

**IAIABC Survey: Medical Marijuana in Workers' Compensation
December 2012**

Jurisdiction	Does your jurisdiction permit the use of marijuana for recreational purposes?	Does your jurisdiction permit the use of marijuana for medical reasons?	If yes, does your jurisdiction have any specific regulations for the use of medical marijuana for workers' compensation claimants? If yes, please explain.
Alaska	No	Yes	No
Arizona	No	Yes	No
Arkansas	No	No	
Georgia	No	No	No
Idaho	No	No	
Iowa	No	No	
Kansas	No	No	
Kentucky	No	No	No

Jurisdiction	Does your jurisdiction permit the use of marijuana for recreational purposes?	Does your jurisdiction permit the use of marijuana for medical reasons?	If yes, does your jurisdiction have any specific regulations for the use of medical marijuana for workers' compensation claimants?	If yes, please explain.
Maryland	No	No		
Montana	No	Yes	Yes	Medical marijuana is listed as disallowed under ARM 24.29.1526
Nebraska	No	No		
				State requires patient registry identification card, supervision and monitoring; State requires caregiver and practitioner licensing; operations under New Mexico law enforcement fact sheet
New Mexico	No	Yes	Yes	
Rhode Island	No	Yes	No	
South Dakota	No	No	No	
Tennessee	No	No	No	
U.S. DOL Division of Longshore & Harbor Workers' Compensation				
				it is NOT covered by WC - specific statutory exemption
Vermont	No	Yes	Yes	
Virginia	No	No		
Washington	Yes	Yes	No	
West Virginia	No	No		
Wisconsin	No	No		

Jurisdiction	Has your jurisdiction had any disputes or adjudication on cases specifically related to medical marijuana for workers' compensation claims?	If yes, please explain.	Please provide any additional comments you have.
Alaska	Unsure	I was unable to find any decisions on point	AS 23.30.120 provides that the presumption of compensability does not apply if the employee was under the influence of drugs at the time of injury. However there is an exemption if the employee has taken drugs under a doctor's direction
Arizona	Yes	Claimant was using Marajuana for non-industrial reasons. Carrier denied the Claimant's request for opioids for the industrial claim on the grounds that using opioids and maraj at the same time is medically contraindicated. At hearing, the carrier prevailed	we were not aware of any specific cases. While a doctor in Arkansas could not prescribe it, if the claimant in an Arkansas comp case lived in a state where medical marijuana was legal, the carrier would probably have to pay for it if it was prescribed by an authorized doctor and it was reasonable and necessary.
Arkansas	No		
Georgia	No		
Idaho	No		
Iowa	Yes	In an Alternate Medical Care Decision, defendants were held liable for expenses related to the use of medical marijuana where the claimant was then a resident of a state that approved the use of medical marijuana and the authorized treating physician in that state had recommended it's use.	
Kansas	No		
Kentucky	No		

Jurisdiction	Has your jurisdiction had any disputes or adjudication on cases specifically related to medical marijuana for workers' compensation claims?	If yes, please explain.	Please provide any additional comments you have.
Maryland	Unsure		
Montana	Unsure		
Nebraska	No		
		Few cases where dispute is about whether or not employer/insurer were liable for payment for medical marijuana as reasonable and necessary medical treatment for work injury; dispute over if medical marijuana prescription was written by the authorized treating health care provider. Not aware of any reported decisions from the Court of Appeals or the Supreme Court on the issue.	Disputes over whether employer/insurer were liable for payment for medical marijuana for reasonable and necessary treatment
New Mexico	Yes		
Rhode Island	No		
			South Dakota's laws deny benefits to an employee whose use of a Schedule I or II drug (which would include marijuana) was a proximate cause of the work injury.
South Dakota	No		
Tennessee	No		
U.S. DOL Division of Longshore & Harbor Workers' Compensation	No		This issue has not arising under the Longshore Act. Jurisdiction encompasses all states and outside the US. Legislature may consider bills in the session starting in January that may impact this.
Vermont	No		
Virginia	Unsure		
Washington	No		
West Virginia	No		
Wisconsin	Unsure		