



## State-by-State Provisions Allowing the Addition of Qualifying Conditions

State	Body Required to Approve Additional Conditions			Notes
	Legislature	Department of Health or equivalent	Advisory Committee	
Alaska		X		“Not later than June 1, 1999, the department shall promulgate regulations ... governing the manner in which it may consider adding debilitating medical conditions to the list provided in this section. After June 1, 1999, the department shall also accept for consideration physician or patient initiated petitions to add debilitating medical conditions to the list provided in this section and, after hearing, shall approve or deny such petitions within 180 days of submission. The denial of such a petition shall be considered a final agency action subject to judicial review.”
Arizona		X		The ADHS determines if petitioned conditions impair activities required for daily living, and if marijuana could be used to benefit the patient. The department then schedules a public hearing, and during the review process ADHS partners with the University of Arizona Colleges of Public Health and Medicine to review the petitions, with the colleges acting in an advisory capacity.
Arkansas		X		The Department of Health considers petitions from the public to add medical conditions or treatments. In considering the petitions, the department is required to add conditions or treatments if the patients suffering from the conditions or treatments would derive therapeutic benefit from the use of marijuana, taking into account the positive and negative health effects of such use. The department must hold a hearing and then approve the application within 120 days of its filing.
California				Because California allows medical marijuana for any condition, no agency is required to approve any additional conditions.

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Colorado		X	X	Upon receipt of a petition, the executive director of the Department of Revenue must review peer-reviewed literature of “randomized controlled trials or well-designed observational studies in humans” using marijuana to treat these conditions. The department is required to deny the application if there are no peer-reviewed studies that satisfy the above conditions, or if a majority of the ad hoc medical advisory panel recommends denial of the petition.
Connecticut		X	X	Petitions sent to the Department of Consumer Protection are reviewed by the Board of Physicians, which is required to meet on at least a bi-annual basis. The board issues a recommendation based on literature reviews and public hearings to the Commissioner of the Department, which will then make the final decision to add the condition. The recommendation of the Board of Physicians is not binding, and the Commissioner has final discretion.
Delaware		X		“Any citizen may petition the Department to add conditions or treatments to the list of debilitating medical conditions ... The Department shall consider petitions in the manner required by Department regulation, including public notice and hearing. The Department shall approve or deny a petition within 180 days of its submission. The approval or denial of any petition is a final decision of the Department subject to judicial review.”
District of Columbia				Because the District of Columbia allows medical marijuana to be used to treat any condition, no agency is required to approve any additional conditions.

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Florida	X	X		Florida allows medical marijuana to be used to treat any “debilitating medical conditions of the same kind or class as or comparable to those enumerated.” There is no specific provision for adding qualifying conditions. However, the constitutional amendment creating the medical marijuana program gives regulatory authority to the Department of Health and states that the legislature can enact “laws consistent with this section,” which could allow either to add specific conditions.
Hawaii		X		The law allows the approval of “any other medical condition approved by the department of health pursuant to administrative rules in response to a request from a physician or qualifying patient.”
Illinois		X	X	The Department of Public Health convenes a nine-member board made up of healthcare practitioners specializing in various fields on medicine. After a period of public commenting, the board will review the petitions and makes recommendations to the Department of Public Health, who makes the final decision to add a condition.
Louisiana	X			Each year, the Board of Medical Examiners must submit a report to the House and Senate health committees on any diseases or medical conditions that should be added to the list of qualifying conditions. However, only the legislature can add the conditions.
Maine	X			
Massachusetts				Because Massachusetts allows medical marijuana to be used to treat any serious condition, no agency is required to approve any additional conditions.
Maryland				Because Maryland allows medical marijuana to be used to treat any serious condition, no agency is required to approve any additional conditions.

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Michigan		X	X	A 15-member panel — most of whom are physicians — reviews petitions to add to the list of approved conditions. A majority vote of the panel is an official recommendation to then be sent to the Department of Licensing and Regulatory Affairs for review.
Minnesota		X		The Department of Health Commissioner may add a qualifying condition by notifying the chairs and ranking minority members of the legislative policy committees responsible for health and public safety by January 15 of the year the commissioner wishes to add a condition, to go into effect on August 1 of that same year unless the department is overruled by the legislature.
Missouri				The current law does not explicitly provide any means of adding additional qualifying conditions. However, it already permits qualification for a wide range of listed health issues, in addition to “any other chronic, debilitating or other condition” approved by a physician.
Montana	X			
Nevada		X		The Division of Public and Behavioral Health accepts petitions to add additional conditions, and must respond to these requests within 180 days of receiving the petition.
New Hampshire	X	X		The New Hampshire Department of Health and Human Services is supposed to issue waivers to individuals seeking medical cannabis for different conditions on a case-by-case basis, but, in practice, its rules would result in approval on a condition-by-condition basis instead.
New Jersey		X		The New Jersey Department of Health may add conditions to the list of conditions already approved under the Compassionate Use Act based on petitions from the public.
New Mexico		X	X	The secretary of health established an advisory board of eight practitioners representing various medical specialties. This board reviews petitions to add debilitating conditions and makes recommendations to the department of health on which conditions to add to the list of approved conditions.

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Ohio		X		The State Medical Board may add additional conditions.
New York		X	X	The health commissioner appointed an advisory committee to serve at his pleasure, which was required to include healthcare practitioners, patients or their representatives, experts in regulating controlled substances for medical use, industry professionals, and law enforcement. The commissioner does not appear to be required to follow the recommendations.
North Dakota	X			North Dakota's voter-enacted law allowed for a petition process to add conditions administratively. However, the legislature revised the law in 2017 and removed that provision.
Oregon		X		Petitioners may submit petitions to the department for approval, in addition to descriptions of the benefits that medical marijuana may provide for their condition and evidence for its efficacy for the condition. The department holds public hearings and makes the determination of whether or not to add the condition.
Pennsylvania		X	X	An advisory board will produce reports that include "whether to change, add or reduce" the qualifying medical conditions. Following the report, the department may promulgate rules.
Rhode Island		X		The health department receives petitions for conditions to be added and must approve or deny them within 180 days.
Utah	X		X	A "compassionate use board" may approve petitions for patient approval even in cases when the individual has not been diagnosed with an explicitly listed qualifying condition.
Vermont	X			
Washington	X			
West Virginia	X			An advisory board will make recommendations to the Health Bureau on a number of issues, including adding and deleting qualifying conditions.