

**HOUSE . . . . . No. 1593**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***John W. Scibak***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act prohibiting non-disparagement clauses in certain contracts.**

PETITION OF:

NAME:

*John W. Scibak*

DISTRICT/ADDRESS:

*2nd Hampshire*

**HOUSE . . . . . No. 1593**

By Mr. Scibak of South Hadley, a petition (accompanied by bill, House, No. 1593) of John W. Scibak relative to contracts or proposed contracts for the sale or lease of consumer goods or services. The Judiciary.

**The Commonwealth of Massachusetts**

**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**

An Act prohibiting non-disparagement clauses in certain contracts.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 93 of the General Laws is hereby amended by inserting after  
2 section 101 the following section:-

3 Section 101A. (a) (1) A contract or proposed contract for the sale or lease of consumer  
4 goods or services may not include a provision waiving the consumer’s right to make any  
5 statement regarding the seller or lessor or its employees or agents, or concerning the goods or  
6 services.

7 (2) It shall be unlawful to threaten or to seek to enforce a provision made unlawful under  
8 this section, or to otherwise penalize a consumer for making any statement protected under this  
9 section.

10 (b) Any waiver of the provisions of this section is contrary to public policy, and is void  
11 and unenforceable.

12 (c) Any person, firm or corporation that violates this section shall be subject to a civil  
13 penalty of up to \$2,500 for a first violation, and a civil penalty of up to \$5,000 for a second or  
14 subsequent violation. Said civil penalties shall be assessed and collected in a civil action brought  
15 by the consumer, by the Attorney General, or by the district attorney of the county in which the  
16 violation occurred. When collected, the civil penalty shall be payable, as appropriate, to the  
17 consumer or to the general fund of whichever governmental entity brought the action to assess  
18 the civil penalty.

19 (d) Any person, firm or corporation that willfully, intentionally, or recklessly violates this  
20 section shall be subject to a civil penalty of up to \$10,000.

21 (e) The penalty provided by this section is not an exclusive remedy, and does not affect  
22 any other relief or remedy provided by law. This section shall not be construed to prohibit or  
23 limit a person or business that hosts online consumer reviews or comments from removing a  
24 statement that is otherwise lawful to remove.