

SENATE No. 3209

Senate, July 23, 2026 -- Text of amendment (151) (offered by Senator Brownsberger) to the Ways and Means amendment (Senate, No. 3178) to the House Bill relative to economic development in the commonwealth.

The Commonwealth of Massachusetts

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

by adding the following sections:-

SECTION XX. Section 2 of chapter 93 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out the definition of “New England”.

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

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

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

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

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

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

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

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

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

SECTION XX. Said chapter 93, as so appearing, is hereby amended by repealing section 10.

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

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

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

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

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

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

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

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

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

63 SECTION XX. Section 8 of said chapter 93, as so appearing, is hereby further amended
64 by inserting, at the end of the section, the following paragraphs:-

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

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

74 SECTION XX. Section 9 of said chapter 93, as so appearing, is hereby amended by
75 striking out the first paragraph, and inserting in place the following paragraph:-

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

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

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

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

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

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

102 SECTION XX. Section 13 of said chapter 93, as so appearing, is hereby further amended
103 by inserting, at the end of the section, the following paragraph:-

104 In determining the time limited for the commencement of an action under this Act, a
105 claim brought under this Act is a "personal action" for purposes of section twelve of Chapter
106 260.