

# SENATE BILL 854

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By: **Senator Zirkin**

Introduced and read first time: February 4, 2019

Assigned to: Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Workers' Compensation – Medical Cannabis – Compensation and Benefits**

3 FOR the purpose of providing that a covered employee or a dependent of a covered employee  
4 is not entitled to compensation or benefits under the workers' compensation law if a  
5 certain accidental personal injury, compensable hernia, or occupational disease was  
6 caused solely by the effect of medical cannabis on the employee and the medical  
7 cannabis was not administered or taken with the written certification or written  
8 instructions of a physician; including medical cannabis in the medicine that an  
9 employer or its insurer is required to provide to a covered employee under certain  
10 circumstances; providing for the application of this Act; and generally relating to  
11 compensation or benefits under workers' compensation law.

12 BY repealing and reenacting, without amendments,  
13 Article – Labor and Employment  
14 Section 9–506(a) and 9–660(b)  
15 Annotated Code of Maryland  
16 (2016 Replacement Volume and 2018 Supplement)

17 BY repealing and reenacting, with amendments,  
18 Article – Labor and Employment  
19 Section 9–506(b) and 9–660(a)  
20 Annotated Code of Maryland  
21 (2016 Replacement Volume and 2018 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
23 That the Laws of Maryland read as follows:

24 **Article – Labor and Employment**

25 9–506.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) A covered employee or a dependent of a covered employee is not entitled to  
2 compensation or benefits under this title as a result of:

3 (1) an intentional, self-inflicted accidental personal injury, compensable  
4 hernia, or occupational disease; or

5 (2) an attempt to injure or kill another.

6 (b) A covered employee or a dependent of a covered employee is not entitled to  
7 compensation or benefits under this title as a result of an accidental personal injury,  
8 compensable hernia, or occupational disease if:

9 (1) the accidental personal injury, compensable hernia, or occupational  
10 disease was caused solely by the effect on the covered employee of:

11 (i) a depressant, hallucinogenic, hypnotic, narcotic, or stimulant  
12 drug; or

13 (ii) another drug that makes the covered employee incapable of  
14 satisfactory job performance; and

15 (2) the drug was not administered or taken in accordance with:

16 (I) the prescription of a physician; **OR**

17 (II) **FOR MEDICAL CANNABIS, THE WRITTEN CERTIFICATION OR**  
18 **WRITTEN INSTRUCTIONS OF A PHYSICIAN.**

19 9-660.

20 (a) In addition to the compensation provided under this subtitle, if a covered  
21 employee has suffered an accidental personal injury, compensable hernia, or occupational  
22 disease the employer or its insurer promptly shall provide to the covered employee, as the  
23 Commission may require:

24 (1) medical, surgical, or other attendance or treatment;

25 (2) hospital and nursing services;

26 (3) medicine, **INCLUDING MEDICAL CANNABIS**;

27 (4) crutches and other apparatus; and

28 (5) artificial arms, feet, hands, and legs and other prosthetic appliances.

1           (b)     The employer or its insurer shall provide the medical services and treatment  
2 required under subsection (a) of this section for the period required by the nature of the  
3 accidental personal injury, compensable hernia, or occupational disease.

4           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
5 apply only prospectively and may not be applied or interpreted to have any effect on or  
6 application to any claim arising from events occurring before the effective date of this Act.

7           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2019.