



Medical Marijuana

Workers' Compensation State-by-state rules

March 2023

Overview

The use of marijuana for medicinal purposes at the federal level has been illegal since the Controlled Substances Act (CSA) of 1970, which classified marijuana as a Schedule I substance.

Since that time, there have been numerous efforts to reclassify marijuana as a Schedule II substance in order to decriminalize the use of marijuana for medical purposes at the federal level. None of these efforts have been successful to date. But, medical marijuana is gaining ground in workers' compensation as acceptable treatment for injury-related pain and post traumatic stress disorder (PTSD). The map on page three of this guide identifies states that have taken action on the medical and recreational use of marijuana.

The remaining pages, detail the specific laws and regulations for each jurisdiction on the use of medical marijuana in the workers' compensation industry. You can also visit workcompauto.optum.com/policy to stay informed on recent legislation and policy matters.

DISCLAIMER: The information contained within this document is not to be used for legal advice. Review the actual statutes, regulations and case law prior to making decisions.

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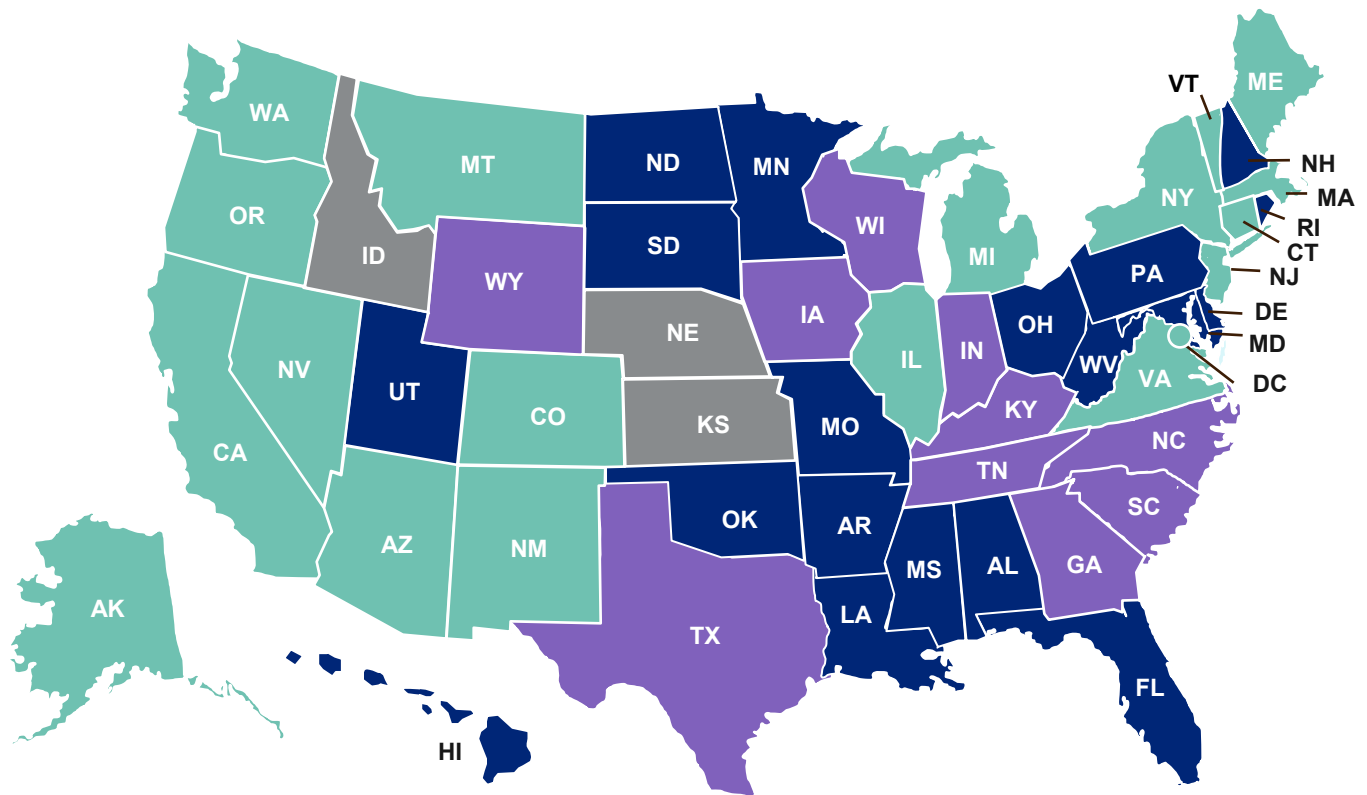
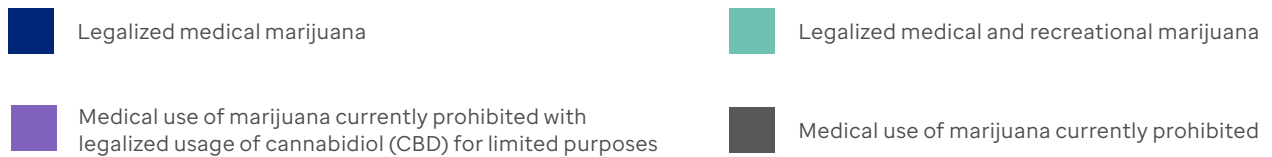
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Acronyms/Terminology:

Throughout this guide the following will be frequently referenced.

