



Medical cannabis is legal in Maryland, and is currently being recommended by health care providers to treat patients with chronic pain. Many injured workers are using it instead of opioids and other narcotic pain medicine. Yet, under Maryland's Workers' Compensation law, it is unclear whether it is a covered medical expense. As a result, some Commissioners have ordered workers' compensation insurers to pay for medical cannabis, while others refuse.

Additionally, because drug testing is required by many employers, and someone who has used medical cannabis can test positive for weeks after using it as recommended, workers' are testing positive and being disciplined or fired.

HB 628, akin to HB 614, authorizes workers' compensation commissioners to order workers' compensation insurance companies to pay for medical cannabis, if and when the claimant and his attorney can convince a Commissioner that it is appropriate. Note, the workers' compensation insurer and its lawyer can submit medical evidence from a doctor, then argue that medical cannabis is not an appropriate treatments strategy.

HB 628 also prevents workers' who are using medical cannabis, perhaps in lieu of narcotics or opioids, from losing their job, merely because a positive marijuana test violates a zero tolerance policy.

Note, the Bill expressly authorized employers discipline workers' whose faculties are impaired by the use of medical cannabis – when a worker is high or stoned.

If we are going to allow Marylanders to use medical cannabis, it makes no sense to tell them that flunking a drug test because they did so will cost them their job.