

Initiative Petition: UNITED FOR CANNABIS WORKERS

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) This act may be referred to as the “United For Cannabis Workers”

(2) The people of Oregon find that:

- (a) Due to ambiguity in federal law, cannabis workers are being denied workplace rights;
- (b) Denial of such rights can result in unsafe workplaces, wage theft, and other abuses; and
- (d) Judicial precedent clearly allows state laws to fix problems that are unaddressed by the federal government.

(3) THIS MEASURE WOULD DO THE FOLLOWING:

- (a) Ensure that businesses licensed to sell or process cannabis enter into an agreement that allows their employees to organize and speak out without fear of retaliation.

SECTION 2. Section 3 of this 2024 Act is added to and made a part of ORS 475C.005 to 475C.525.

SECTION 3. (1) As used in this section:

(a) ‘Applicant’ means an applicant for a license or certification or renewal of a license or certification issued under ORS 475C.085, 475C.097, 475C.125, 475C.133, 475C.289 or 475C.548.

(b) ‘Bona fide labor organization’ means a labor organization as defined in 29 U.S.C. 402:

(A) That is recognized to be engaged in an industry affecting commerce; and

(B) The operations of which are not deemed to be a part of an integrated enterprise that includes a licensee or licensee representative or an association of licensees or licensee representatives.

(c) ‘Employee’ does not include employees who perform agricultural labor as described in ORS 657.045.

(d) ‘Industry affecting commerce’ has the meaning given that term in 29 U.S.C. 402.

(e) ‘Integrated enterprise’ means an enterprise in which the operations of two or more separate entities are sufficiently intertwined, as determined in consideration of the factors provided under ORS 653.422, such that the operations of one entity are considered to be under the control of another entity.

(f) ‘Labor dispute’ has the meaning given that term in ORS 663.005.

(g) ‘Labor peace agreement’ means an agreement under which, at a minimum, an applicant or licensee agrees to remain neutral with respect to a bona fide labor organization’s representatives communicating with the employees of the applicant or the licensee about the rights afforded to such employees under ORS 663.110.

(h) ‘Licensee’ means a holder of a license or certification issued under ORS 475C.085, 475C.097, 475C.125, 475C.133, 475C.289 or 475C.548.

(i) ‘Strike’ has the meaning given that term in ORS 662.205.

(2) In addition to and not in lieu of any other requirement for licensure or certification, or renewal of a license or certification under ORS 475C.085, 475C.097, 475C.125, 475C.133, 475C.289 or 475C.548 with which an applicant must comply, the Oregon Liquor and Cannabis Commission shall require the applicant to submit, along with an application for a license or certification or renewal of a license or certification:

(a) A signed labor peace agreement entered into between the applicant and a bona fide labor organization actively engaged in representing or attempting to represent the applicant’s employees; or

(b) An attestation signed by the applicant and the bona fide labor organization stating that the applicant and the bona fide labor organization have entered into and will abide by the terms of a labor peace agreement.

(3) Failure to provide a signed labor peace agreement or attestation or to abide by the terms of a labor peace agreement described in subsection (2) of this section is grounds for the commission to deny an

application for licensure or certification or renewal of a license or certification under ORS 475C.085, 475C.097, 475C.125, 475C.133, 475C.289 or 475C.548.

(4)(a) If a labor peace agreement described under subsection (2) of this section is terminated for any reason after issuance of a license or certification under ORS 475C.085, 475C.097, 475C.125, 475C.133, 475C.289 or 475C.548, the licensee or certificate holder shall notify the commission in writing of the termination within 10 business days of the date of termination.

(b) The licensee or certificate holder shall include with the notice an attestation stating that the licensee or certificate holder will enter into a new labor peace agreement within 30 days following the date on which the previous agreement was terminated.

(c) Not later than 30 days following the date of termination, the licensee or certificate holder shall provide evidence to the commission that the licensee or certificate holder has entered into a new labor peace agreement by submitting the following information to the commission:

(A) A signed copy of the new labor peace agreement entered into between the licensee or certificate holder and the bona fide labor organization; or

(B) An attestation signed by the licensee or certificate holder and the bona fide labor organization stating that the licensee or certificate holder and the bona fide labor organization have entered into and will abide by the terms of a labor peace agreement.

(d) The administrator of the Oregon Liquor and Cannabis Commission shall impose the following sanctions against a licensee or certificate holder that fails to provide evidence that the licensee or certificate holder has entered into a new labor peace agreement in accordance with paragraph (c) of this subsection:

(A) If the licensee or certificate holder fails to provide the evidence within 30 days following the date of termination of the previous labor peace agreement, suspension of the license or certificate for not more than 10 days or imposition of a fine in the amount of \$1,650.

(B) If the licensee or certificate holder fails to provide the evidence within 60 days following the date of termination of the previous labor peace agreement, suspension of the license or certificate for not more than 30 days or imposition of a fine in the amount of \$4,950.

(C) If the licensee or certificate holder fails to provide the evidence within 90 days following the date of termination of the previous labor peace agreement, suspension of the license or certificate for not more than 30 days.

(D) If the licensee or certificate holder fails to provide the evidence within 120 days following the date of termination of the previous labor peace agreement, revocation of the license or certification.

(5) The requirements of this 2024 Act apply to applications for licenses and certifications and renewals for licenses and certifications received by the Oregon Liquor and Cannabis Commission on or after the effective date of this 2024 Act.