- THC: Tetrahydrocannabinol is the principal psychoactive constituent of cannabis
- CBD: Cannabidiol is considered a “non-psychoactive” compound

Medical and recreational marijuana



Source: ProCon.org Current as of January 2023

Alabama

Legalized medical marijuana

Yes under rule adoption per SB46

Workers' compensation related policy

SB 46 states that nothing in it requires an insurer, individual or entity providing coverage for a medical or health care service to pay for or to reimburse costs associated with the use of medical cannabis. It also specifically adds that nothing requires an employer or property and casualty insurer to reimburse an individual for costs associated with the use of medical cannabis.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

Patients who want to buy CBD oil must be first qualified for the state's medical marijuana program. Only a person with a debilitating disease or a medical condition, including one that produces seizures, can apply for a doctor's recommendation.

ALASKA

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

There is no requirement for any accomodation for the use of medical marijuna in any place of employment.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- Cancer
- Glaucoma
- HIV/AIDS
- Multiple sclerosis (MS)
- Cachexia (wasting syndrome)
- Chronic or severe pain
- Epilepsy/seizures
- Persistent muscle spasms (relating to MS)
- Severe nausea

ARIZONA

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



QUALIFYING MEDICAL CONDITIONS

- Acquired Immune Deficiency Syndrome (AIDS)
- Alzheimer's disease
- Amyotrophic Lateral Sclerosis (ALS)
- Cancer
- Crohn's Disease
- Glaucoma
- Hepatitis C
- Human Immunodeficiency Virus (HIV)
- Additionally, a debilitating or chronic condition or disease that induces one or more of the following:
- Cachexia (wasting syndrome)
- Seizures/epilepsy
- Severe and chronic pain
- Severe nausea
- Severe or persistent muscle spasms (including those characteristic of multiple sclerosis)

ARKANSAS

Legalized medical marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



QUALIFYING MEDICAL CONDITIONS

- ALS
- Alzheimer's disease
- Cachexia (wasting syndrome)
- Cancer
- Crohn's Disease
- Epilepsy/seizures
- Hepatitis C
- Fibromyalgia
- Glaucoma
- Hepatitis C
- HIV/AIDS
- Intractable pain (pain that hasn't responded to ordinary treatment, medications or surgical measures for a longer period of time than six months)
- Peripheral neuropathy
- Persistent muscle spasms (including those characteristic of multiple sclerosis)
- PTSD
- Severe arthritis
- Severe nausea
- Tourette's syndrome
- Ulcerative colitis

Plus any other conditions approved by the Department of Health on a case-by-case basis

CALIFORNIA

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

The state Medical Marijuana Program does not require a governmental, private, or any other health insurance provider or health care service plan to be liable for a claim for reimbursement for the medicinal use of cannabis.

Workers' compensation is required to reimburse if authorized through Utilization Review. Medical cannabis is not a recommended treatment in the adopted ACOEM medical treatment guidelines.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- Anorexia
- Arthritis
- Cachexia (wasting syndrome)
- Cancer
- Chronic migraine
- Chronic pain
- Epilepsy and other seizure conditions
- Glaucoma
- HIV/AIDS
- Multiple Sclerosis
- Persistent muscle spasms
- Severe nausea

Other persistent symptoms that limit one's ability to conduct major life activities may also apply.

COLORADO

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- Cachexia (wasting syndrome)
- Cancerchronic pain
- Chronic nervous system disorders
- Epilepsy and other conditions characterized by seizures
- Glaucoma
- HIV/AIDS
- Multiple sclerosis and other muscle spasticity disorders
- Nausea

Other conditions subject to approval by the state.

CONNECTICUT

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

Payment for medical marijuana is reimbursable to the patient. Connecticut follows the guidelines set by the state Department of Consumer Protection. If the workers' compensation insurer will not pay for medical marijuana, the injured worker can request a hearing with a workers' compensation Commissioner for a decision.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- ALS
- Cachexia (wasting syndrome)
- Cancer
- Cerebral palsy
- Complex regional pain syndrome
- Crohn's disease
- Cystic fibrosis
- Epilepsy/uncontrollable seizures
- Glaucoma
- HIV/AIDS
- Hydrocephalus with intractable headache
- Intractable headache syndromes
- Multiple sclerosis
- Muscular dystrophy

- Neuropathic facial pain
- Osteogenesis imperfecta
- Post laminectomy syndrome without chronic radiculopathy
- Post-traumatic stress disorder (PTSD)
- Postherpetic neuralgia
- Parkinson's disease
- Severe psoriasis and psoriatic arthritis
- Severe rheumatoid arthritis
- Sickle cell disease
- Spasticity of neuropathic pain associated with fibromyalgia
- Spinal cord damage/intractable spasticity
- Terminal illness requiring end-of-life care
- Ulcerative colitis

Other conditions subject to approval by the state.

