

# Medical Marijuana Research Act

PAVES THE WAY FOR MORE FDA APPROVED MARIJUANA-BASED  
MEDICATIONS: IMPACT ON EMPLOYER SPONSORED HEALTHCARE

## BACKGROUND

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Over the last 26 years, marijuana (cannabis) has been legalized in 39 states for medical uses and 21 states for recreational use. Although the federal government maintains the illegality of marijuana products, the bipartisan Medical Marijuana and Cannabidiol Research Expansion Act was passed by the senate on Nov 16, 2022. This bill will facilitate research on the health benefits of marijuana and potentially lead to more FDA approved marijuana-based medications for conditions such as epilepsy and glaucoma.<sup>1</sup>

### Marijuana Legalization Impact on Employers' Illegal Drug Use Policies

According to the CDC, ~50M<sup>2</sup> people in the US used marijuana at least once in 2019. For employers, who generally frown on illegal drug use, the continued legalization of marijuana has posed a policy challenge. States such as NY<sup>3</sup> have enacted legislation that prohibits discrimination based on cannabis use as long as it is outside of the workplace, work hours and without the use of the employer's equipment and property. Due to the long-lasting effects of marijuana, employers remain vigilant to ensure safety and retain the right to terminate employment if the employee is displaying symptoms of impairment resulting from cannabis.

### Marijuana Based Prescription Drug Impact on Employer Sponsored Healthcare

The continued battle with addictive prescription drugs such as opioids poses the question of how to address marijuana-based prescription medications. Currently there are four FDA approved marijuana based or synthetic cannabis drugs, which can/are covered by some health plans. The enactment of the Medical Marijuana Research Act paves the way for additional compounds to be approved in the future. Although at this point the cost of cannabis is not covered by any private or public insurance plan<sup>4</sup>, some plans such as NY Medicaid will cover services related to patient evaluation and certification of medical cannabis.<sup>5</sup>

In the future, Employers, health plans, and PBMs will need to decide whether these products and related services will be covered under their plans and formularies.

## Future Questions and Topics for Consideration by Employers and Health Plans

1. The continued use of drug tests as part of employment
2. Studies show that the use of marijuana decreases opioid use<sup>6</sup>
3. The cost of marijuana products
4. Side effects that can pose potentially life-threatening risks at your job site
5. Benefits of products and the potential to reduce reliance on other more addictive products, improve employee quality of life, increase overall health plan savings.

## ABOUT OPTIMUM

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Optimum is a vendor management firm that focuses exclusively on the HR supply chain with turnkey solutions that improve the financial, operating performance, transparency and accountability of HR Benefit programs while still maintaining existing vendor relationships.

### SOURCES:

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2. CDC: <https://www.cdc.gov/marijuana/data-statistics.htm>
3. NY Department of Labor, "Adult Use Cannabis and the Workplace" New York Labor Law 201-D, <https://dol.ny.gov/system/files/documents/2021/10/p420-cannabisfaq-10-08-21.pdf>
4. Maryland Medial Cannabis Commission, Webpage <https://mmcc.maryland.gov/Pages/patients.aspx>
5. New York State Office of Cannabis Management [https://www.health.ny.gov/health\\_care/medicaid/program/update/2019/2019-06.htm#marijuana](https://www.health.ny.gov/health_care/medicaid/program/update/2019/2019-06.htm#marijuana)
6. Jiebing, Wen; Hefei, Wen; J S, Butler Talbert, Jeffery C. The impact of medical and recreational marijuana laws on opioid prescribing in employer-sponsored health insurance, Health Econ 2021 May;30(5):989-1000.