

HOUSE No. 435

The Commonwealth of Massachusetts

PRESENTED BY:

John J. Mahoney

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 amending successor supplier laws.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>John J. Mahoney</i>	<i>13th Worcester</i>	<i>1/17/2025</i>

HOUSE No. 435

By Representative Mahoney of Worcester, a petition (accompanied by bill, House, No. 435) of John J. Mahoney relative to the right or obligation to sell items with brand names to wholesalers. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

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

An Act amending successor supplier laws.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 138 of the General Laws, as appearing in the 2022 Official Edition, is hereby
2 amended by inserting after section 25E 3/4 the following section:-

3 Section 25E 7/8. (a) For purposes of this section, a “successor supplier” shall mean any
4 person who acquires, in any manner whatsoever, whether directly or indirectly, the right or
5 obligation to sell an item with brand name to a wholesaler licensed in the commonwealth.

6 (b) Any successor supplier acquiring a right or obligation to sell to a wholesaler does so
7 subject to the agreement between the wholesaler and the supplier existing at the time of
8 succession.

9 An agreement with a licensed wholesaler includes, without limitation, a commercial
10 relationship of a definite or indefinite duration between a wholesaler and the person selling a
11 brand item to such wholesaler, whether oral or in writing, or any relationship whereby the

12 licensed wholesaler is granted the right to offer and sell items with brand names within the
13 commonwealth.

14 All sales of a brand name item made to a licensed wholesaler prior to succession shall be
15 attributed to the successor supplier for the purpose of determining whether six months of regular
16 sales exist, pursuant to section 25E.

17 The provisions of section 25E, prohibiting a supplier from refusing to sell an item
18 having a brand name, shall further be binding on any successor supplier.

19 (c) This section shall be liberally construed to effectuate the remedial purpose of the
20 protections set forth in section 25E.