DELAWARE

Legalized medical marijuana

Yes (Recreational is pending)

Workers' compensation related policy

A government medical assistance program or private health insurer is not required to reimburse a person for costs associated with the medical use of marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- Alzheimer's disease
- Amyotrophic lateral sclerosis (Lou Gehrig's Disease)
- Autism (without self-injurious or aggressive behavior)
- Cancer
- Chronic debilitating migraines
- Decompensated cirrhosis
- Glaucoma
- HIV/AIDS
- Intractable epilepsy
- Post-traumatic stress disorder (PTSD)
- Terminal illness
- A debilitating or chronic condition or disease that causes one or more of the following:
 - Cachexia (or wasting syndrome)
 - Intractable nausea
- Severe or debilitating pain
- Seizures
- Severe and persistent muscle spasms, including (but not limited) to those characteristic of multiple sclerosis

DISTRICT OF COLUMBIA

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

Under the Medical Marijuana Expansion Emergency Amendment Act of 2014, a qualifying medical condition includes “any condition for which treatment with medical marijuana would be beneficial, as determined by the patient’s physician.”

FLORIDA

Legalized medical marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- “Debilitating medical conditions” means cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn’s disease, Parkinson’s disease, multiple sclerosis, or other debilitating medical conditions of the same kind or class as or comparable to those listed.
- A terminal condition diagnosed by a qualified physician
- Amyotrophic lateral sclerosis (ALS)
- Cancer
- Chronic nonmalignant pain caused by a qualifying medical condition or that originates from a qualifying medical condition and persists beyond the usual course of that qualifying medical condition
- Crohn’s disease
- Epilepsy
- Glaucoma
- HIV/AIDS
- Medical conditions of the same kind or class as or comparable to those listed above
- Multiple sclerosis (MS)
- Parkinson’s disease
- Post-traumatic stress disorder (PTSD)

GEORGIA

Legalized medical marijuana

Medical use of marijuana currently prohibited with legalized usage of cannabidiol (CBD) for limited purposes.

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

“Conditions” includes the following:

- End-stage cancer
- Amyotrophic lateral sclerosis (ALS)
- Seizure disorders related to the diagnosis of epilepsy or trauma related head injuries
- Multiple sclerosis
- Crohn's disease
- Mitochondrial disease
- Parkinson's disease
- Sickle cell anemia
- Tourette's syndrome
- Autism spectrum disorder (ASD)
- Epidermolysis bullosa
- Alzheimer's disease
- AIDS
- Peripheral neuropathy
- Patients in a hospice program
- Intractable pain
- Post-traumatic stress disorder (PTSD)

HAWAII

Legalized medical marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

In order to join the Hawaii Medical Marijuana Program, a person must suffer from one of the “debilitating conditions” listed below:

- Amyotrophic lateral sclerosis (ALS)
- Cancer
- Epilepsy
- Glaucoma
- HIV/AIDS
- Lupus
- Multiple sclerosis (MS)
- PTSD
- Rheumatoid arthritis
- Cachexia (wasting syndrome)
- Severe and persistent muscle spasms (including those characteristics of multiple sclerosis or Crohn’s disease)
- Severe nausea
- Severe pain
- or any other medical condition approved by the Dept of Health



IDAHO

Medical use of marijuana currently prohibited

Policy conditions

N/A

Qualifying medical conditions

N/A

Workers' compensation related policy

Marijuana is not legal in Idaho, there are no provision for reimbursement.

ILLINOIS

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana. Cannabis products allowed in workers' compensation treatment if requirements are met.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

“Debilitating medical condition” means one or more of the following:

- (1) cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn's disease (including, but not limited to, ulcerative colitis), agitation of Alzheimer's disease, cachexia/wasting syndrome, muscular dystrophy, severe fibromyalgia, spinal cord disease, including but not limited to arachnoiditis, Tarlov cysts, hydromyelia, syringomyelia, Rheumatoid arthritis, fibrous dysplasia, spinal cord injury, traumatic brain injury and post-concussion syndrome, Multiple Sclerosis, Arnold-Chiari malformation and Syringomyelia, Spinocerebellar Ataxia (SCA), Parkinson's, Tourette's, Myoclonus, Dystonia, Reflex Sympathetic Dystrophy, RSD (Complex Regional Pain Syndromes Type I), Causalgia, CRPS (Complex Regional Pain Syndromes Type II), Neurofibromatosis, Chronic Inflammatory Demyelinating Polyneuropathy, Sjogren's syndrome, Lupus, Interstitial Cystitis, Myasthenia Gravis, Hydrocephalus, nail-patella syndrome, residual limb pain, seizures (including those characteristic of epilepsy), post-traumatic stress disorder (PTSD), autism, chronic pain, irritable bowel syndrome, migraines, osteoarthritis, anorexia nervosa, Ehlers-Danlos Syndrome, Neuro-Behcet's Autoimmune Disease, neuropathy, polycystic kidney disease, superior canal dehiscence syndrome, or the treatment of these conditions;

(1.5) terminal illness with a diagnosis of 6 months or less; if the terminal illness is not one of the qualifying debilitating medical conditions, then the certifying health care professional shall on the certification form identify the cause of the terminal illness; or

- (2) any other debilitating medical condition or its treatment that is added by the Department of Public Health by rule.

INDIANA

Legalized medical marijuana

Medical use of marijuana currently prohibited with legalized usage of cannabidiol (CBD) for limited purposes.

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.



