SENATE . . . . No. 3228

Senate, July 24, 2026 -- Text of the Senate amendment to the House Bill relative to economic development in the commonwealth (House, No. 5576) (being the text of Senate document numbered 3178, printed as amended)

The Commonwealth of Massachusetts

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

SECTION 1. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations and to meet certain requirements of law, the sums set forth in section 2A are hereby appropriated from the Education and Transportation Fund established in section 2BBBBBB of chapter 29 of the General Laws unless specifically designated otherwise in this act, for the several purposes and subject to the conditions specified in this act and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2026. Except as otherwise provided, these sums shall be made available through the fiscal year ending June 30, 2029.

SECTION 2A.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

Office of the Secretary

1596-7066 For a bridge funding reserve to support public institutions of higher education in the commonwealth to enable them to: (i) adapt to federal funding uncertainty or for the loss or diminishment of federal research funding; (ii) encourage advancement of scientific research, enhance employment opportunities and talent development; and (iii) enable participation in partnerships and joint ventures related to research and innovation; provided, that the funds shall be administered by the executive office for administration and finance, in consultation with the executive office of education, the executive office of labor and workforce development and the executive office of economic development; provided further, that funds may be expended as flexible funding support for public institutions of higher education in the commonwealth to fund direct and indirect costs of research to retain talent and preserve the pace of scientific discovery in the commonwealth; provided further, that funds may be expended as a talent retention and extension reserve to fund positions in research and teaching, including graduate, post doctorate and other early career research professionals, that would otherwise be unfunded due to reductions in federal indirect rates and to build a bridge to future funding levels and sources; provided further, that funds may be expended for research opportunities, partnerships and joint ventures to support research activity and employment and advance innovation and opportunity in the commonwealth including, but not limited to, opportunities related to advanced manufacturing and technology, agricultural science and technology, bioengineering and life sciences, civil engineering and advanced construction materials, climate and environmental science, ecology, education and child development, electronics, energy, fisheries and wildlife science and management, forestry science and management, marine science and technology, medical science and technology, meteorology and atmospheric science, nursing science, public health and applied health sciences and robotics; provided further, that prior to the receipt of funds from this item, public institutions of higher education shall submit a federal funding disruption mitigation plan to the executive office for administration and finance and the house and senate committees on ways and means, which shall include, but not be limited

to, the planned needs and projected expenditures for each fiscal year in which funds are made available under this item; provided further, that funds from this item shall be expended in a manner that prioritizes a public institution of higher education's loss or diminishment of federal research funding that will impact prospective research opportunities and the pace of discovery; provided further, that funds shall be further prioritized in a manner that provides bridge funding over multiple fiscal years in which funds are made available under this item; provided further, that funds shall be expended by public institutions of higher education in a manner that is consistent with the institutions' federal funding mitigation plan unless otherwise authorized by the secretary of administration and finance; and provided further, that the secretary of administration and finance may transfer funds from this item to other items as necessary
……………………………………………………………………………………..$100,000,000

SECTION 3A. To provide for a program of community development, economic opportunities, support for local governments, increased industry innovation, job creation and the promotion of economic reinvestment through the funding of infrastructure improvements, the sums set forth in this section for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds. These sums shall be in addition to any amounts previously authorized and made available for the purposes of those items. The sums set forth in this section shall be made available until June 30, 2036.

MASSACHUSETTS CULTURAL COUNCIL

0640-0309 For a capital grant program to be administered by the Massachusetts cultural council to support individuals, businesses, nonprofit organizations, community groups and other eligible applicants as determined by the council who are engaged in public arts, performance, cultural and community programming that stimulates downtown areas, commercial areas, cultural districts, gathering places and nightlife destinations and contributes to the cultural and economic vitality of cities and towns; provided, that the council may award grants to cities and towns which intend to contract with individuals, businesses, nonprofit organizations, community groups and other eligible entities for projects which support art, performance, cultural and community programming in downtown areas, commercial areas, cultural districts, gathering places and nightlife destinations $1,000,000

