

## Recent Developments Make Marijuana Industry Feel "SAFE"er

On March 28, 2019, the U.S. Financial Services Committee passed The Secure and Fair Enforcement Banking Act (SAFE Act), which will allow banks to offer services to cannabis companies that are in compliance with their respective state's laws. This will be a significant step forward for the marijuana industry if it passes through Congress. It will prohibit federal regulators from taking any adverse actions against financial institutions or person's who are doing business with those involved in a states legitimate marijuana business. The inability of those in the cannabis industry to bank their money has been a major hindrance for years, and this will be a major advancement.

In addition, The New Hampshire Supreme Court overturned a decision this month by the NH Labor Appeals Board stating that the workers' compensation carrier should be responsible for reimbursing the injured worker for the cost of medical marijuana. The Court found that under the state's medical marijuana law, a carrier is not banned from reimbursing and that a qualified patient is entitled to medical marijuana under state law. But the Court sent the case back to the Trial Court for further consideration regarding a possible conflict with federal law or the Controlled Substance Act (CSA).

At trial, the carrier argued that reimbursing the worker for the cost of his medical marijuana places them in violation of the federal CSA, as was held by The Supreme Court of Maine last summer when addressing the same issue.

**Comment:** In recent years, some workers' compensation carriers have opted to reimburse for the cost of an injured workers' medical marijuana, as they have determined that it's cheaper than paying for the more expensive opiate-based pain medications. However, the concern remains that paying for medical marijuana could subject one to federal prosecution because marijuana is still illegal under Federal law. If Congress passes the SAFE Act, it will be the most significant signal from legislators to date that major change on the federal level may be on the horizon. It is important that policymakers consult with counsel who is current with state laws, federal law, various court rulings around the country.

For more information, please contact John C. Kutner at [jkutner@wglaw.com](mailto:jkutner@wglaw.com) or 917.854.1077.