Qualifying medical conditions

Low THC CBD is allowed for patients with treatment resistant epileptic conditions.

IOWA

Legalized medical marijuana

Medical use of marijuana currently prohibited with legalized usage of cannabidiol (CBD) for limited purposes.

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.



Qualifying medical conditions

- Cancer (with chronic or severe pain, nausea or severe vomiting, or cachexia)
- Multiple sclerosis with severe and persistent muscle spasms
- HIV/AIDS
- Epilepsy
- Crohn's Disease
- ALS
- Parkinson's disease
- Untreatable pain
- Low THC CBD is allowable for intractable epilepsy.

“Intractable epilepsy” means an epileptic seizure disorder for which standard medical treatment does not prevent or significantly ameliorate recurring, uncontrolled seizures or for which standard medical treatment results in harmful side effects.

KANSAS

Medical use of marijuana

Currently prohibited

Workers' compensation related policy

Marijuana use, even for medical purposes, is not legal in Kansas. Thus, reimbursement is not allowed.



Qualifying medical conditions

Kansas lacks an official medical marijuana program

KENTUCKY

Legalized medical marijuana

Medical use of marijuana currently prohibited with legalized usage of cannabidiol (CBD) for limited purposes Only cannabidiol is legal to treat intractable seizures.

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.



Qualifying medical conditions

Kentucky currently has no medical marijuana program. There are no qualifying conditions that would allow patients to use medical marijuana products.

LOUISIANA

Legalized medical marijuana

Yes

Workers' compensation related policy

Notwithstanding any other provision of law to the contrary, employers and their worker's compensation insurers are 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.

Patient registry or ID cards

Pending SB 217



Qualifying medical conditions

- Cachexia (wasting syndrome)
- Cancer
- Crohn's disease
- Glaucoma
- HIV/AIDS
- Intractable pain
- Muscular dystrophy and multiple sclerosis
- Parkinson's disease
- Post-traumatic stress disorder (PTSD)
- Seizure disorders/epilepsy
- Severe muscle spasms
- Spasticity

Any of the following conditions associated with ASD (Autism Spectrum Disorder):

- Avoidance of others or inability to communicate of such severity that the physical health of the person with autism is jeopardized
- Physically aggressive or destructive behavior
- Repetitive or self-stimulatory behavior of such severity that the physical health of the person with autism is jeopardized
- Self-injuring behavior

MAINE

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- A chronic or debilitating disease or medical condition or its treatment that produces intractable pain (pain that has not responded to ordinary medical treatment or prescribed medications or surgical measures for more than six months)
- Alzheimer's disease
- Amyotrophic lateral sclerosis (ALS)
- Cancer
- Glaucoma
- Hepatitis C
- HIV/AIDS
- Nail-patella syndrome
- Dyskinetic and spastic movement disorders
- Inflammatory bowel disease
- Other diseases causing severe and persistent muscle spasms
- Post-traumatic stress disorder (PTSD)

A debilitating or chronic medical condition or disease or its treatment that causes one or more of the following:

- Cachexia or wasting syndrome
- Seizures (including but not limited to those characteristic of epilepsy)
- Severe nausea

MARYLAND

Legalized medical marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- Anorexia
- Cachexia (wasting syndrome)
- Chronic pain
- Glaucoma
- Post-traumatic stress disorder (PTSD)
- Seizures
- Severe nausea
- Severe or persistent muscle spasms
- Severe pain

MASSACHUSETTES

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes



Qualifying medical conditions

- Amyotrophic lateral sclerosis (ALS)
- Cancer
- Crohn's disease
- Glaucoma
- Hepatitis C
- HIV/AIDS
- Multiple sclerosis (MS)
- Other conditions as approved by a qualifying patient's physician
- Parkinson's disease

MICHIGAN

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Not in state law, but localities may create ordinances to allow them and regulate them.



Qualifying medical conditions

“Debilitating medical condition” means one or more of the following:

- (1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, Crohn’s disease, agitation of Alzheimer’s disease, nail patella, or the treatment of these conditions.
- (2) A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis.
- (3) Any other medical condition or its treatment approved by the department

MINNESOTA

Legalized medical marijuana

Yes

Workers' compensation related policy

In *Susan K. Musta v. Mendota Heights Dental Center* and *Daniel Bierbach v. Digger's Polaris*, both handed down 10.13.21, the Minnesota Supreme Court held that Minnesota employers can't be ordered to reimburse injured workers for medical cannabis because doing so would require them to violate federal law.

Patient registry or ID cards

Yes

Dispensaries

Yes, limited, liquid extract products only



Qualifying medical conditions

- Amyotrophic lateral sclerosis (ALS)
- Autism
- Cancer (associated with chronic or severe pain, severe vomiting or nausea, or cachexia/severe wasting syndrome)
- Crohn's disease
- Glaucoma
- HIV/AIDS
- Inflammatory bowel disease
- Intractable pain
- Obstructive sleep apnea
- Post-traumatic stress disorder
- Seizures/epilepsy
- Severe and persistent muscle spasms, including those characteristic of multiple sclerosis
- Terminal illness (with a probable life expectancy of less than one year)
- Tourette Syndrome
- For those suffering from cancer or a terminal illness with a probable life expectancy of under one year, if your illness or its treatment causes one or more of the following:
 - Cachexia (severe wasting)
 - Nausea or severe vomiting
 - Severe or chronic pain

MISSISSIPPI

Legalized medical marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana in regards to workers compensation.



