



MEDICAL MARIJUANA: WORKERS’ COMPENSATION PAYMENT RESTRICTIONS

The majority of State laws that permit the use of medical marijuana contain provisions that limit certain entities from payment liability under the law. States fall into one of three categories with respect to workers’ compensation payers:

1. Explicit - States with provision that specifically address workers’ compensation payers.
2. Implicit – States with provisions that do not specifically address workers’ compensation payers, but contain broad language which may apply to workers’ compensation payers.
3. No Restrictions – States whose laws contain no provisions regarding reimbursement of medical marijuana.

The following table provides an overview of jurisdictionally specific language related to the issue of reimbursement for medical marijuana within Workers’ Compensation.

For follow-up questions and updates, please contact PRIUM’s Regulatory & Consulting Team at: compliance@prium.net.

Jurisdiction	Payment Restriction Type	Text of Restriction	Source of Restriction
Alaska	Implicit	"A governmental, private, or other health insurance provider is not liable for any claim for reimbursement for expenses associated with medical use of marijuana." AS §17.37.040(c)	Food and Drug Code
Arizona	Explicit	"Nothing in this chapter requires: A government medical assistance program, a private health insurer or a workers' compensation carrier or self-insured employer providing workers' compensation benefits to reimburse a person for costs associated with the medical use of marijuana." ARS § 36-2814(a)(1)	Public Health & Safety Code



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California	Implicit	“Nothing in this article shall require a governmental, private, or any other health insurance provider or health care service plan to be liable for any claim for reimbursement for the medical use of marijuana.” Cal. Health and Safety Code 11362.785(d)	Health & Safety Code
Colorado	Implicit	“No governmental, private, or any other health insurance provider shall be required to be liable for any claim for reimbursement for the medical use of marijuana.” Col. Constitution Article XVIII § 14(10)(a)	Colorado Constitution
Connecticut	Implicit	“Nothing in sections ... shall be construed to require health insurance coverage for the palliative use of marijuana.” Conn. Gen. Stat. § 21a-408o	Consumer Protection Code
DC	Implicit	“Nothing in this chapter shall require a governmental, private, or any other health insurance provider or health care service plan to be liable for any claim for reimbursement for the use of medical marijuana.” D.C. Code § 7-1671.12	Human Health Care and Safety Code
Delaware	Implicit	“Nothing in this chapter requires: (1) A government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana....” 16 Del. C. § 4907A(a)	Health and Safety Code, Delaware Medical Marijuana Act
Hawaii	Implicit	“This part shall not be construed to require insurance coverage for the medical use of marijuana.” HRS §329-124	Health Code (Uniform Controlled Substances Act)
Illinois	Implicit	“Nothing in this Act may be construed to require a government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of cannabis.” § 410 ILCS 130/40 (note: Act will be repealed on 1/1/18, per § 410 ILCS 130/220.)	Health Code, Compassionate Use of Medical Cannabis Pilot Program Act.

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Maine	Implicit	“These rules may not be construed to require... a government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana.” CMR 10-144-122, 2.13	Department of Health and Human Services Rules
Maryland	No Restrictions	n/a	n/a
Massachusetts	Implicit	“Nothing in 105 CMR 725.000 requires any health insurance provider, or any government agency or authority, to reimburse any person for the expenses of the medical use of marijuana.” 105 CMR 725.650(B)(2)	Department of Public Health ("Implementation of an Act for the Humanitarian Medical Use of Marijuana" Chapter)
Michigan	Explicit	“An employer is not required to reimburse or cause to be reimbursed charges for medical marihuana treatment.” MCLS § 418.315a	Labor Code
Minnesota	Implicit	“Nothing in sections 152.22 to 152.37 require the medical assistance and MinnesotaCare programs to reimburse and enrollee or a provider for costs associated with the medical use of cannabis.” Minn. Stat. § 152.23(b)	Health Code ("Drugs; Controlled Substances" Chapter)
Montana	Explicit	“Medical services which are not payable include, . . . (j) medical marijuana.” ARM 24.29.1526(3)	Department of Labor and Industry Rules



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Nevada	Implicit	“The provisions of this chapter do not: 1. Require an insurer, organization for managed care or any person or entity who provides coverage for a medical or health care service to pay for or reimburse a person for costs associated with the medical use of marijuana.” NRS 453A.800	Medical Use of Marijuana Act
New Hampshire	Implicit	“Nothing in this chapter shall be construed to require: (a) Any health insurance provider, health care plan, or medical assistance program to be liable for any claim for reimbursement for the therapeutic use of cannabis...” RSA 126-X:3, III(a)	Public Health Law ("Use of Cannabis for Therapeutic Purposes" Chapter)
New Jersey	Implicit	“Nothing in this act shall be construed to require a government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of marijuana ...” N.J. Rev. Stat. §24:6I-14	"New Jersey Compassionate Use Medical Marijuana Act."
New Mexico	No Restrictions	n/a	n/a
New York	Implicit	“Nothing in this title shall be construed to require an insurer or health plan under this chapter or the insurance law to provide coverage for medical marihuana.” NY CLS Pub Health § 3368	Public Health Law ("MEDICAL USE OF MARIHUANA" Chapter)
Oregon	Implicit	“Nothing in ORS 475.300 to 475.346 shall be construed to require: (1) a . . . Private health insurer to reimburse a person for costs associated with the medical use of marijuana;” Or. Rev. Stat. §475.340(1)	Controlled Substances; Illegal Drug Cleanup; Paraphernalia; Precursors ("Oregon Medical Marijuana Act" Chapter)

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Rhode Island	Implicit	“Nothing in this chapter shall be construed to require: (1) A . . . Private health insurer to reimburse a person for costs associated with the medical use of marijuana; “ R.I. Gen. Laws § 21-28.6-7(b)(2) ”	Food and Drugs ("The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act")
Vermont	Explicit	“This chapter shall not be construed to require that coverage or reimbursement for the use of marijuana for symptom relief be provided by . . . (3) an employer; or (4) for purposes of workers' compensation . . . “ Vt. Stat. Ann. Tit. 18, § 4474c.(b) ”	Health Code (“Therapeutic Use” Chapter)
Washington	Explicit	“Nothing in this chapter establishes a right of care as a covered benefit or requires any state purchased health care... or other health carrier or health plan... to be liable for any claim for reimbursement for the medical use of cannabis.” RCW § 69.51A.060(2) “The department or self-insurer considers payment for drugs, including biologics and controlled substances, when... [t]he drug is approved by the Food and Drug Administration (FDA) for that condition and prescribed in accordance with labeling....” WAC 296-20-03010	Food, Drugs, Cosmetics, and Poisons Title ("Medical cannabis." Chapter) Department of Labor & Industries Regulations

