

## The Commonwealth of Massachusetts

PRESENTED BY:

David M. Rogers

*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 prohibiting anticompetitive conduct and agreements and strengthening the Massachusetts Antitrust Act.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>11/7/2025</i>
<i>Andrea Campbell (Attorney General)</i>	<i>Ashburton Place 20th Floor Boston, MA 02108</i>	<i>11/13/2025</i>

# HOUSE . . . . . No. 5111

By Representative Rogers of Cambridge, a petition (subject to Joint Rule 12) of David M. Rogers and Andrea Campbell (Attorney General) relative to prohibiting anticompetitive conduct and agreements and strengthening the Massachusetts Antitrust Act. The Judiciary.

## The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act prohibiting anticompetitive conduct and agreements and strengthening the Massachusetts Antitrust Act.

*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 2 of chapter 93 of the General Laws, as appearing in the 2022  
2 Official Edition, is hereby amended by striking out the definition of “New England”.

3 SECTION 2: Said section 2 of said chapter 93, as so appearing, is hereby further  
4 amended by striking out, in the definition of "Trade or commerce", the words ";" provided,  
5 however, that trade or commerce shall not include the conveyance, transfer or use of real  
6 property".

7 SECTION 3: Said section 2 of said chapter 93, as so appearing, is hereby further  
8 amended by inserting at the end of the definition of "Trade or commerce", the words:- or the  
9 recruitment, hiring, compensation, or retention of employees or other workers in any labor  
10 market.

11           SECTION 4: Said section 2 of said chapter 93, as so appearing, is hereby further  
12   amended by inserting at the end of the definition of “Demand”, the words:- or pursuant to section  
13   six of chapter 93A.

14           SECTION 5: Said chapter 93, as so appearing, is hereby amended by striking out section  
15   3, as so appearing, and inserting in place the following section:-

16           Section 3. Nothing in the Massachusetts Antitrust Act, hereinafter referred to as the Act,  
17   shall apply to any course of conduct, pattern of activity, or activities unless they occur or have a  
18   competitive impact within the commonwealth.

19           For purposes of the Act, the burden of proof shall be upon the party asserting lack of  
20   jurisdiction under this chapter.

21           SECTION 6: Section 4 of said chapter 93, as so appearing, is hereby amended by  
22   inserting, at the end of the section, the following paragraphs:-

23           Any person who knowingly violates or attempts to violate this section, shall be punished  
24   by a fine not exceeding one million dollars if a corporation or other entity engaged in trade or  
25   commerce, or, if any natural person, by a fine not exceeding one hundred thousand dollars or by  
26   imprisonment not exceeding five years, or both.

27           The superior court shall have jurisdiction of actions brought under this section. Such  
28   actions may be brought by the attorney general in any county in which said violation occurred in  
29   whole or in part, or in Suffolk county.

30           SECTION 7: Said chapter 93, as so appearing, is hereby amended by striking out section  
31   10.

32 SECTION 8: The first paragraph of Section 8 of said chapter 93, as so appearing, is  
33 hereby amended by inserting, after the words “upon such person”, the following words:- , or  
34 upon any other person with knowledge relevant to the investigation.,

35 SECTION 9: The fourth paragraph of Section 8 of said chapter 93, as so appearing, is  
36 hereby amended by inserting after the words, “service of a complaint”, the following words:- or  
37 a subpoena.

38 SECTION 10: The ninth paragraph of Section 8 of said chapter 93, as so appearing, is  
39 hereby amended by inserting, at the end of the paragraph, the following words:- , except insofar  
40 as the witness consents to the presence of any other persons who may be admitted in the sole  
41 discretion of the examiner.

42 SECTION 11: The tenth paragraph of Section 8 of said chapter 93, as so appearing, is  
43 hereby amended by inserting after the words “making such changes”, the following words:-  
44 within thirty days of being provided access to the transcript.

45 SECTION 12: The first sentence of the eleventh paragraph of Section 8 of said chapter  
46 93, as so appearing, is hereby amended by inserting after the words “any person except”, the  
47 following words:- in furtherance of its investigation or.

48 SECTION 13: The last sentence of Section 8 of said chapter 93, as so appearing, is  
49 hereby amended by striking the word “two” and replacing it with the word:- five.