Qualifying medical conditions

“Debilitating medical condition” means:

- (1) Cancer, Parkinson’s disease, Huntington’s disease, muscular dystrophy, glaucoma, spastic quadriplegia, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis, amyotrophic lateral sclerosis (ALS), Crohn’s disease, ulcerative colitis, sickle-cell anemia, Alzheimer’s disease, agitation of dementia, post-traumatic stress disorder (PTSD), autism, pain refractory to appropriate opioid management, diabetic/peripheral neuropathy, spinal cord disease or severe injury, or the treatment of these conditions;
- (2) A chronic or debilitating disease or medical condition or its treatment that produces 1 or more of the following: cachexia or wasting syndrome; severe and chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; or severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis.
- (3) Any other medical condition or its treatment approved by the department

MISSOURI

Legalized medical marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

“Qualifying medical condition” means the condition of, symptoms related to, or side-effects from the treatment of

- (A) Cancer;
- (B) Epilepsy;
- (C) Glaucoma;
- (D) Intractable migraines unresponsive to other treatment;
- (E) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including, but not limited to, those associated with multiple sclerosis, seizures, Parkinson’s disease, and Tourette’s syndrome;
- (F) Debilitating psychiatric disorders, including, but not limited to, post-traumatic stress disorder, if diagnosed by a state licensed psychiatrist;
- (G) Human immunodeficiency virus or acquired immune deficiency syndrome;

(H) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;

(I) Any terminal illness; or

(J) In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn’s disease, Huntington’s disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer’s disease, cachexia, and wasting syndrome.

“Qualifying Patient” means a Missouri resident diagnosed with at least one (1) qualifying medical condition.

MONTANA

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

Administrative Rules of Montana (ARM) 24.29.1526 cites that medical marijuana is not payable under the Montana Workers' Compensation Act.

Patient registry or ID cards

No

Dispensaries

Yes



Qualifying medical conditions

- A central nervous system disorder resulting in chronic, painful spasticity or muscle spasms
- Admittance into hospice care
- Cachexia (wasting syndrome)
- Cancer
- Crohn's disease
- Epilepsy or an intractable seizure disorder
- Glaucoma
- HIV/AIDS
- Intractable nausea or vomiting
- Multiple sclerosis
- Painful peripheral neuropathy
- Post-traumatic stress disorder (PTSD)
- Severe chronic pain

NEBRASKA

Medical use of marijuana

Currently prohibited

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Reasonableness and necessity would be determined on a case-by-case basis following an evidentiary hearing when considering use of cannabis products in workers' compensation treatment.



Qualifying medical conditions

Nebraska currently lacks an official medical marijuana program.

NEVADA

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- Acquired immune deficiency syndrome (AIDS)
- Additional conditions as subject to approval by the Nevada DPBH (Division of Public and Behavioral Health)
- Cachexia (general physical wasting and malnutrition from chronic disease)
- Cancer
- Glaucoma
- Persistent muscle spasms (including multiple sclerosis)
- Post-traumatic stress disorder (PTSD)
- Seizures (including epilepsy)
- Severe nausea
- Severe pain

NEW HAMPSHIRE

Legalized medical marijuana

Yes (In 2021 the state has decriminalized marijuana. There is no prison time or criminal record for first-time possession of a small amount for personal use. The conduct is treated like a minor traffic violation)

Workers' compensation related policy

In 2021, New Hampshire State Supreme Court held that an injured worker can be reimbursed by their insurer for usage of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, epilepsy, lupus, Parkinson's disease, Alzheimer's disease, ulcerative colitis, Ehlers-Danlos syndrome, or one or more injuries or conditions that has resulted in one or more qualifying symptoms in the next paragraph

A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following:

Elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, agitation of Alzheimer's disease, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms; or

"Qualifying medical condition" also means: Moderate to severe chronic pain.

Severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects.

Moderate or severe post-traumatic stress disorder

NEW JERSEY

Legalized medical and recreational marijuana

Yes, Medical: 2020; Recreational: 2021

Workers' compensation related policy

New Jersey Supreme Court Upholds WC Related Ruling on Medical Marijuana

On April 13, 2021 the New Jersey Supreme Court affirmed an Appellate Court's decision regarding payment by an employer for medical marijuana treatment under workers' compensation. In the case of Hager v. M&K Construction the Supreme Court upheld a lower court ruling that an employer could be required to reimburse an injured worker for cost of medical marijuana dispensed pursuant to the state's Compassionate Use Act.

