

HOUSE No. 4545

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 24, 2022.

The committee on Cannabis Policy to whom was referred the petition (accompanied by bill, House, No. 3710) of Steven C. Owens and others for legislation to facilitate the unionization of the cannabis workforce, reports recommending that the accompanying bill (House, No. 4545) ought to pass.

For the committee,

DANIEL M. DONAHUE.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to facilitate the unionization of 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 2018
2 Official Edition, is hereby amended by inserting the following 2 definitions:-

3 "Labor peace agreement", an agreement between a cannabis establishment and a labor
4 organization that protects the parties' interests by, at minimum, allowing union agents to inform
5 and communicate with cannabis 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 cannabis
8 establishment. The labor peace agreement shall contain a clause that the parties agree that final
9 and binding arbitration shall be the exclusive remedy for a violation of the agreement.

10 "Labor organization", as defined in 29 U.S.C. 152 (5); provided further that a labor
11 organization shall: (1) elect officers by a secret ballot or otherwise in a manner consistent with
12 federal law; (2) not receive improper assistance or support from an employer and be free of
13 domination or interference by an employer; and (3) actively seek to represent cannabis workers.

14 SECTION 2. Subsection (b) of section 5 of said chapter 94G, as so appearing, is hereby
15 amended by inserting the following paragraph:-

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

24 SECTION 3. Subsection (b) of section 6 of said chapter 94G, as so appearing, is hereby
25 amended by adding the following paragraph:-

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