

SENATE No. 2451

The Commonwealth of Massachusetts

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

SENATE, Saturday, July 23, 2016

The committee on Ways and Means, to whom was referred the Senate Bill relative to the creative economy (Senate, No. 992),-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2451).

For the committee,
Karen E. Spilka

SENATE No. 2451

The Commonwealth of Massachusetts

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

An Act relative to the creative economy.

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 148B of chapter 149 of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by inserting after subsection (a) the following subsection:-
3 (a $\frac{1}{2}$) Notwithstanding subsection (a), an individual who is an artist, freelance writer,
4 editor, proofreader or indexer in the publishing industry shall be considered to be an employee
5 under this chapter and chapter 151 unless the individual: (i) freely and voluntarily identifies,
6 markets or promotes oneself as a freelancer, as self-employed, as a sole proprietor or as an
7 independent business; (ii) controls and regularly negotiates the use of the individual's intellectual
8 property; and (iii) meets the federal standards for being an independent contractor including, but
9 not limited to, standards developed by the United States Internal Revenue Service or Department
10 of Labor.