

LAWS OF DELAWARE
VOLUME 83
CHAPTER 445
151st GENERAL ASSEMBLY
FORMERLY
SENATE BILL NO. 280

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO LABOR PEACE AGREEMENTS AND MEDICAL MARIJUANA.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4902A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 4902A. Definitions.

For purposes of this chapter:

(11) “Labor organization” means a bona fide labor organization of any kind, including an employee representation committee, group, or association, in which employees participate and which exists and is constituted for the purpose, in whole or in part, of collective bargaining or otherwise dealing with compassion center or safety compliance facility employers concerning grievances, labor disputes, terms or conditions of employment, including wages and rates of pay, or other mutual aid or protection in connection with employment, and is characterized by 1 or more of the following:

a. Being a party to 1 or more executed collective bargaining agreements with medical or personal use marijuana employers, in this State or another state.

b. Having a written constitution or bylaws in the 3 immediately preceding years.

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

d. Being affiliated with any regional or national association of unions, including state and federal labor councils.

e. Being a member of a national labor organization that has at least 500 general members in a majority of the 50 states of the United States.

(12) “Labor peace agreement” means an agreement between a labor organization and a registered compassion center or registered safety compliance facility employer that, at a minimum, includes all of the following:

a. Prohibits the labor organization and members from engaging in picketing, work stoppages, boycotts, or any other economic interference with the business of the employer.

b. Prohibits the employer from disrupting efforts by the labor organization to communicate with and attempt to organize and represent employees.

c. Provides the labor organization access at reasonable times to areas in which the employees work, for the purpose of meeting with employees to discuss their right to representation, employment rights under state law, and terms and conditions of employment.

Section 2. Amend § 4914A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4914A. Registration of compassion centers.

(a) Compassion centers may only operate if they have been issued a valid registration certificate from the Department.

When applying for a compassion center registration certificate, the applicant shall submit the following in accordance with Department regulations:

(8)a. If the applicant has 20 or more employees, a copy of a labor peace agreement, as required under § 4919A(y) of this title, or an attestation that the applicant will enter into a labor peace agreement and submit a copy of the completed labor peace agreement.

b. If the applicant has under 20 employees, an attestation that the applicant will enter into a labor peace agreement as required under § 4919A(y) of this title within 60 days of hiring a twentieth employee and submit a copy.

Section 3. Amend § 4915A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4915A. Registration and certification of safety compliance facilities.

(a) Safety compliance facilities may only operate if they have been issued a valid registration certificate from the Department. When applying for a safety compliance facility registration certificate, the applicant shall submit the following in accordance with Department regulations:

(7)a. If the applicant has 20 or more employees, a copy of a labor peace agreement, as required under § 4919A(y) of this title, or an attestation that the applicant will enter into a labor peace agreement and submit a copy of the completed labor peace agreement.

b. If the applicant has under 20 employees, an attestation that the applicant will enter into a labor peace agreement as required under § 4919A(y) of this title within 60 days of hiring a twentieth employee and submit a copy.

Section 4. Amend § 4919A, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4919A. Requirements, prohibitions, penalties.

(y) If a registered compassion center or registered safety compliance facility has 20 or more employees and is not a signatory to a valid and binding collective bargaining agreement covering the terms and conditions of employment for all employees, the registered compassion center or registered safety compliance facility must enter into and abide by the terms of a labor peace agreement with 1 or more labor organizations.

Approved October 7, 2022