

## Marijuana Use in Senior Care Facilities

### Question

Do senior care facilities have to allow residents who wish to use marijuana to do so if it is legal in their state?

### Answer

Forty states, three territories, and the District of Columbia allow for the medical use of cannabis products, and some states also allow recreational use.<sup>1</sup> However, senior care facilities are not required to allow residents to use medical or recreational marijuana because it is still illegal under federal law. In April 2026, the Federal Government reclassified state-licensed medical marijuana from a Schedule I drug to a Schedule III drug. Although this reclassification changes how marijuana is regulated, it has not been legalized at the federal level.<sup>2</sup>

Even though states may permit medicinal and/or recreational marijuana sales, senior care facilities that accept Medicare and Medicaid funding must comply with certain federal standards and laws or risk losing funding. Further, the U.S. Department of Housing and Urban Development (HUD) prohibits housing communities from admitting new residents who use medical marijuana, but communities may use their discretion to address existing residents who use medical marijuana. Additionally, HUD has determined that reasonable accommodation requests for the use of medical marijuana under the Fair Housing Act are not allowed.<sup>3</sup> Although this status may be subject to revision following the reclassification of marijuana as a Schedule III drug, it currently remains in effect.

If a facility does not participate in such federal programs, it's important to review state law to determine whether any provisions exist that protect patients from discrimination on the basis of using marijuana.

Senior care facilities should examine their state laws and regulations regarding marijuana. Then the facility should create or update its policies and procedures on marijuana to protect and best suit itself

and the residents' needs. If the facility decides to allow marijuana, a policy should be drafted that outlines the protocols for storage, administration, and procurement, as well as any other pertinent situations that may result from allowing its use. Some of these issues may not be addressed in state laws or regulations.

## Resources

- [Centers for Disease Control and Prevention: State Medical Cannabis Laws](#)
- [LeadingAge: Medical Marijuana FAQs: What Providers Need to Know if Legal in Their State](#)
- [National Conference of State Legislatures: State Medical Cannabis Laws](#)
- [Senior Housing News: Senior Living Providers Can No Longer Blow Off Pot Policies](#)
- [U.S. Food & Drug Administration: FDA Regulation of Cannabis and Cannabis-Derived Products, Including Cannabidiol \(CBD\)](#)

## Endnotes

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<sup>1</sup> National Conference of State Legislature. (2025, June 27 [last updated]). State medical cannabis laws. Retrieved from [www.ncsl.org/health/state-medical-cannabis-laws](http://www.ncsl.org/health/state-medical-cannabis-laws)

<sup>2</sup> Durkin-Richer, A., & Johnson, G. (2026, April 23). Trump reclassifies state-licensed medical marijuana as a less-dangerous drug in a historic shift. *Associated Press*. Retrieved from <https://apnews.com/article/medical-marijuana-rescheduling-justice-department-trump-cannabis-1d6722d3aae122b1a91f8e4b6c690268>

<sup>3</sup> LeadingAge. (2018). *Medical marijuana FAQs: What providers need to know if legal in their state*. Retrieved from [www.leadingage.org/sites/default/files/Medical%20Marijuana%20FAQs-%20Final.pdf](http://www.leadingage.org/sites/default/files/Medical%20Marijuana%20FAQs-%20Final.pdf); U.S. Department of Housing and Urban Development. (2011, January 20). *Memorandum: Subject: Medical use of marijuana and reasonable accommodation in federal public and assisted housing*. Retrieved from [www.nhlp.org/files/3.%20KanovskyMedicalMarijunanaReasAccomm\(012011\).pdf](http://www.nhlp.org/files/3.%20KanovskyMedicalMarijunanaReasAccomm(012011).pdf); Malter, E. (2021). High times at the senior center: The impact of growing marijuana legalization on senior housing policies. *Elder Law Journal*, 28(2), 453. Retrieved from <https://theelderlawjournal.com/wp-content/uploads/2021/02/Malter.pdf>

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