EXECUTIVE OFFICE OF ECONOMIC DEVELOPMENT

Office of the Secretary

7002-8046 For the growth capital division of the Massachusetts Development Finance Agency established in section 2 of chapter 23G of the General Laws for a program to provide matching grants to community development financial institutions certified by the United States Treasury or community development corporations certified under chapter 40H of the General Laws to leverage federal or private investment for the purpose of making loans to small businesses; provided, that such grants shall prioritize socially or economically disadvantaged businesses, which may include, but shall not be limited to, minority-owned, women-owned, worker-owned, veteran-owned or immigrant-owned small businesses that have historically faced obstacles to accessing capital; and provided further, that not less than $10,000,000 shall be expended to The Massachusetts Business Development Corporation for the Massachusetts Capital Access program to support loans to eligible businesses for start up costs, equipment purchases, real estate acquisitions and other business expenses...…………………$20,000,000

7002-8079 For a capital grant program to be administered by the executive office of economic development to provide grants to private businesses that are constructing or expanding commercial, industrial or manufacturing facilities in the commonwealth, which may include, but shall not be limited to: (i) the construction or expansion of facilities in a manner that eliminates or minimizes the use of fossil-fuel heating and cooling equipment, or incorporates other decarbonization measures that would not otherwise be incorporated into the facility design; (ii) the integration of design features that make a facility more resilient to the impacts of climate change, where such design features would not otherwise be economically feasible; and (iii) capital investments that support the creation of a significant number of new jobs in the commonwealth; provided, that the secretary of economic development shall issue program guidelines around the administration of the program which may include the administration of the program through a contract with the Massachusetts Development Finance Agency established in section 2 of chapter 23G of the General Laws or any other appropriate quasi-governmental agency; and provided further, that grants shall be awarded in a manner that promotes geographic equity..$25,000,000

7002-8080 For a grant program to be administered by the executive office of economic development to support the development and application of artificial intelligence technologies in strategically important sectors of the state's economy including, but not limited to, life sciences, healthcare, advanced manufacturing, climatetech, quantum, defense technology, transportation and robotics; provided, that grants may be awarded from this item to public entities, non-profit entities and private businesses; and provided further, that, at the discretion of the secretary of economic development, grant funding may be administered by the Massachusetts Technology Park Corporation, the Massachusetts Life Sciences Center, the Massachusetts

Technology Development Corporation or the Massachusetts Clean Energy Technology Center..$75,000,000

7002-8081 For a capital grant program to be administered by the executive office of economic development to support the construction, fit-out and improvement of 1 or more sites where early stage and high growth business ventures are encouraged to establish operations in the commonwealth; provided, that the executive office may contract with the Massachusetts Development Finance Agency established in section 2 of chapter 23G of the General Laws, or any other state authority as defined in section 1 of chapter 29 of the General Laws, to administer the grants or other financial assistance from this item; and provided further, that grants shall be awarded in a manner that promotes geographic equity…………………………..$20,000,000

7002-8082 For a grant program to be administered by the executive office of economic development to invest in capital assets or public infrastructure that promote economic growth, job creation and talent recruitment and retention in the defense sector, including to support innovation in defense related technologies such as artificial intelligence, cybersecurity, robotics and autonomous systems, semiconductors and microelectronics, biosecurity and advanced manufacturing; provided, that grants from this item may be awarded to public and private entities as determined by the executive office; and provided further, that, at the discretion of the secretary of economic development, grant funding may be administered by the Massachusetts Technology Park Corporation, the Massachusetts Life Sciences Center, the Massachusetts Technology Development Corporation, the Massachusetts Development Finance Agency or the Massachusetts Clean Energy Technology Center.……………………$100,000,000

7002-8083 For a grant program to be administered by the executive office of economic development to support food science, agricultural enterprises, resilient and sustainable food innovation, food and agricultural technology and related sectors; provided, that the executive office may contract with the Massachusetts Development Finance Agency established in section 2 of chapter 23G of the General Laws, or any other state authority as defined in section 1 of chapter 29 of the General Laws, to administer the grants from this item; and provided further, that grants shall be awarded in a manner that promotes geographic equity……………………………………..$15,000,000

