

Workforce Issuance

## 100 DCS XX.XXX 🗹 Policy 🞎 Information

**To**: Chief Elected Officials

MassHire Workforce Board Chairs

MassHire Workforce Board Directors

MassHire Career Center Directors

MassHire Fiscal Officers

MDCS Operations Managers

**cc:** WIOA State Partners

**From:** Diane Hurley, Acting Director

MassHire Department of Career Services

**Date:** May XX, 2023

**Subject:** **Labor Exchange Services Related to Industrial Hemp & Marijuana/Cannabis Industries**

**REVIEW AND COMMENT – COMMENTS DUE BY COB ON MAY 16, 2023**

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**Purpose:** To provide guidance to MassHire Workforce Boards, MassHire Career Center Operators, and other workforce partners regarding theIndustrial Hemp and Marijuana/Cannabis Industriesin Massachusetts related to labor exchange services within the workforce development system.

**Background:** In 2016, Massachusetts residents voted to legalize the recreational use of marijuana (cannabis) for people 21 years of age and older. Since then, questions have come up regarding services to Migrant Seasonal Farm Workers (MSFWs) and other individuals who either work or have worked in the marijuana industry. Additionally, MDCS has received questions regarding the provision of services to employers (growers/dispensaries) that have expressed interest in posting job orders and/or seeking assistance with recruitment efforts with the MassHire Career Centers (MCC)

To minimize any potential liability associated with provision of services to these emerging industries, it is incumbent on all MCC Operators and staff to familiarize themselves with the following state and federal regulations:

**MASSACHUSETTS LAWS / REGULATIONS:**

* + - [MGL c.94G](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94G): Regulation of the use and distribution of marijuana not medically prescribed
    - [MGL c.94C](https://malegislature.gov/Laws/GeneralLaws/PartI/TitleXV/Chapter94C): Controlled Substances Act
    - [Sessions Laws 2017, c.55](https://malegislature.gov/Laws/SessionLaws/Acts/2017/Chapter55): An Act to ensure safe access to marijuana

**FEDERAL LAWS:**

* [21 USC § 801-971](https://uscode.house.gov/view.xhtml?path=/prelim@title21/chapter13&edition=prelim): Drug abuse prevention and control

Although Massachusetts passed the ***Regulation and Taxation of Marijuana Act***, in accordance with federal law ([21 U.S.C 812](https://deadiversion.usdoj.gov/schedules/)), at the federal level marijuana maintains a classification of a Schedule 1 narcotic and is therefore federally illegal. Therefore, in accordance with federal law, WIOA funds, which are federal in nature, cannot be used to directly or indirectly support the marijuana industry.

The [Farm Bill](https://republicans-agriculture.house.gov/uploadedfiles/2018_farm_bill_conference_report_text.pdf), (Federal) passed in December of 2018, presented a major change which made cultivation of industrial Hemp legal. Massachusetts also legalized hemp in the same 2016 law that legalized recreational marijuana.

**Policy:** The possession of Marijuana/Cannabis or use violates federal law; therefore, federal funds cannot be used to support any activities related to this industry. At this time, the Commonwealth of Massachusetts cannot use WIOA, Wagner-Peyser or any other federal dollars to refer jobseekers to any marijuana/cannabis related employer, post job orders, advertise or in any other way assist employers to fill positions that promote or support the use, possession, growing, or distribution of marijuana/cannabis.

With regard to Industrial Hemp(legalized both at the Federal and State levels)the [Massachusetts Department of Agricultural Resources (MDAR) Industrial Hemp Program](https://www.mass.gov/industrial-hemp-program) provides oversight and regulation of hemp for commercial purposes in Massachusetts. Licensed growers may post job orders and receive assistance from the MCCs to fill vacant positions within their business. Jobseeker referrals can also be made to these employers.

In order to facilitate services to and the identification of licensed industrial hemp growers in the Commonwealth, MCCs must refer to MDARs listing of “Active” hemp licenses issued in the Commonwealth pursuant to M.G.L. c. 128, Section118 and 7 CFR 990. The listing can be found [here.](https://www.mass.gov/doc/massachusetts-hemp-licensee-list/download) MCCs must verify the employer is listed before providing any services.

Employers/growers not found on the listing of “Active” hemp licenses, cannot be provided services until proof of “Active” licensing is provided.

Please refer here for MDAR’s FAQs for additional information: [Hemp in Massachusetts: FAQs | Mass.gov](https://www.mass.gov/guides/hemp-in-massachusetts-faqs)

**Action**

**Required:** Please ensure all staff working with Employers and Job Seekers are aware of this information.

**Effective:** Immediately

**Inquiries:** Please forward questions related to this guidance to [PolicyQA@mass.gov](mailto:PolicyQA@mass.gov) and reference the issuance number and description.