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Policy/Program Development Interim

Number: VR-IM-15-5

Issue date: 06/29/15

Topic: Federal dollars cannot fund projects that involve the sale or distribution of substances illegal under federal law

Subject: No assistance for Vocational Rehabilitation participants in employment related to production, sale, or distribution of marijuana

Applies to (check all that apply):

<input checked="" type="checkbox"/>	Vocational Rehabilitation - All Staff
<input type="checkbox"/>	Vocational Rehabilitation – Executive Team
<input type="checkbox"/>	Vocational Rehabilitation – Administration
<input type="checkbox"/>	Vocational Rehabilitation – Branch Managers
<input checked="" type="checkbox"/>	Other (please specify) Contracted job developers
<input type="checkbox"/>	Other (please specify)

Message:

Question

Why can't Vocational Rehabilitation support people with disabilities in jobs at businesses that commercially grow, process, sell wholesale, or operate retail marijuana outlets or dispensaries? The use of marijuana becomes legal in Oregon in July 2015.

The Oregon Liquor Commission Control will post job opportunities on the www.oregonjobs.org website. Interested applicants can fill out a [Job Interest Card](#) to receive email alerts about job openings at OLCC. Interested individuals can [sign up for email alerts](#) about OLCC job opportunities.

How do I explain this?

Answer

Vocational Rehabilitation counselors are requesting guidance how to answer client questions about seeking employment in some type of business (or self-employment) related to manufacture, distribute, or dispense marijuana - a federally controlled substance. This is a result of the passage of Oregon Measure 91.

Background – Oregon Measure 91

On November 4, 2014, Oregon voters approved Measure 91. Measure 91 allows Oregonians to grow limited amounts of marijuana on their property and to possess personal limited amounts of recreational marijuana for personal use beginning July 1, 2015 under Oregon law.

As stated in Measure 91, the purpose of the Act is to:

- Eliminate problems caused by the prohibition and uncontrolled manufacture, delivery, and possession of marijuana within this state;
- Protect the safety, welfare, health, and peace of the people of this state by prioritizing the state's limited law enforcement resources in the most effective, consistent, and rational way;
- Permit persons licensed, controlled, regulated, and taxed by this state to legally manufacture and sell marijuana to persons 21 years of age and older, subject to the provisions of this Act;
- Ensure that the State Department of Agriculture issues industrial hemp licenses and agricultural hemp seed production permits in accordance with existing state law;
- Establish a comprehensive regulatory framework concerning marijuana under existing state law.

Federal Stance on Marijuana

Congress determined and maintains that marijuana is a dangerous drug. It is a significant source of revenue to large-scale criminal organizations. The illegal distribution and sale of marijuana remains a serious federal crime. The Department of Justice (DOJ) enforces the Controlled Substances Act (CSA) consistent with these determinations.

On August 29, 2013, the federal Department of Justice issued guidance to Federal prosecutors concerning marijuana enforcement. The Department's guidance is available on the DOJ Web site. For further information see:

<http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>.

Vocational Rehabilitation Federal Funding

The federal government monies provided for Vocational Rehabilitation services considers these funds to be a **grant**. Since it is a federal grant, there are additional stipulations or “assurances” that are required when the grant is accepted. Most of the funding for state vocational rehabilitation services is federal (a little less than 78% of the budget, roughly). A much smaller amount of the money is from the State (about 22%) that is a “match” for federal funds.

When State dollars are used to match federal dollars, those State dollars in fact become federal dollars, or at least must behave like federal dollars.

None of these federal or matching State funds can be used to provide services for employment in jobs related to the marijuana industry.

If the State has money it wishes to spend on such enterprises, and that money is not used to match or draw down federal dollars, the State can determine if that money can be spent for assisting with employment related to marijuana. At this time, there does not appear to be a separate source of State funds for this purpose.

Summary:

Marijuana remains illegal under federal law. The Oregon Vocational Rehabilitation program utilizes federal dollars that cannot be used to fund projects that would involve the sale or distribution of substances illegal under federal law.

There are no exceptions to this directive.

Individuals can pursue this employment independent of vocational rehabilitation services.

If you have any questions about this information, contact:

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