7002-8084 For a competitive program to be administered by the Massachusetts Technology Park Corporation established in section 3 of chapter 40J of the General Laws to provide capital grants to support research and development of robotics technology including, but not limited to, robotics incubation, testing, training, workforce development, research and development and commercialization activities; provided, that grants may be awarded to nonprofit entities, public or private universities or private business entities...............................$25,000,000

7002-8085 For a grant program to cities, towns, regional organizations whose membership is exclusively composed of municipal governments, municipal redevelopment authorities or agencies or quasi-governmental agencies to support economic development in the commonwealth including, but not limited to, support for the vitality, activation, improvement and competitiveness of downtowns, main streets, business districts, town centers, commercial corridors, cultural districts and other walkable mixed-use areas; provided, that the executive office of economic development shall establish program requirements through regulations or policy guidelines; provided further, that grants shall be awarded in a manner that promotes geographic equity; and provided further, that not less than $2,500,000 shall be expended for a grant program to cities and towns to convert vacant retail spaces and storefronts into spaces to provide entrepreneurs with the opportunity to pilot retail concepts through temporary pop-up stores ……………………...$27,500,000

7002-8086 For a capital grant program to be administered by the executive office of economic development to enhance the arts, culture and the creative economy in the commonwealth including, but not limited to, grants to cities and towns for public realm and streetscape improvements that enhance downtown vibrancy, rehabilitation of historic districts, wayfinding and signage to support cultural institutions, improvements to public gathering and performance spaces and permanent public art installations; provided, that the executive office may contract with the Massachusetts Development Finance Agency established in section 2 of chapter 23G of the General Laws, Massachusetts Cultural Council, or any other state authority as defined in section 1 of chapter 29 of the General Laws, to administer the grants from this item; and provided further, that grants shall be awarded in a manner that promotes geographic equity; provided further, that not less than $5,000,000 shall be expended as grants to farm businesses, nonprofit organizations, municipalities and regional tourism councils to enhance agritourism-related cultural and promotional activities in the commonwealth including, but not limited to: (i) barn paintings and agricultural murals created by local artists; (ii) wayfinding, signage and other marketing materials promoting agritourism destinations; (iii) infrastructure and programming that enhances the visibility, viability and visitor experience of farms, farmers markets, farm stands, community gardens, agricultural fairs and other community-based agricultural enterprises; and (iv) public art, cultural installations and promotional initiatives that strengthen local agricultural identity and encourage residents and visitors to visit agricultural sites and purchase local agricultural products; provided further, that the executive office of economic development shall coordinate with the department of agricultural resources to develop and administer the grants …………………………………………..$30,000,000

