



## Medical Cannabis Laws and Practitioner Protections

The vast majority of medical cannabis states provide explicit protections for health care providers who issue written certifications or recommend cannabis. Most of these laws are strikingly similar to LB 933, explicitly providing that practitioners cannot be subjected to any penalty, including arrest, prosecution, or disciplinary proceeding, or denial of any right or privilege for recommending medical cannabis. Some include exceptions for if the doctor violates the standard of care.

Only Nebraska and Vermont lack explicit legal protections for certifying health care practitioners. Nebraska's law was enacted by voters after the state Supreme Court ruled that a 2020 effort was multiple subjects. Protections were likely omitted to avoid risking a similar ruling.

Vermont had legal protections in its original medical cannabis law. However, when the law was re-codified to combine it with adult-use legalization, the provision appears to have been inadvertently omitted. That said, Vermont also doesn't rely on doctors recommending cannabis, they simply state that the patient has a qualifying condition.

Medical-Only State?	Practitioner Protections?		Citation
Alabama	Yes	Yes	Ala. Code § 20-2A-7 (a)
Alaska	No, adult-use, too	Yes	A.S. § 17.37.030 (c)
Arizona	No, adult-use, too	Yes	A.R.S. § 36-2811 (C.)
Arkansas	Yes	Yes	Ark. Const. Amend. 98, § 15 (h)(1)
California	No, adult-use, too	Yes	Cal.Health & Safety Code § 11362.5 (c)
Colorado	No, adult-use, too	Yes	C.R.S.A. Const. Art. 18, § 14 (c)
Connecticut	No, adult-use, too	Yes	C.G.S.A. § 21a-408c
Delaware	No, adult-use, too	Yes	16 Del.C. § 4903A
Florida	Yes	Yes	Florida Const. Article X, § 29 (a)(2)
Georgia	Yes, low-THC state	Yes	Ga. Code Ann., § 16-12-231
Hawaii	Yes	Yes	HRS § 329-126
Illinois	No, adult-use, too	Yes	410 ILCS 130/25
Iowa	Yes, low-THC state	Yes	I.C.A. § 124E.12

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<b>Kentucky</b>	Yes	Yes	KRS § 218B.015 (d)
<b>Louisiana</b>	Yes	They “may recommend”	LSA-R.S. § 40:1046
<b>Maine</b>	No, adult-use, too	They “may” provide certifications	M.R.S.A. § 2423-B
<b>Maryland</b>	No, adult-use, too	Yes	MD Code, Alcoholic Beverages and Cannabis, § 36-1201
<b>Massachusetts</b>	No, adult-use, too	Yes	M.G.L.A. 94I § 2
<b>Michigan</b>	No, adult-use, too	Yes	M.C.L.A. 333.26424
<b>Minnesota</b>	No, adult-use, too	Yes	M.S.A. § 342.57
<b>Mississippi</b>	Yes	Yes, “is allowed”	Miss. Code Ann. § 41-137-9 (2)(d)
<b>Missouri</b>	No, adult-use, too	Yes	Mo. Const. Art. XIV § 1(5)
<b>Montana</b>	No, adult-use, too	Yes	MCA § 16-12-515
<b>Nebraska</b>	Yes	<b>No</b>	<b>N/A</b>
<b>Nevada</b>	No, adult-use, too	Yes	N.R.S. § 678C.650
<b>New Hampshire</b>	Yes	Yes	N.H. Rev. Stat. § 126-X:2
<b>New Jersey</b>	No, adult-use, too	Yes	N.J.S.A. § 24:6I-6
<b>New Mexico</b>	No, adult-use, too	Yes	N. M. S. A., § 26-2B-4
<b>New York</b>	No, adult-use, too	Yes	McKinney's Public Health Law § 3369
<b>North Dakota</b>	Yes	Yes	NDCC, § 19-24.1-32 (10)
<b>Ohio</b>	No, adult-use, too	Yes	R.C. § 3780.33
<b>Oklahoma</b>	Yes	Yes	63 Okl.St. Ann. § 427.10
<b>Oregon</b>	No, adult-use, too	Yes	O.R.S. § 475C.891
<b>Penn.</b>	Yes	Yes	35 P.S. § 10231.2103 (a)(3)
<b>Rhode Island</b>	No, adult-use, too	Yes	RI G.L., § 21-28.6-4 (k)
<b>Texas</b>	Yes	They “may” prescribe	V.T.C.A., Occupations Code § 169.003
<b>South Dakota</b>	Yes	Yes	SDCL § 34-20G-5

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<b>Utah</b>	Yes	Yes	Utah Code § 26B-4-20
<b>Vermont</b>	No, adult-use, too	Not currently?	Previously, 18 VSA 4476b. Appears to have been mistakenly omitted. Also, HCPs in VT simply say a patient has a qualifying condition.
<b>Virginia</b>	No, adult-use, too, but no sales yet	Yes	VA Code Ann. § 4.1-1601
<b>Washington</b>	No, adult-use, too	Yes	RCW § 69.51A.030
<b>West Virginia</b>	Yes	Yes	