of marijuana.
Missouri	HB 551 would legalize marijuana for recreational use.
?New York	AB 1617 would legalize marijuana for recreational use. Legalizing marijuana for recreational use was one of the Governor's top agenda items for 2019.
Texas	SJR 8 proposed a constitutional amendment to legalize marijuana for recreational use.
Virginia	HB 2371 would legalize simple possession of marijuana.
West Virginia	HB 2376 would legalize marijuana for recreational use.

Without question, 2019 is shaping up to be a very interesting and active year on the legislative and regulatory fronts. Our government affairs team is actively engaged on critical issues around the country. As these legislative and regulatory initiatives advance, we will keep you posted on their progress and any pertinent changes as they occur.

If you have any questions or information about legislative and regulatory issues, please contact Brian Allen, Vice President of Government Affairs at Brian.Allen@mitchell.com or at 801-903-5754.



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