7002-8087 For local economic development grants; provided, that not less than $5,000,000 shall be expended for the planning, design, engineering, site preparation, construction, accessibility improvements and related infrastructure necessary for the development of the Palmer Passenger rail stop, including associated parking, pedestrian access, utility improvements and other capital improvements necessary to support the implementation of the Palmer Passenger Rail in Phase I of the Compass Rail initiative; provided further, that the funds shall be used to improve regional passenger rail connectivity, expand mobility and transportation options, promote economic development in western and central Massachusetts and position the Palmer Passenger Rail Stop as a key hub within the west-east passenger rail network; provided further, that not less than $2,500,000 shall be expended to the executive office of housing and livable communities to create a pilot program to aid in the development and construction of permanently affordable home ownership; provided further, that funds may only be used to fund the creation of permanently affordable homeownership units, which may include, but shall not be limited to, units within a mixed use development; provided further, that funds expended for the program may only be used on permanently affordable homeownership units affordable to low and moderate income households whose income is not less than 60 per cent or more than 120 per cent of the area median income; provided further, that funds expended from the program shall only be used to fund projects that have 1 to 25 housing units; provided further, that not less than $3,250,000 shall be expended for the design, engineering and construction of a municipal parking garage deck on the town of Bridgewater's municipal parking lot located off of Central square behind the retired fire station and on School street, situated within a federally designated opportunity zone, to support local downtown revitalization and economic development; provided further, that not less than $1,000,000 shall be expended to the city of Springfield for the Springfield Housing Strategy to fund pre-development work on city-owned properties in the city of Springfield that are slated for multi-family housing; provided further, that not less than $500,000 shall be expended for a carpentry pre-apprenticeship program that is open to persons in the city of Boston with a criminal record and which is operated in partnership with the North Atlantic States Regional Council of Carpenters and local community-based organizations and nonprofit organizations, which shall include, but not be limited to, hands-on trades training, participant stipends, tools and safety equipment, personalized mentorship, industry-recognized certifications and employment-readiness services for persons 18 years of age or older; provided further, that not less than $1,000,000 shall be expended to The Home for Little Wanderers, Inc. for the renovation and creation of the Rev. Dr. Michael E. Haynes Community Room to support community engagement, civic dialogue, youth and family programming and neighborhood partnership initiatives; provided further, that not less than $5,000,000 shall be expended to the Massachusetts Development Financing Agency established in section 2 of chapter 23G of the General Laws for the development of the Devens Innovation and Technology Center zoning district which shall include, but not be limited to, housing or mixed-use site development; provided further, that not less than $1,000,000 shall be expended to the city of Revere for the Resilient Bennington Street and Fredericks Park Project to address regional flood risks in the cities of Revere and Boston; provided further, that not less than $2,500,000 shall be expended for the Leto Fund Inc. for the purposes of establishing the Boston Legacy Performance Center in the city of Brockton to support regional sports development and tourism and for the training and usage of youth athletes from the Greater Brockton area; provided further, that the

