

**HOUSE . . . . . No.**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kenneth I. Gordon***

*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:	DATE ADDED:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/14/2025</i>

**HOUSE . . . . . No.**

[Pin Slip]

**The Commonwealth of Massachusetts**

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

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, including, but not limited to, matters under 12 U.S.C.  
16 1785(d), unless otherwise prohibited by law.

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

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

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

24 (iii) the employee of a staffing agency defined in M.G.L. c. 149, section 159C and  
25 licensed or registered pursuant to M.G.L. c. 140, section 46A-46R, applies for or holds a senior  
26 position with a fiduciary responsibility and substantial financial responsibility as further defined  
27 by regulation.

28 (d) An employer or person acting on behalf of the employer shall not retaliate,  
29 discriminate or take an adverse action against an employee or applicant on the basis that the  
30 employee or applicant refuses or fails to produce a consumer report to the employer, or has or  
31 intends to: (i) file a complaint pursuant to section 68 of this chapter; (ii) allege that the person  
32 violated this section; (iii) testify, assist, give evidence or participate in an investigation,  
33 proceeding or action concerning a violation of this section; or (iv) otherwise oppose a violation  
34 of this section.

35 (e) Notwithstanding subsection (c), a waiver of this section shall be void and a person or  
36 entity shall not require or request that an employee or applicant waive any rights under this  
37 Section.

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