

HOUSE No. 1794

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to prohibit restrictive employment covenants.

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. Section 19 of Chapter 149 of the General Laws of Massachusetts is hereby
2 amended by inserting at the end the following new paragraphs:

3 Any written or oral contract or agreement arising out of an employment relationship that
4 prohibits, impairs, restrains, restricts, or places any condition on, a person's ability to seek,
5 engage in or accept any type of employment or independent contractor work, for any period of
6 time after an employment relationship has ended, shall be void and unenforceable with respect to
7 that restriction. This section shall not render void or unenforceable the remainder of the contract
8 or agreement.

9 For the purposes of this section, chapter 149, section 148B shall control the definition of
10 employment.

11 Whoever violates the provisions of this section shall be liable for reasonable attorneys
12 fees and costs associated with litigation of an affected employee or individual.

13 This section shall be construed liberally for the accomplishment of its purposes, and no
14 other provision of the General Laws shall be construed in a manner that would limit its coverage.
15 Nothing in this section shall preempt tort or contract claims, or other statutory claims, based
16 upon an employer’s use, or attempted use of an unlawful contract or agreement to interfere with
17 subsequent employment or contractor work.

18 This section shall apply to all contracts and agreements generated after the effective date
19 of this act.

20 Section 2. Section 42A of Chapter 93 of the General Laws of Massachusetts is hereby
21 amended by striking the words “in violation of the terms of such agreement” where they first
22 appear.