

HOUSE BILL 614

K1
HB 683/21 – ECM & HGO

2lr0537
CF 2lr0536

By: **Delegates Valderrama and Charkoudian**

Introduced and read first time: January 31, 2022

Assigned to: Economic Matters and Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of altering the circumstances under which a covered employee or a
4 dependent of a covered employee is not entitled to compensation or benefits under
5 the workers' compensation law to include circumstances related to the use of medical
6 cannabis; including medical cannabis in the medicine that an employer or its insurer
7 is required to provide to a covered employee except under certain circumstances; and
8 generally relating to compensation and benefits under workers' compensation law.

9 BY repealing and reenacting, without amendments,
10 Article – Labor and Employment
11 Section 9–506(a) and 9–660(b)
12 Annotated Code of Maryland
13 (2016 Replacement Volume and 2021 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Labor and Employment
16 Section 9–506(b) and 9–660(a)
17 Annotated Code of Maryland
18 (2016 Replacement Volume and 2021 Supplement)

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

21 **Article – Labor and Employment**

22 9–506.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

9 (i) a depressant, hallucinogenic, hypnotic, narcotic, or stimulant
10 drug; or

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

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

14 (I) the prescription of a physician; OR

15 (II) **FOR MEDICAL CANNABIS, THE WRITTEN CERTIFICATION OF**
16 **A CERTIFYING PROVIDER OBTAINED IN ACCORDANCE WITH TITLE 13, SUBTITLE 33**
17 **OF THE HEALTH – GENERAL ARTICLE.**

18 9–660.

19 (a) (1) In addition to the compensation provided under this subtitle, if a
20 covered employee has suffered an accidental personal injury, compensable hernia, or
21 occupational disease the employer or its insurer promptly shall provide to the covered
22 employee, as the Commission may require:

23 [(1)] (I) medical, surgical, or other attendance or treatment;

24 [(2)] (II) hospital and nursing services;

25 [(3)] (III) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
26 **SUBSECTION, medicine, INCLUDING MEDICAL CANNABIS OBTAINED IN ACCORDANCE**
27 **WITH TITLE 13, SUBTITLE 33 OF THE HEALTH – GENERAL ARTICLE;**

28 [(4)] (IV) crutches and other apparatus; and

29 [(5)] (V) artificial arms, feet, hands, and legs and other prosthetic
30 appliances.

1 **(2) AN EMPLOYER OR ITS INSURER IS NOT REQUIRED TO PROVIDE**
2 **MEDICAL CANNABIS IF THE PROVISION WOULD CAUSE THE EMPLOYER TO VIOLATE**
3 **FEDERAL LAW OR REGULATIONS OR TO LOSE A MONETARY OR LICENSING-RELATED**
4 **BENEFIT UNDER FEDERAL LAW OR REGULATIONS.**

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

8 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2022,
9 the Workers' Compensation Commission shall adopt any regulations necessary to carry out
10 Section 1 of this Act.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to
12 apply only prospectively and may not be applied or interpreted to have any effect on or
13 application to any claim arising from events occurring before the effective date of this Act.

14 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2022.