In Steven McNeary v. Freehold Township, a workers' comp judge found that the medical marijuana was a legitimate medical expense and ordered Freehold Township to make payment under its workers' comp coverage. Another case, Andrew Watson v. 84 Lumber, the judge found that the employer had to authorize the prescribing physician and to pay for the examination and treatment.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- Amyotrophic lateral sclerosis (Lou Gehrig's disease)
- Anxiety
- Any terminal illness with a prognosis of less than 12 months
- Chronic pain of "visceral origin" (including irritable bowel syndrome, bowel dysfunction, and pancreatitis)
- Chronic pain related to musculoskeletal disorders (including rheumatoid arthritis, fibromyalgia, opioid use disorder, and lupus)
- Crohn's disease
- Glaucoma (if traditional medical treatment has failed)
- Inflammatory bowel disease
- Intractable skeletal muscular spasticity
- Migraines
- Multiple sclerosis
- Muscular dystrophy
- Post-traumatic stress disorder (PTSD)
- Seizure disorders (including epilepsy)
- Severe nausea or vomiting
- Severe or chronic pain
- Terminal cancer
- Tourette syndrome
- Wasting syndrome caused by HIV/AIDS and cancer

NEW MEXICO

Legalized medical and recreational marijuana

Yes, Medical 2007; Recreational 2021 .

Workers' compensation related policy

New Mexico allows an injured worker the use of medical marijuana for treatment of debilitating conditions, when deemed "reasonable and necessary care" under the Workers' Compensation Act.

The injured worker must pay out of pocket, and is reimbursed per fee schedule for the cost of medical cannabis deemed necessary in the workers' compensation claim.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- Amyotrophic lateral sclerosis (ALS)
- Cachexia (wasting syndrome)
- Cancer
- Crohn's disease
- Damage to the nervous tissue of the spinal cord
- Epilepsy/seizure disorders
- Glaucoma
- HCV infection and receiving antiviral treatment currently
- HIV/AIDS
- Hospice care
- Huntington's disease
- Inclusion body myositis
- Inflammatory autoimmune-mediated arthritis
- Intractable nausea/vomiting
- Multiple sclerosis
- Obstructive sleep apnea
- Painful peripheral neuropathy
- Parkinson's disease
- Post-traumatic stress disorder
- Severe anorexia
- Severe chronic pain
- Spasmodic torticollis (cervical dystonia)
- Ulcerative colitis

NEW YORK

Legalized medical and recreational marijuana

Yes, Medical 2014; Recreational 2021

Workers' compensation related policy

New York State Appellate court upheld and Workers' Compensation Board ruling that granted a variance for medical marijuana treatment provided to an injured worker as part of their workers' compensation claim.

Patient registry or ID cards

Yes

Dispensaries

Residents of New York who are certified patients can purchase medical cannabis from registered dispensaries.



Qualifying medical conditions

- Amyotrophic lateral sclerosis (ALS)
- Cancer
- Chronic pain
- Epilepsy
- HIV infection or AIDS
- Huntington's disease
- Inflammatory bowel disease
- Multiple sclerosis
- Neuropathy
- Parkinson's disease
- Post-traumatic stress disorder
- Spinal cord injury with spasticity

Any medical condition for which you can also treat with an opioid, or for which a life-threatening or severely debilitating condition comes with one or more of the following complication or conditions:

- Cachexia or wasting syndrome
- PTSD or opioid use disorder (only if enrolled in a treatment program certified pursuant to Article 32 of the Mental Hygiene Law)
- Seizures
- Severe nausea
- Severe or chronic pain
- Severe or persistent muscle spasms

NORTH CAROLINA

Legalized medical marijuana

Medical use of marijuana currently prohibited with legalized usage of cannabidiol (CBD) for limited purposes.

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.



QUALIFYING MEDICAL CONDITIONS

Only patients with intractable epilepsy are considered eligible for a medical license in North Carolina.

NORTH DAKOTA

Legalized medical marijuana

Yes

Workers' compensation related policy

North Dakota Workforce Safety & Insurance will not pay for medical marijuana or for wage loss that is related to the use or presence of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- Agitation of Alzheimer's disease or related dementia
- Amyotrophic lateral sclerosis (ALS)
- Anorexia nervosa
- Anxiety disorder
- Autism spectrum disorder
- Brain injury
- Bulimia nervosa
- Cancer
- Crohn's disease
- Decompensated cirrhosis due to hepatitis C
- Ehlers-Danlos syndrome
- Endometriosis
- Epilepsy
- Fibromyalgia
- Glaucoma
- HIV/AIDS
- Interstitial cystitis
- Migraine
- Neuropathy
- Post-traumatic stress disorder (PTSD)
- Rheumatoid arthritis
- Spinal stenosis/chronic back pain (including neuropathy or damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity)
- Terminal illness
- Tourette syndrome
- Debilitating or chronic medical conditions or diseases or its treatment that cause one or more of the following:
 - Cachexia or wasting syndrome
 - Intractable nausea
 - Seizures
- Severe and persistent muscle spasms, including those characteristic of multiple sclerosis
- Severe debilitating pain for which other traditional medical treatment options produced serious side effects or that has not responded to any surgical measures or previously prescribed medication for more than three months

OHIO

Legalized medical marijuana

Yes

Workers' compensation related policy

The Ohio Bureau of Workers' Compensation (BWC) only reimburses drugs that are on its pharmaceutical formulary, which is a complete list of medications approved for reimbursement by BWC. Drugs not on the list are not eligible for reimbursement, and under BWC's current rules, it cannot be included in the formulary, nor is it otherwise eligible for reimbursement.

