

HOUSE No. 4413

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, February 20, 2024.

The committee on Cannabis Policy, to whom was referred the petition (accompanied by bill, House, No. 115) of Steven Owens and others for legislation to facilitate labor agreements among the cannabis workforce, reports recommending that the accompanying bill (House, No. 4413) ought to pass.

For the committee,

DANIEL M. DONAHUE.

HOUSE No. 4413

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An act to facilitate labor peace among the cannabis workforce.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 1 of chapter 94G of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting the following 2 definitions:-

3 "Labor peace agreement", an agreement between a marijuana establishment and a bona
4 fide labor organization that protects the parties' interests by, at minimum, allowing union agents
5 to inform and communicate with employees about their labor rights including, but not limited to,
6 the right to form a union without interference from the employer in exchange for prohibiting the
7 labor organization from engaging in picketing, work stoppages or boycotts against the marijuana
8 establishment.

9 "Bona fide labor organization" means an organization that is included on the list
10 established and periodically updated by the commission pursuant to section 23, as amended by
11 this act.

12 SECTION 2. Paragraph (3) of subsection (b) of section 5 of said chapter 94G, as so
13 appearing, is hereby amended by striking out the word "and" in line 29.

14 SECTION 3. Paragraph (4) of said subsection (b) is hereby amended by replacing the
15 period in line 36 with a semi-colon followed by the word “and.”

16 SECTION 4. Said subsection (b) is further amended by adding the following paragraph: -

17 (5) the prospective marijuana establishment has submitted an attestation that the applicant
18 shall not interfere with union agents informing and communicating with employees about their
19 labor rights including, but not limited to, the right to form a union without interference from the
20 employer; provided however, that this requirement may be satisfied by the submission of an
21 attestation, signed by both the applicant and a labor organization, stating that the applicant has
22 entered into, and will maintain and abide by the terms of, a labor peace agreement.

23 SECTION 5. Subsection (b) of section 6 of said chapter 94G is hereby amended by
24 adding the following paragraph:-

25 As part of a marijuana establishment’s renewal application, a marijuana establishment
26 shall submit an attestation stating that the marijuana establishment has not interfered, and will
27 not interfere, with its employees’ ability to form and maintain a union, including the ability for
28 union agents to inform and communicate with employees about their labor rights including, but
29 not limited to, the right to form a union without interference from the employer; provided
30 however, that this requirement may be satisfied by the submission of an attestation signed by the
31 license holder and a labor organization stating that the license holder has entered into,
32 maintained, and abided by the terms of a labor peace agreement.

33 SECTION 6. Chapter 94G is hereby amended by inserting at the end thereof the
34 following new section:-

35 Section 23. (a) The commission shall establish and periodically update a list of bona fide
36 labor organizations that are actively seeking employees in the commonwealth.

37 (b) The commission may include on its list labor organizations of any kind, including an
38 employee representation committee, group, or association, in which employees participate and
39 which exists and is constituted for the purpose, in whole or in part, of collective bargaining or
40 otherwise dealing with employers concerning grievances, labor disputes, terms or conditions of
41 employment, including wages and rates of pay, or other mutual aid or protection in connection
42 with employment. Such labor organizations may be characterized by the following:

43 (1) Being a party to 1 or more executed collective bargaining agreements with medical or
44 adult-use marijuana employers, in the commonwealth or another state.

45 (2) Having a written constitution or bylaws in the 3 immediately preceding years.

46 (3) Filing the annual financial report required of labor organizations under subsection (b)
47 of 29 U.S.C. § 431 or having at least 1 audited financial report in the 3 immediately preceding
48 years.

49 (4) Being affiliated with any regional or national association of unions, including state
50 and federal labor councils.

51 (5) Being a member of a national labor organization that has at least 500 general
52 members in a majority of the 50 states of the United States.

53 (6) Being free from domination, interference, or financial support by any employer.

54 (c) The cannabis control commission shall promulgate regulations to implement this
55 chapter and in doing so shall consult with the executive office of labor and workforce
56 development.

57 (d) This section shall not apply to Small Businesses, as defined in 935 CMR 500.02 and
58 935 CMR 501.02.