

HOUSE No. 3119

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to solicitation disclosures..

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 23 of Chapter 68 of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended by striking out section 23 and inserting in place thereof the
3 following section :-

4 Section 23. (a) All solicitations by professional solicitors and all solicitations by
5 commercial co-venturers must, prior to orally requesting a contribution, and at the same time at
6 which a written request for a contribution is made, clearly and conspicuously disclose the
7 following information to the person being solicited: (1) the true name of the individual making
8 the solicitation; (2) the statement that the solicitation is being conducted by a “paid fund-raiser”;
9 (3) the true name of the person who is employing and compensating the individual making the
10 solicitation if the individual is employed for compensation to make the solicitation; (4) the true
11 name, address and telephone number of the charitable organization for whom the solicitation is
12 being made; (5) a description of how the contributions raised by the solicitation will be utilized
13 for charitable purposes, or if there is no charitable organization, the name, address and telephone
14 number of the professional solicitor or commercial co-venturer and a description of how the

15 contributions raised by the solicitation will be utilized for charitable purposes; (6) the non-tax-
16 exempt status of the organization or fund, if the organization or fund for which the money or
17 funds are being solicited does not have a charitable tax exemption under both federal and state
18 law; (7) the guaranteed minimum percentage of the gross receipts from fund-raising that will be
19 utilized exclusively for the charitable purposes described in the solicitation; and such other
20 disclosures as required by relevant rules and regulations promulgated under section twenty-nine.
21 If the solicitation is for advertising, the disclosure shall also include the geographic distribution
22 and the circulation of the publication in which the advertising will appear. (b) For purposes of
23 this section, the guaranteed minimum percentage required to be disclosed by clause (3) of
24 subsection (a) shall be the percentage stated in the contract or written agreement between the
25 professional solicitor or commercial co-venturer and the charitable organization. (c) A
26 professional solicitor may not represent that: (1) any part of the contributions received will be
27 given or donated to any charitable organization unless such organization has consented in writing
28 to the use of its name, symbol or statement prior to the solicitation. Such written consent must
29 be signed by two authorized officers, directors or trustees of the charitable organization; (2)
30 tickets to an event are to be donated for use by another, unless the professional solicitor has first
31 obtained a commitment, in writing, from a charitable organization stating that it will accept
32 donated tickets and specifying the number of tickets which it is willing to accept and provided no
33 more contributions for donated tickets must be solicited than the number of ticket commitments
34 received from the charitable organization.