

HOUSE No. 4614

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 4, 2022.

The committee on Labor and Workforce Development to whom was referred the petition (accompanied by bill, Senate, No. 1154) of Michael J. Barrett, James B. Eldridge, Carlos González, Joanne M. Comerford and others for legislation to regulate the use of credit reports by employers, the petition (accompanied by bill, Senate, No. 1183) of Diana DiZoglio for legislation to regulate the use of credit reports by employers, and the petition (accompanied by bill, House, No. 2019) of Elizabeth A. Malia and others for legislation to further regulate the use of credit reports by employers, reports recommending that the accompanying bill (House, No. 4614) ought to pass.

For the committee,

JOSH S. CUTLER.

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**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act regulating the use of credit reports by employers.

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 51 of Chapter 93 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the word “purposes”, in line 12, the
3 following words:- under section 51C.

4 SECTION 2. Said Chapter 93 is hereby further amended by inserting after Section 51B
5 the following section:-

6 Section 51C. (a) For the purposes of this section, the following terms shall have the
7 following meanings unless the context clearly indicates otherwise:

8 “Consumer report”, shall have the same meaning as in section 50 of this chapter.

9 “Employment purposes”, shall have the same meaning as in section 50 of this chapter.

10 (b) A person or entity shall not: (i) use a consumer report in connection with or as a
11 criterion for an employment purpose; (ii) request or procure a consumer report for employment
12 purposes; or (iii) require an employee or applicant to answer a question about the contents of a

13 consumer report or the information contained in it regarding credit worthiness, credit standing or
14 credit capacity. Nothing in this section shall prohibit the use of matters of public record by a
15 person or entity for employment purposes, unless otherwise prohibited by law.

16 (c) Notwithstanding subsection (b), a person or entity may use or request a consumer
17 report for employment purposes if 1 of the following conditions are met:

18 (i) a person is required by federal or state law or regulation or the rules of a self-
19 regulatory organization, as defined in 15 U.S.C. 78c(a)(26), to use a consumer report for
20 employment purposes; or

21 (ii) the employee or applicant applies for or holds a position that requires national
22 security clearance.

23 (d) An employer or person acting on behalf of the employer shall not retaliate,
24 discriminate or take an adverse action against an employee or applicant on the basis that the
25 employee or applicant has or intends to: (i) file a complaint pursuant to subsection (h); (ii) allege
26 that the person violated this section; (iii) testify, assist, give evidence or participate in an
27 investigation, proceeding or action concerning a violation of this section; or (iv) otherwise
28 oppose a violation of this section.

29 (e) Notwithstanding subsection (c), a waiver of this section shall be void and a person or
30 entity shall not require or request that an employee or applicant waive it.

31 SECTION 3. This act shall take effect on January 1, 2023.