

# JOBS UPDATES

## Job Opportunities and Basic Skills Program

WORK VERIFICATION POINTS UPDATES

OCTOBER 2019

### Cannabis – Hemp Vs. Marijuana

The Agriculture Improvement Act of 2018 (2018 Farm Bill) authorized the production of hemp and removed hemp and hemp seeds from the Drug Enforcement Administration's (DEA) schedule of Controlled Substances. It also directed the U.S. Department of Agriculture (USDA) to issue regulations and guidance to implement a program to create a consistent regulatory framework around production of hemp throughout the United States. The establishment of hemp as a regulated commodity also paves the way for U.S. hemp farmers to participate in other USDA farm programs.<sup>1</sup>

Hemp is a cannabis plant agriculturally grown for its fiber extracted from the stem and used to make rope, strong fabrics, fiberboard, and paper. Its seeds and flowers are used in health foods, organic body care, and other nutraceuticals. The fibers and stalks are used in hemp clothing, construction materials, paper, biofuel, plastic composites, and more.

Marijuana and industrial hemp are different varieties of the same plant species, *Cannabis sativa* L. Marijuana typically contains 3 to 15 percent THC on a dry-weight basis, while industrial hemp contains less than 1 percent (Blade, 1998; Vantreese, 1998). Under the Agriculture Improvement Act of 2018, the US allows hemp cultivation of varieties with less than 0.3 percent THC.

The use, sale, and possession of cannabis over 0.3% THC (Marijuana) in the United States, despite state laws, is illegal under federal law. Federal TANF funding cannot be used to support activities that are classified as illegal under federal law. This includes:

1. In the TANF JOBS and REP programs:
  - a. Support services, including child care, are not allowed for a participant seeking employment in or engaged in an *illegal activity*.

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<sup>1</sup> <https://www.usda.gov>

- b. An *illegal activity* is not counted towards JOBS engagement and may not be indicated as an activity or employment goal in the participant's Personal Development Plan.
  - c. For a participant working in an *illegal activity*, activity hours and employment placement may not be documented by the Department.
- 2. In the TANF program, a participant who gains employment in an *illegal activity* is not eligible for any of the following transitional benefits:
  - a. Jobs Participation Incentive (JPI).
  - b. Reduced Co-Pay (RCP).
  - c. Employment Payments (EP).

Hemp and CBD derived from hemp (with less than .3 percent THC) is considered federally legal. Therefore, if a participant gains employment in the hemp industry they are eligible for support services.

### **Did you know?**

Oregon Liquor Control Commission (OLCC) regulates the sale of recreational marijuana. This means, employees working in the marijuana industry are required to have a Marijuana Worker Permit. Employment includes:

- Producers
- Processors
- Wholesalers
- Retailers

If an individual is required to have a Marijuana Worker Permit, then the participant is working in the marijuana industry, which is considered illegal under federal law.

***Here are some examples of how to treat situations where the participant is working with hemp and marijuana.***

***Example 1:***

Dashiell comes in and states that he is going to be working at a local boutique with all sorts of hemp, CBD oil's and lotions. The worker asks Dashiell if marijuana products are used or sold at the boutique, he states no. The worker can create a WO step to support this employment and provide support service.

***Example 2:***

Pepper reports that she has gained employment and requests child care. She states that she is working for a hemp co-operative. Pepper's family coach googles the company and determines that they are a hemp storage facility for local hemp farmers to combine their crops to gain a better price. Since this is not marijuana the family coach creates a WO step and approves Jobs Child Care on Pepper's plan.

***Example 3:***

John states he got a new job and needs some non-slip shoes. He announces that he is working in a marijuana dispensary, but only handles the hemp products. John is adamant that he does not deal with any of the marijuana products. Because marijuana is also sold at the dispensary, the support service request would be denied as this is federally illegal.

***Example 4:***

Lucy just started working for Mr. Clean and is requesting work pants and boots. They have several buildings that they provide janitorial services for, including Green Medicinals which is a recreational and medical marijuana dispensary. Lucy works directly for Mr. Clean and receives her paycheck from Mr. Clean. The marijuana dispensary is a client of the company and not Lucy's employer, the employment can be supported with a WO step and she is eligible for support services.

**If you have any questions, please contact:** [TANF.Policy@dhsosha.state.or.us](mailto:TANF.Policy@dhsosha.state.or.us)