Massachusetts international trade office shall convene a working group to study the feasibility and recommend actions necessary to plan, coordinate and host a set or tournament of international soccer matches within the commonwealth; provided further, that the membership of the working group shall include: the executive director of the Massachusetts international trade office; the executive director of the Massachusetts office of travel and tourism or their designee; the secretary of administration and finance or their designee; the secretary of transportation or their designee; the secretary of public safety and security or their designee; the commissioner of public health or their designee; the colonel of state police or their designee; the general manager of the Massachusetts Bay Transportation Authority or their designee; 1 member of the senate, appointed by the senate president; 1 member of the house of representatives, appointed by the speaker of the house of representatives; a representative of the New England Revolution; a representative of the Boston Legacy Football Club; a representative of the host municipality, after said municipality is determined; a representative of a youth soccer organization; and a member appointed by the governor, who possesses relevant expertise in international sports partnerships, event management, transportation or public safety; provided further, that the working group shall meet not less than quarterly and members shall serve without compensation; provided further, that the working group shall: (i) determine the appropriate scope and scale of hosting an international soccer tournament in the commonwealth; (ii) evaluate prospective dates, venues and operational needs for hosting matches, including, but not limited to, the creation of an appropriate operational framework, if recommended; (iii) determine and coordinate with representatives of participating countries, including, but not limited to, the United States of America, Scotland and nations with a significant diaspora in the commonwealth; (iv) assess and develop recommendations for transportation, including commuter rail and roadway management, public safety emergency preparedness and public health; (v) identify costs and potential funding sources; (vi) determine the economic and cultural benefit to the commonwealth as a result of coordinating and hosting an international soccer tournament; and (vii) consult with municipal officials, local business partners and relevant community and regional organizations in the planning process; provided further, that not later than 12 months following the effective date of this act, the working group shall submit a report of its findings and recommendations to the secretary of economic development, the secretary of administration and finance, the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on tourism, arts and cultural development; provided further, that the report shall include proposed timelines, operational frameworks, financial projections and any legislative or regulatory actions necessary for implementation; provided further, that not less than $500,000 shall be expended to The Birthplace Foundation, Inc. to support the planning, design, site preparation, infrastructure improvements and capital investments necessary to advance the development of a premier basketball destination in the city of Springfield to promote tourism and support community programming for local youth; provided further, that not less than $800,000 shall be expended to the executive office of energy and environmental affairs to conduct a study and analysis of all wastewater treatment plants and collection systems that are licensed to discharge wastewater into the Merrimack river, through a permit issued pursuant to the National Pollutant Discharge Elimination System or otherwise; provided further, that the study shall consider for each permitted facility: (i) the amount of allowable discharge of treated effluent into the river and the municipalities it serves; (ii) the amount, if any, of combined stormwater overflow discharge allowed and, for the preceding 5 years, the actual number and quantity of such discharges, the number of times and amounts by which such discharges exceeded permitted parameters and any fines, fees or other penalties associated with such excess discharges; (iii) any applicable administrative consent orders or other statutory or regulatory measures compelling remedial action, a description of each such action and the status of compliance with such orders or measures; (iv) the age and state of repair of each facility and its components, including collection, treatment and discharge elements; (v) any current projects underway, planned or projected to be necessary to achieve a state of good repair and to prevent combined stormwater overflows, with estimated costs and timelines for each such project; (vi) existing and potential funding sources to meet the costs of each such project; (vii) a comprehensive plan to achieve, to the maximum extent feasible, a state of good repair and prevent combined stormwater overflows, from permitted facilities discharging into the river; and (viii) identification of technologies and equipment necessary for the timely monitoring of pollutant discharges into the river; provided further, that the executive office of energy and environmental affairs shall submit the study and analysis, together with any legislative, statutory, regulatory and policy recommendations, with the clerks of the house and senate, the house and senate committees on ways and means, the joint committee on environment and natural resources and the joint committee on economic development and emerging technologies not later than 18 months after the effective date of this act; provided further, that not less than $1,000,000 shall be expended to providers of public water suppliers in the watersheds of the Ipswich, Parker and Essex rivers for projects to increase the supply, distribution and conservation of drinking water to improve and maintain the health of the rivers and ensure adequate and sustainable drinking water supplies to support housing and economic growth; provided further, that not less than $500,000 shall be expended to United South End Settlements for classroom renovations to support its high-quality early education and economic mobility programming; provided further, that not less