

SENATE No. 3132

The Commonwealth of Massachusetts

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

SENATE, July 9, 2026.

The committee on Revenue to whom was referred the petition (accompanied by bill, Senate, No. 2012) of Adam Gomez and James B. Eldridge for legislation to establish fairness for agricultural laborers, report the accompanying bill (Senate, No. 3132).

For the committee,
James B. Eldridge

SENATE No. 3132

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

An Act establishing fairness for agricultural laborers.

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 2A of said chapter 151 is hereby amended by striking out, in the second sentence
2 the word “\$8.00” and replacing it with the following words: ----
3 the minimum wage set forth in section 1 of this chapter.

4 Chapter 136 of the General Laws is hereby amended by adding the following section: --

5 Section 17 (a) Every person employed in “agricultural and farm work”, as defined in
6 section 2 of chapter 151, who is not the parent, child, spouse, or other member of the employer’s
7 immediate family, shall be entitled to accrue paid-time-off at the rate of one (1) hour for every 40
8 hours worked, up to a maximum of 55 hours per benefit year. A benefit year shall be defined as a
9 calendar year.

10 (b) Agricultural employees shall begin accruing paid time off commencing on the date of
11 hire of the employee or the date this law becomes effective, whichever is later, but employees
12 shall not be entitled to use accrued paid time off until the 45th calendar day following

13 commencement of their employment. On or after this 45-day waiting period, employees may use
14 earned paid time off as it accrues. Any seasonal agricultural employee returning to the same
15 employer as the previous harvest season shall be considered a continuing employee for the
16 subsequent benefit year and shall not be subject to the 45-day waiting period in the new benefit
17 year.

18 (c) At the beginning of every benefit year, January 1, all paid time off accrued by
19 agricultural employees, including agricultural employees performing work on a seasonal basis,
20 will be reset to zero hours, regardless of whether the accrued paid time off has been exhausted.

21 (d) All accrued paid time off taken by an agricultural employee shall be compensated at
22 the current rate of pay and paid out during the pay period in which the accrued paid time off is
23 taken.

24 (e) Upon resignation or discharge, agricultural employees shall be paid the paid time off
25 they accrued during that calendar year, in accordance with the time designated in section 148 of
26 chapter 149.

27 (f) Agricultural employees shall be allowed to take accrued paid time off for any reason if
28 the employee has provided reasonable notice to the employer and has accrued the requested paid
29 time off.

30 (g) Nothing in this section shall be construed to replace an employers' obligation to
31 provide earned sick time or paid earned sick time according to chapter 149 section 148C, which
32 must be provided for the reasons, and according to the terms, enumerated in that section. An
33 employer may not require an agricultural worker to use paid time off instead of sick time for
34 those reasons.

35 (h) Agricultural employees shall not be retaliated against, disciplined, or terminated, in
36 accordance with Chapter 151 section 19 of the General Laws, for using any of their available
37 accrued paid time off.

38 (i) Nothing in this section shall be construed to discourage or prohibit an employer from
39 allowing the accrual of earned paid time off at a faster rate, allowing the rolling over of paid time
40 off balances to a new benefit year, or the use of earned paid time off at an earlier date, than this
41 section requires.

42 Chapter 149 of the General Laws is hereby amended by adding the following new
43 section:

44 Section 204. Every person employed in “agricultural and farm work” as defined in
45 section 2 of chapter 151 shall be entitled to two paid 15-minute breaks if laboring eight (8) hours
46 or more during any given workday: one break before and one break after the meal break required
47 by section 100. During their breaks, agricultural workers shall be provided with adequate
48 conditions to ensure temperature regulation and hydration.

49 Not later than six months after the effective date of this act, the department of labor
50 standards shall promulgate regulations to implement section 204. With respect to Section 204,
51 the department of labor standards shall issue regulations after input from stakeholders
52 enumerating the conditions that an employer must provide to agricultural employees during their
53 breaks to ensure the adequate opportunity for temperature regulation during high heat-stress
54 months and other extreme temperature months, bathroom breaks, and hydration.

55 Section 1A of chapter 151 of the General Laws is hereby amended by inserting at the end
56 of the first sentence, after the word “employed” the following words: -

57 ; and those employees who engage in agricultural and farm work, as defined in section 2
58 of chapter 151, for a work week longer than 55 hours, shall receive compensation for their
59 employment in excess of 55 hours at a rate not less than one and one half times the regular rate at
60 which they are employed.

61 Except that employers who exclusively produce year-round, indoor agricultural or
62 piscicultural commodities within controlled environments utilizing hydroponics, aeroponics, and
63 aquaponics, shall not employ any employees engaged primarily in secondary agricultural and
64 farm work, as defined in section 2 of chapter 151, for a work week longer than forty hours,
65 unless such employee receives compensation for his employment in excess of forty hours at a
66 rate not less than one and one half times the regular rate at which he is employed

67 Not later than six months after the effective date of this act, the department of labor
68 standards shall promulgate regulations to implement the above mentioned change to section 1A.
69 With respect to the above mentioned change to section 1A, the department of labor standards
70 shall issue regulations after input from stakeholders clarifying the percent of secondary
71 agriculture an agricultural employee working in a year-round, indoor agricultural controlled
72 environment facility which utilizes hydroponics, aeroponics and aquaponics to produce
73 agricultural or piscicultural commodities must be engaged in during the work week for the
74 employee to receive overtime after 40 hours.

75 Said section 1A of said chapter 151 is hereby amended by striking out clause 19.

76 Section 2 of said chapter 151 is hereby amended by striking out, in the definition of
77 "Occupation", after the words "professional service", the words "agricultural and farm work,".

78 Said section 2 of said chapter 151 is hereby further amended by striking out, in the
79 definition of “Agricultural and farm work,” after the words “labor on a farm,” the words “and the
80 growing and harvesting of agricultural, floricultural and horticultural commodities” and inserting
81 the following words: -

82 wherein an agricultural employee is employed by a farmer and that same employee is
83 engaged in solely primary agriculture, solely secondary agriculture, or both primary and
84 secondary agriculture. Primary agriculture shall include farming in all its branches, including the
85 cultivation and tillage of the soil, the production, cultivation, growing, and harvesting of
86 agricultural, aquacultural, floricultural and horticultural commodities, dairying, the growing and
87 harvesting of forest products upon forest land, the raising and keeping of livestock, bees, fur-
88 bearing animals, and raising and keeping of poultry, swine, cattle and other domesticated animals
89 used for food purposes. Secondary agriculture shall include preparing commodities for market –
90 including cleaning, sorting, peeling, washing, packing, and delivering commodities to storage, to
91 market, or to a carrier for transporting to market. An employee who never engages in either
92 primary or secondary agriculture on a farm is not performing “agricultural and farm work” even
93 when they engage in practices incidental to or in conjunction with farming operations on a farm
94 and shall not be considered an agricultural employee.

95 Said section 2 of said chapter 151 is hereby further amended by inserting, after the
96 definition of “Agricultural and farm work,” the following definitions: -

97 “Farm”, for purposes of Chapter 151, a farm is defined as the land, buildings, or
98 structures on or in which agricultural and farmwork activities, as defined in section 2 of chapter

99 151, are carried out or conducted for the purpose of producing agricultural, aquacultural,
100 floricultural and horticultural commodities for market.

101 All provisions of this act shall become effective immediately upon passage of the act.