

SENATE No. 1099

The Commonwealth of Massachusetts

PRESENTED BY:

Michael O. Moore

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 relative to the creative economy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>1/29/2019</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>1/30/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/1/2019</i>

SENATE No. 1099

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1099) of Michael O. Moore, Patrick M. O'Connor, Edward J. Kennedy and Mary S. Keefe for legislation relative to the creative economy. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 1030 OF 2017-2018.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

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 "(a½) 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."