than $1,000,000 shall be expended to Inquilinos Boricuas en Acción, Inc. for upgrades to its community center, La CASA: The Center for Arts, Self-determination, and Activism, to support youth programming, evidence-based education and financial empowerment services; provided further, that not less than $500,000 shall be expended to St. Mary's Center for Women and Children, Inc. in the city of Boston for shelter renovation and construction; provided further, that not less than $500,000 shall be expended to the Boys and Girls Clubs of Dorchester, Inc. for The Colonel Daniel Marr Clubhouse in the city of Boston to modernize infrastructure to allow for full inclusion and physical accessibility; provided further, that not less than $1,000,000 shall be expended to the Cape Verdean Association of Boston Inc. for the design, construction and acquisition of a community center to support its community programming; provided further, $500,000 shall be expended to the Easter Seals Massachusetts, Inc. for the MassAbility Assistive Technology Independent Living Program and Assistive Technology Regional Centers to provide training and to purchase equipment for people with disabilities, veterans and older adults to help them live, work and learn independently; provided further, that not less than $1,000,000 shall be expended to The Boston Home, Inc. for infrastructure improvements at their wheelchair enhancement center to support on-site repairs and modifications for power wheelchairs; provided further, that not less than $1,000,000 shall be expended to the city of Boston for the design and renovation of Madison Park Technical Vocational high school; provided further, that not less than $250,000 shall be expended to Bristol County Agricultural high school for the costs associated with the development of an agricultural workforce development pilot program to serve students, adult learners and employers across southeastern Massachusetts; provided further, that not less than $5,000,000 shall be expended for economic development projects in the towns of Cohasset, Duxbury, Hingham, Hull, Marshfield, Norwell and Scituate and in the city known as the town of Weymouth; provided further, that not less than $5,000,000 shall be expended to the Commonwealth Zoological Corporation established in section 2 of chapter 92B of the General Laws for costs associated with the preparation of plans, studies and specifications, repairs, construction, renovations, improvements, maintenance, asset management and demolition and other capital improvements, including those necessary for the operation of facilities operated by Zoo New England, including the Franklin Park Zoo and the Walter D. Stone Memorial Zoo ; provided further, that not less than $500,000 shall be expended to the Massachusetts Department of Transportation to conduct a feasibility study of all options for rail rapid transit service through Nubian square and Grove Hall and along the Blue Hill avenue corridor in the Roxbury, Dorchester and Mattapan sections of the city of Boston, including potential connections between Ruggles station and Mattapan square; provided further, that the study shall include, but not be limited to, an evaluation of light rail, heavy rail and other rail rapid transit alternatives, potential routes, termini and station locations, projected ridership, capital and operating costs, potential federal, state, local and private funding sources, environmental and community impacts, housing displacement and gentrification impacts and recommendations for implementation and future project development; provided further, that not less than $1,000,000 shall be expended for heat pump conversion at the Margarita Muñiz Academy in the Jamaica Plain section of the city of Bostonprovided further, that not less than $750,000 shall be expended to the town of Abington for purposes including, but not limited to, costs associated with economic development projects; provided further, that not less than $250,000 shall be expended to the city known as the town of Braintree for purposes including, but not limited to, costs associated with economic development projects; provided further, that not less than $750,000 shall be expended to the town of Hanover for purposes including, but not limited to, costs associated with economic development projects; provided further, that not less than $500,000 shall be expended to the town of Holbrook for purposes including, but not limited to, costs associated with economic development projects; provided further, that not less than $2,000,000 shall be expended to the city of Quincy for purposes including, but not limited to, costs associated with economic development projects; provided further, that not less than $750,000 shall be expended to the town of Rockland for purposes including, but not limited to, costs associated with economic development projects ; provided further, that not less than $5,000,000 shall be expended to the Massachusetts Bay Transportation Authority for the design and construction of accessible stations with dual-sided platforms at the Auburndale and West Newton commuter rail stations in the city of Newton; provided further, that not less than $100,000 shall be expended to the Brookline Community Development Corporation for the rehabilitation and deep energy retrofit of its affordable housing property at 1017 Beacon street in the town of Brookline ; provided further, that not less than $250,000 shall be expanded to Friends of North Leverett Sawmill, Inc. to aid in the restoration of the historic Slarrow mill ; provided further, that not less than $4,750,000 shall be expended for capital expenses associated with the redevelopment of the former Wilson's department store and Putnam building in the city of Greenfield into a mixed-use development; provided further, that not less than $5,000,000 shall be expended for capital improvements to modernize and improve the DCU Center Arena and Convention Center in the city of Worcester; provided further, that not less than $750,000 shall be expended for the town of Great Barrington for the purpose of renovating the Housatonic community center; provided further, that not less than $250,000 shall be expended to Lenox Land Trust, Inc. for the purpose of restoring access to the Hallowell meadow recreational area; provided further, that not less than $250,000 shall be expended for the Frank R. Stiles Post No.

