

# Workers' Comp Legislative Activity

December 15, 2020 – February 1, 2021

## MISSOURI

### SB 303

**Status:** 1st Chamber

**Actions:** 01/06/2021 Introduced  
12/16/2020 Pre-filed

**Summary:** Summary for 1/6/2021 Version

This measure modifies the process for the delivery of workers' compensation benefits through electronic means. This measure is applicable to workers' compensation benefits. This measure allows for the delivery of temporary total or temporary partial disability payments payable under workers' compensation laws by electronic transfer or other manner authorized by the claimant. This measure will take effect on August 28, 2021 unless a provision specifically states otherwise on the measure text.

**Outlook:** On January 6, 2021, this measure was introduced. This measure awaits committee referral.

**Bill Links:** [1/6/2021 Version](#)

## NEW JERSEY

### AB 1708

**Status:** 1st Chamber

**Actions:** 10/26/2020 Hearing held; Amended; Passed committee  
02/13/2020 Passed committee; Re-referred to Assembly Appropriations Committee  
01/14/2020 Referred to Assembly Financial Institutions and Insurance Committee

**Summary:** Summary for 10/26/2020 Version

This measure amends New Jersey code to require workers compensation and personal injury protection (PIP) coverage for medical cannabis under certain circumstances. This measure applies to personal injury protection automobile insurance benefits and workers compensation benefits.

This measure requires that such benefits must include coverage for costs associated with the medical use of cannabis provided that the insured or the employee is a qualifying patient authorized for medical cannabis pursuant to the Compassionate Use Medical Marijuana Act. However, an employer

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or workers compensation insurance carrier is not required to provide coverage or benefits for costs associated with the medical use of cannabis upon intervention by the federal government to enforce of the federal "Controlled Substances Act."

This measure provides that an employer or insurer will, if for any reason payment by the employer or insurer to the medical cannabis dispensary is not feasible, remit directly to the insured or employee the costs for any benefits associated with the medical use of cannabis upon proof of payment by the insurer to the medical cannabis dispensary.

This measure does not require that at least one other medication or treatment has been attempted and found to be unsuccessful in treating the debilitating medical condition that qualified the patient for the medical use of cannabis. This measure does not outline any rulemaking or enforcement mechanisms. This measure will take effect 90 days after enactment.

**Outlook:** This measure was heard on October 26 in the Assembly Appropriations Committee, where it was amended and passed the committee by a vote of 7-4. The amendments require health insurance carriers to provide coverage for the medical use of cannabis. This measure is eligible for consideration in the Assembly.

**Bill Links:** [10/26/2020 Version](#)  
[2/13/2020 Version](#)  
[1/14/2020 Version](#)

## NEW YORK

### AB 1185

**Status:** 1st Chamber

**Actions:** 01/07/2021 Introduced; Referred to Assembly Insurance Committee

**Summary:** Summary for 1/7/2021 Version

The measure amends statute to establish that the no-fault and workers' compensation fee schedules will no longer be linked to one another. The measure is applicable to medical providers.

The measure requires the superintendent of the Department of Financial Services to promulgate a separate fee schedule for medical providers who treat no-fault claimants. When creating such a schedule, the measure provides that the superintendent will pay special attention to the reimbursement rates for specialty providers. The measure will take effect upon enactment.

**Outlook:** This measure was introduced and referred to the Assembly Insurance Committee, chaired by Assembly member Cahill (D). The sponsor is the chair. This measure is eligible for committee consideration.

**Bill Links:** [1/7/2021 Version](#)

## NEW YORK

### AB 242

**Status:** 1<sup>st</sup> Chamber

**Actions:** 01/06/2021 Introduced; referred to Assembly Health Committee

**Summary:** Summary for 1/6/2021 Version

This measure amends New York Code adding coverage of medical marijuana to public insurance programs. This measure is applicable to Medicaid, CHIP, Elderly Pharmaceutical Insurance coverage, essential plan programs, and workers' compensation.

This measure stipulates that medical marijuana is a prescription drug, covered drug, or health care service as necessary to authorize coverage under Medicaid, Child Health Plus, Elderly Pharmaceutical Insurance Coverage, Essential Plan programs, and workers' compensation. This measure allows medical marijuana to be covered as a prescription drug under commercial insurance coverage.

This measure stipulates that health plans are not required to cover medical marijuana unless it is provided under one of the public health coverage plans. This measure authorizes the Commissioner of Health to certify medical marijuana dispensing sites as Medicaid providers solely for the purpose of dispensing medical marijuana. The measure will take effect upon enactment.

**Outlook:** This measure has been introduced and referred to the Assembly Health Committee chaired by the sponsor of this measure, Assembly Member Gottfried (D). This measure awaits further consideration before the committee of referral at the discretion of the chair.

**Bill Links:** [1/6/2021 Version](#)

## NORTH DAKOTA

### HB 1139

**Status:** 1st Chamber

**Actions:** 01/18/2021 Hearing held in House Industry, Business and Labor Committee  
01/08/2021 Introduced; referred to House Industry, Business and Labor Committee

**Summary:** Summary for 1/8/2021 Version

This measure creates a new section to the North Dakota Century Code establishing duration limits and maximum payable dosing limits for opioid therapies and benzodiazepines. This measure is applicable to opioid addiction therapy benefits under workers' compensation.

According to this measure, opioid therapy that exceeds 90 morphine milligram equivalents of opioid medication per day, or more than a 7-day supply of an opioid medication during the initial thirty-day

period of opioid therapy, may not be covered. The limitations do not apply to: (a.) opioid therapy prescribed for active and aftercare cancer treatment; (b.) end-of-life and hospice care; (c.) treatment for substance use disorder; (d.) an emergency room setting; (e.) an inpatient hospital setting; (f.) a long-term care facility setting; or, (g.) an assisted living facility setting.

Additionally, this measure states that benzodiazepine therapy may not be covered beyond a cumulative duration of four weeks, except when approved by the organization for the treatment of an anxiety disorder. A combination of opioid therapy and benzodiazepine may not be covered. An injured employee must be in compliance with the limits by July 1, 2022, or coverage will be terminated.

**Outlook:** This measure was heard in the House Industry, Business and Labor Committee, chaired by Representative Mike Lefor (R). No action was reported. This measure awaits further consideration before the committee of referral at the discretion of the chair.

**Bill Links:** [1/8/2021 Version](#)

## SOUTH CAROLINA

### HB 3585

**Status:** 1st Chamber

**Actions:** 01/12/2021 Introduced; Referred to House Committee on Labor, Commerce and Industry

**Summary:** Summary for 1/12/2021 Version

This measure amends South Carolina code regarding notice requirements for cancellation of workers' compensation policy. This measure states that a workers' compensation insurance policy may not be canceled unless written notice of cancellation is delivered or mailed to the South Carolina Workers' Compensation Commission and to the insured.

Notice of cancellation due to nonpayment of premium must be delivered at least 10 days prior to the proposed effective date of cancellation. Notice of cancellation for any other allowed reason must be delivered at least 30 days in advance of the proposed effective date of cancellation. This measure will take effect upon enactment.

**Outlook:** This measure has been introduced and referred to the House Labor, Commerce and Industry Committee, chaired by the sponsor. This measure is eligible for consideration at the discretion of the chair.

**Bill Links:** [1/12/2021 Version](#)