SENATE DOCKET, NO. 1542   FILED ON: 1/19/2023

SENATE . . . . No. 1144

The Commonwealth of Massachusetts

PRESENTED BY:

Michael J. Barrett

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 regulating the use of credit reports by employers.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Michael J. Barrett	*Third Middlesex*	
Sal N. DiDomenico	*Middlesex and Suffolk*	*2/7/2023*
Michael O. Moore	*Second Worcester*	*2/15/2023*
Lydia Edwards	*Third Suffolk*	*10/18/2023*
Vanna Howard	*17th Middlesex*	*10/25/2023*

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SENATE . . . . No. 1144

By Mr. Barrett, a petition (accompanied by bill, Senate, No. 1144) of Michael J. Barrett, Sal N. DiDomenico and Michael O. Moore for legislation to regulate the use of credit reports by employers. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1154* OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

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:

SECTION 1. Section 51 of Chapter 93 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word “purposes,” in line 12, the following words:- under section 51C.

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

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

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

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

(b) A person or entity shall not: (1) use a consumer report in connection with or as a criterion for an employment purpose; (2) request or procure a consumer report for employment purposes; or (3) require an employee or applicant to answer a question about the contents of a consumer report or the information contained in it regarding credit worthiness, credit standing or credit capacity. Nothing in this section shall prohibit the use of matters of public record by a person or entity for employment purposes, including, but not limited to, matters under 12 U.S.C. 1785(d), unless otherwise prohibited by law.

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

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

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

(d) An employer or person acting on behalf of the employer shall not retaliate, discriminate or take an adverse action against an employee or applicant on the basis that the employee or applicant has or intends to: (1) file a complaint pursuant to section 68 of this chapter; (2) allege that the person violated this section; (3) testify, assist, give evidence or participate in an investigation, proceeding or action concerning a violation of this section; or (4) otherwise oppose a violation of this section.

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

SECTION 3. This act shall take effect on January 1, 2025.