50 SECTION 14: The last sentence of Section 8 of said chapter 93, as so appearing, is  
51 hereby further amended by inserting, at the end of the sentence after the phrase “who provided  
52 them” the following words:- , or destroy all such documents.

53                   SECTION 15: The twelfth paragraph of Section 8 of said chapter 93, as so appearing, is  
54    hereby amended by inserting, at the end of the paragraph, the following words:- , except with  
55    leave of court upon a motion for good cause shown.

56                   SECTION 16: The last paragraph of Section 8 of said chapter 93, as so appearing, is  
57    hereby amended by striking the words “a written agreement from such officials to abide by the  
58    restrictions of this section and any orders entered pursuant to this section”, and replacing them  
59    with the following words:- an agreement from such officials that it will be used for law  
60    enforcement purposes only.

61                   SECTION 17: Section 8 of said chapter 93, as so appearing, is hereby further amended  
62    by inserting, at the end of the section, the following paragraphs:-

63                   Any individual who provides testimony pursuant to this Act who willfully swears or  
64    affirms falsely in a matter material to the issue or point in question shall be guilty of perjury  
65    pursuant to section 1 of Chapter 268.

66                   Whenever the attorney general has reasonable cause to believe that any person has  
67    engaged in, is engaging in, or is about to engage in any act or practice prohibited by this act, the  
68    attorney general may, prior to the commencement of any civil or criminal action as provided for  
69    by this act, issue in writing and cause to be served upon such person, or upon any other person  
70    with knowledge relevant to the investigation, a civil investigative demand pursuant to Section 6  
71    of Chapter 93A.

72                   SECTION 19: Section 9 of said chapter 93, as so appearing, is hereby amended by  
73    striking out the first paragraph, and inserting in place the following paragraph:-

74           The attorney general may bring a civil action in the name of the commonwealth to  
75    prevent and restrain violations of section four, five or six of this chapter; as parens patriae on  
76    behalf of natural persons residing in the commonwealth, to secure monetary relief for damages  
77    sustained, directly or indirectly, by such natural persons to their property by reason of any  
78    violation of sections four, five or six; and on behalf of the commonwealth and its public agencies  
79    and political subdivisions for damages sustained, directly or indirectly, together with costs of  
80    suit, for injuries to their property by reason of violations of section four, five or six. In any such  
81    suit, the attorney general may recover a civil penalty of not more than one million dollars for a  
82    corporation or other entity engaged in trade or commerce, or one hundred thousand dollars for  
83    any natural person, for any course of conduct, pattern of activity or activities which violate  
84    section four, five or six. In any such action brought on behalf of the commonwealth and its  
85    public agencies and political subdivisions for damages sustained to their property or in the  
86    commonwealth's parens patriae capacity for damages sustained by natural persons, the court  
87    shall award, together with the costs of suit, including reasonable attorneys' fees, actual damages  
88    sustained, and may award up to three times the amount of actual damages sustained.

89           SECTION 20: Section 9 of said chapter 93, as so appearing, is hereby further amended  
90    by striking from the third paragraph, the following words: "with the consent of a defendant,".

91           SECTION 21: Section 12 of said chapter 93, as so appearing, is hereby amended by  
92    striking out the first paragraph, and inserting in place the following paragraph:-

93           Any person who shall be injured, directly or indirectly, in his business or property by  
94    reason of a violation of the provisions of this chapter may sue therefor and shall recover the  
95    actual damages sustained, together with the costs of suit, including reasonable attorneys' fees,

96 and may recover up to three times the amount of actual damage sustained, together with the costs  
97 of suit, including reasonable attorneys' fees.

98 SECTION 22: Section 13 of chapter 93, as so appearing, is hereby amended by striking  
99 out, throughout the section, the word "four" and replacing it with the word:- five.

100 SECTION 23: Section 13 of said chapter 93, as so appearing, is hereby further amended  
101 by inserting, at the end of the section, the following paragraph:-

102 In determining the time limited for the commencement of an action under this Act, a  
103 claim brought under this Act is a "personal action" for purposes of section twelve of Chapter  
104 260.