Patient registry or ID cards

Yes

Dispensaries

Yes



QUALIFYING MEDICAL CONDITIONS

- Alzheimer's disease
- Amyotrophic lateral sclerosis (ALS)/Lou Gehrig's disease
- Cancer
- Chronic pain or severe/intractable pain
- Chronic traumatic encephalopathy
- Crohn's disease
- Epilepsy
- Fibromyalgia
- Glaucoma
- Hepatitis C
- HIV/AIDS
- Inflammatory bowel disease (IBD)
- Multiple sclerosis
- Parkinson's disease
- Post-traumatic stress disorder (PTSD)
- Sickle cell anemia
- Spinal cord disease or injury
- Tourette Syndrome
- Traumatic brain injury
- Ulcerative colitis

OKLAHOMA

Legalized medical marijuana

Yes

Workers' compensation related policy

One of the final changes made to the Fee Schedule by the Commission was to prohibit reimbursement for medical marijuana. The new Fee Schedule took effect July 1, 2020.

Patient registry or ID cards

Yes

Dispensaries

Yes



QUALIFYING MEDICAL CONDITIONS

Currently there are no specific qualifying conditions for becoming a medical marijuana patient in Oklahoma. Both application and recommendation must be submitted by a licensed local physician. Recommendations are left up to the discretion of the physician.

OREGON

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- A degenerative or pervasive neurological condition
- Cancer
- Glaucoma
- HIV/AIDS
- Post-traumatic stress disorder (PTSD)
- A medical condition or disease or its treatment that causes one or more of the following:
- Cachexia (a weight-loss disease that can be caused by HIV or cancer)
- Persistent muscle spasm, including but not limited to spasms caused by multiple sclerosis
- Seizures, including but not limited to seizures caused by epilepsy
- Severe nausea
- Severe pain

PENNSYLVANIA

Legalized medical marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- Amyotrophic lateral sclerosis
- Autism
- Cancer, including remission therapy
- Crohn's disease
- Damage to the nervous tissue of the central nervous system (brain-spinal cord) with objective neurological indication of intractable spasticity, and other associated neuropathies
- Dyskinetic and spastic movement disorders
- Epilepsy
- Glaucoma
- HIV/AIDS.
- Huntington's disease
- Inflammatory bowel disease
- Intractable seizures
- Multiple sclerosis
- Neurodegenerative diseases
- Neuropathies
- Opioid use disorder for which conventional therapeutic interventions are contraindicated or ineffective, or for which adjunctive therapy is indicated in combination with primary therapeutic interventions
- Parkinson's disease
- Post-traumatic stress disorder
- Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain
- Sickle cell anemia
- Terminal illness

RHODE ISLAND

Legalized medical marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- Cancer
- Glaucoma
- Hepatitis C
- HIV/AIDS
- A medical condition or debilitating chronic disease or its treatment that causes at least one of the following:
- Agitation related to Alzheimer's Disease
- Cachexia or wasting syndrome
- Seizures, including but not limited to those characteristic of epilepsy
- Severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis or Crohn's disease
- Severe nausea
- Severe, debilitating, chronic pain
- Any other medical condition or its treatment approved by the department of health

SOUTH CAROLINA

Legalized medical marijuana

Medical use of marijuana currently prohibited with legalized usage of cannabidiol (CBD) for limited purposes.

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

No, not currently available.



Qualifying medical conditions

- Lennox Gastaut Syndrome
- Dravet Syndrome or any other severe form of epilepsy that is not adequately treated by conventional treatments
- Cachexia (wasting syndrome)
- Severe or chronic pain
- Severe nausea
- Seizures
- Severe and persistent muscle spasms
- Low THC oil is approved to treat Lennox-Gastaut Syndrome, Dravet Syndrome, also known as 'severe myoclonic epilepsy of infancy', or any other severe form of epilepsy.
- And other conditions that are severe and resistant to traditional medicine therapies.

SOUTH DAKOTA

Legalized medical marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require a government medical assistance program or an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

South Dakota lacks any official medical marijuana program.

The Flandreau Santee Sioux Tribe's medical marijuana program requires that tribal marijuana ID cards be issued only to individuals certified by a medical professional to have "a chronic or debilitating disease or medical condition or its treatment" that causes "cachexia or wasting syndrome; severe, debilitating pain; severe nausea; seizures; or severe and persistent muscle spasms, including, those characteristic of multiple sclerosis."

TENNESSEE

Legalized medical marijuana

Medical use of marijuana currently prohibited with legalized usage of cannabidiol (CBD) for limited purposes. Tennessee allows for Cannabis oils with high CBD, low THC for seizure patients.

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Dispensaries

No



Qualifying medical conditions

Only treatment-resistant seizures are listed as the official qualifying conditions for medical marijuana extracts in Tennessee.

TEXAS

Legalized medical marijuana

Medical use of marijuana currently prohibited with legalized usage of cannabidiol (CBD) for limited purposes.

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Cannabinoids are excluded from the pharmacy closed formulary, and therefore require preauthorization before they can be dispensed.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- Amyotrophic lateral sclerosis (ALS)
- Lou Gehrig's disease
- Autism
- Epilepsy or other seizure disorder
- Incurable neurodegenerative diseases
- Multiple sclerosis
- Spasticity
- Terminal cancer
- Low THC oil is approved to treat intractable epilepsy.

