

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

SECOND REGULAR SESSION-2022

Legislative Document

No. 1881

H.P. 1391

House of Representatives, January 5, 2022

**An Act To Clarify the Laws Related to the Use of Medical
Marijuana and Workers' Compensation**

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Reference to the Committee on Labor and Housing suggested and ordered printed.

Handwritten signature of Robert B. Hunt in cursive.

ROBERT B. HUNT
Clerk

Presented by Representative DILLINGHAM of Oxford.

1 **Emergency preamble.** Whereas, acts and resolves of the Legislature do not
2 become effective until 90 days after adjournment unless enacted as emergencies; and

3 **Whereas**, protecting a qualifying patient's authorized medical use of marijuana under
4 the Maine Medical Use of Marijuana Act is critical; and

5 **Whereas**, the interaction between the Maine Workers' Compensation Act of 1992 and
6 the Maine Medical Use of Marijuana Act needs clarification before the 90-day period
7 expires; and

8 **Whereas**, in the judgment of the Legislature, these facts create an emergency within
9 the meaning of the Constitution of Maine and require the following legislation as
10 immediately necessary for the preservation of the public peace, health and safety; now,
11 therefore,

12 **Be it enacted by the People of the State of Maine as follows:**

13 **Sec. 1. 22 MRSA §2426, sub-§2, ¶A**, as enacted by IB 2009, c. 1, §5, is amended
14 to read:

15 A. A government medical assistance program or private health insurer to reimburse a
16 person for costs associated with the medical use of marijuana; ~~or~~

17 **Sec. 2. 22 MRSA §2426, sub-§2, ¶B**, as enacted by IB 2009, c. 1, §5, is amended
18 to read:

19 B. An employer to accommodate the ingestion of marijuana in any workplace or any
20 employee working while under the influence of marijuana; or

21 **Sec. 3. 22 MRSA §2426, sub-§2, ¶C** is enacted to read:

22 C. An insurance company, as defined in Title 39-A, section 102, subsection 14, to
23 reimburse a qualifying patient for costs associated with the medical use of marijuana.

24 **Sec. 4. 22 MRSA §2430-C, sub-§10** is enacted to read:

25 **10. Workers' compensation.** A decision, lump-sum settlement or agreement under
26 the Maine Workers' Compensation Act of 1992 may not prohibit an employee who is
27 seeking determination of rights under the Act from engaging in conduct as a qualifying
28 patient authorized by this chapter.

29 **Sec. 5. 39-A MRSA §309, sub-§2**, as enacted by PL 1991, c. 885, Pt. A, §8 and
30 affected by §§9 to 11, is amended to read:

31 **2. Evidence.** The board or its designee need not observe the rules of evidence
32 observed by courts, but shall observe the rules of privilege recognized by law. The board
33 or its designee shall admit evidence if it is the kind of evidence on which reasonable persons
34 are accustomed to relying in the conduct of serious affairs. The board or its designee may
35 exclude irrelevant or unduly repetitious evidence. The board or its designee shall exclude
36 evidence of an employee engaging in conduct as a qualifying patient authorized by the
37 Maine Medical Use of Marijuana Act.

38 **Emergency clause.** In view of the emergency cited in the preamble, this legislation
39 takes effect when approved.

SUMMARY

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This bill provides that:

1. A decision, lump-sum settlement or agreement under the Maine Workers' Compensation Act of 1992 may not prohibit an employee from engaging in conduct as a qualifying patient pursuant to the Maine Medical Use of Marijuana Act;
2. The Maine Medical Use of Marijuana Act may not be construed to require an insurance company providing workers' compensation insurance to reimburse a qualifying patient for costs associated with the medical use of marijuana; and
3. The Workers' Compensation Board must exclude evidence of an employee engaging in conduct as a qualifying patient authorized by the Maine Medical Use of Marijuana Act in any proceedings before the board.