There are currently no age restrictions for patients. However, patients below the age of 18 will need a parent or legal guardian to purchase medical marijuana on their behalf.

UTAH

Legalized medical marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

- A condition resulting in the individual receiving hospice care
- A rare disease or condition (affecting less than 200,000 individuals in the U.S., as defined by federal law) which is inadequately managed using physical interventions or conventional treatments (other than opioids or opiates)
- Alzheimer's disease
- Amyotrophic lateral sclerosis (ALS)
- Autism
- Cachexia (wasting syndrome)
- Cancer
- Crohn's disease or ulcerative colitis
- Epilepsy or debilitating seizures
- HIV/AIDS
- Multiple sclerosis or debilitating muscle spasms

- Pain lasting longer than two weeks that is inadequately managed, in the qualified medical provider's opinion, despite treatment with conventional medications (other than opioids or opiates) or physical intervention
- Persistent nausea that is not significantly responsive to conventional treatment except for nausea associated with pregnancy, cannabis-induced cyclical vomiting syndrome, or CBD hyperemesis syndrome
- Post-traumatic stress disorder (PTSD) that is being treated and monitored by a mental health therapist and has been properly diagnosed and documented
- Terminal illness when the remaining life expectancy is less than six months

The Compassionate Use Board gives medical cannabis approvals for those who don't have a specifically named qualifying condition.

VERMONT

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

An insurer or employer is not required to reimburse for medical marijuana.

May be treatment component but cost born by injured worker - no insurance payment required.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

“Debilitating medical condition” means:

(A) cancer, glaucoma, multiple sclerosis, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or the treatment of these conditions, if the disease or the treatment results in severe, persistent, and intractable symptoms; or

(B) a life threatening, progressive, and debilitating disease or medical condition or its treatment that produces severe, persistent, and intractable symptoms such as: cachexia or wasting syndrome; severe pain; severe nausea; or seizures.

- AIDS
- Cancer

- Crohn's disease
- Glaucoma
- HIV
- Multiple sclerosis
- Parkinson's disease

If any of the above diseases or conditions result in persistent, severe, and intractable symptoms of:

- Cachexia or wasting syndrome
- Chronic pain
- PTSD (provided the applicant is undergoing psychotherapy or counseling with a licensed mental health care provider)
- Seizures
- Severe nausea

VIRGINIA

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

The only official condition listed as a qualifier for cannabis products in Virginia is intractable epilepsy. A doctor can help you apply for other conditions at their discretion.

WASHINGTON

Legalized medical and recreational marijuana

Yes

Workers' compensation related policy

Nothing establishes a right of care as a covered benefit or requires any state purchased health care as defined in RCW 41.05.011 or other health carrier or health plan as defined in Title 48 RCW to be liable for any claim for reimbursement for the medical use of marijuana. Such entities may enact coverage or noncoverage criteria or related policies for payment or nonpayment of medical marijuana in their sole discretion.

Patient registry or ID cards

Yes

Dispensaries

Yes



Qualifying medical conditions

There is medical evidence that some patients with terminal or debilitating medical conditions may, under their health care professional's care, benefit from the medical use of marijuana. Some of the conditions for which marijuana appears to be beneficial include, but are not limited to:

- (i) Nausea, vomiting, and cachexia associated with cancer, HIV-positive status, AIDS, hepatitis C, anorexia, and their treatments;
- (ii) Severe muscle spasms associated with multiple sclerosis, epilepsy, and other seizure and spasticity disorders;
- (iii) Acute or chronic glaucoma;
- (iv) Crohn's disease; and
- (v) Some forms of intractable pain.

WEST VIRGINIA

Legalized medical marijuana

Yes

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.

Patient registry or ID cards

Yes

Dispensaries

Yes



QUALIFYING MEDICAL CONDITIONS

- Amyotrophic lateral sclerosis (ALS)
- Cancer
- Crohn's disease
- Damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity
- Epilepsy
- HIV/AIDS
- Huntington's disease
- Intractable seizures
- Multiple sclerosis
- Neuropathies
- Parkinson's disease
- Post-traumatic stress disorder (PTSD)
- Severe chronic or intractable pain of neuropathic origin or severe chronic or intractable pain for which conventional treatment and opiate therapy is contraindicated or has proved ineffective
- Sickle cell anemia
- Terminal illness with a life expectancy of approximately one year or less if the illness runs its normal course

WISCONSIN

Legalized medical marijuana

Medical use of marijuana currently prohibited with legalized usage of cannabidiol (CBD) for limited purposes. Very limited CBD products with non-psychoactive component of marijuana are allowed for patients with seizure disorders.

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.



Qualifying medical conditions

Wisconsin lacks any official medical marijuana programs.

WYOMING

Legalized medical marijuana

Medical use of marijuana currently prohibited with legalized usage of cannabidiol (CBD) for limited Purposes. Hemp extracts - allowed for condition of intractable epilepsy or seizure disorders if THC levels are below 0.3 % and CBD levels are above 5%.

Workers' compensation related policy

There are no statutes, regulations or court opinions that require an insurer to reimburse for payment of medical marijuana.



Qualifying medical conditions

Wyoming lacks any official medical marijuana programs.