125, The American Legion, Inc. in the city of North Adams for renovations and improvements to its building to support local community and veterans programming; provided further, that not less than $250,000 shall be expended for the office of community development in the city of North Adams for the redevelopment project located at the former site of the Notre Dame church; provided further, that not less than $250,000 shall be expended for the Williams-Boltwood House Trust, Inc. in the town of Goshen for the complete restoration of the site of the historic Williams-Boltwood House; provided further, that not less than $500,000 shall be expended to Sterling and Francine Clark Art Institute for costs associated with the Aso O. Tavitian wing expansion project; provided further, that not less than $500,000 shall be expended for Berkshire theatre group for the purpose of the Playhouse restoration project in the town of Stockbridge; provided further, that not less than $1,083,000 shall be expended for the Massachusetts Food Trust Program established in section 65 of chapter 23A of the General Laws for expanded access to groceries in the city of Worcester; provided further, that not less than $500,000 shall be expended for the Holyoke Redevelopment Authority for mixed-use development, affordable and market-rate housing projects its urban renewal plan on Newton street and High street; provided further, that not less than $750,000 shall be expended for the city known as the town of West Springfield for a redevelopment and feasibility study of municipally-owned property near the downtown central business district; provided further, that not less than $250,000 shall be expended for the Pittsfield Municipal Airport Commission for the development of the Berkshire Aviation & Aerospace Pathway; provided further, that not less than $1,200,000 shall be expended for the city known as the town of Agawam for the Downtown Ramah Circle Infrastructure Project; provided further, that not less than $1,000,000 shall be expended for Westfield state university for the establishment of an immersive learning center for public safety professionals; provided further, that not less than $500,000 shall be expended for the city of Chicopee for improvements to community playgrounds and parks; provided further, that not less than $350,000 shall be expended for the city of Westfield for urban planning and roadway improvements on Elm street, Orange street and Turnpike Industrial Park road; provided further, that not less than $700,000 shall be expended for the Massachusetts Veterans Memorial Cemetery in the town of Agawam for land expansion; provided further, that not less than $5,000,000 shall be expended to support economic development and housing in the Watertown square section of the city of Watertown; provided further, that not less than $250,000 shall be expended to further economic development in the town of Auburn; provided further, that not less than $250,000 shall be expended to further economic development in the town of Grafton; provided further, that not less than $250,000 shall be expended to further economic development in the town of Millbury; provided further, that not less than $250,000 shall be expended to further economic development in the town of Shrewsbury; provided further, that not less than $250,000 shall be expended to further economic development in the town of Westborough; provided further, that not less than $935,000 shall be expended for UTEC, Inc. for equipment to support its social enterprises, workforce development and supportive services, including, but not limited to, its mattress recycling program; provided further, that not less than $360,000 shall be expended to the town of Dunstable for the replacement of the Joint Grass Brook culvert; provided further, that not less than $450,000 shall be expended to the town of Tyngsborough for costs associated with a 2-year pilot program offering expanded bus service in the town of Tyngsborough; provided further, that not less than $250,000 shall be expended for a competitive grant program administered by the Toxics Use Reduction Institute to strengthen the competitiveness of Massachusetts small businesses and manufacturers through safer chemical innovation; provided further, that not less than $4,000,000 shall be expended to the town of Dennis for renovation, reconstruction and improvements to Sesuit harbor and its support facilities; provided further, that not less than $255,000 shall be expended to the town of Pepperell for the purchase of an ambulance; provided further, that not less than $250,000 shall be expended to the town of Dracut for costs associated with capping its landfill; provided further, that not less than $1,000,000 shall be expended to the town of Easton for the design and construction of the Easton industrial park sewer project; provided further, that not less than $1,000,000 shall be expended for the city of Pittsfield and the Pittsfield Economic Development Authority for the purpose of infrastructure, capital improvements and acquisitions related to the development of an energy hub and economic development zone; provided further, that not less than $250,000 shall be expended for the town of Whately for infrastructure and capital site improvements at the former Center School to facilitate the development and operation of an economic development hub; provided further, that not less than $250,000 shall be expended for Piti Theatre Company, Inc. in the town of Charlemont for the purpose of development, renovations, infrastructure and purchasing for their Bloom center construction project; provided further, that not less than $200,000 shall be expended to the town of West Boylston for local infrastructure related to economic development projects; provided further, that not less than $200,000 shall be expended to the town of Northborough for local infrastructure related to economic development projects; provided further, that not less than $250,000 shall be expended to the Blue Hills Observatory and Science Center, Inc.; provided further, that not less than $1,000,000 shall be expended to Worcester Center for Performing Arts, Inc. for infrastructure improvements to the Hanover Theatre and Conservatory for the Performing Arts in the city of Worcester; provided further, that not less than $1,000,000 shall be expended to Family Health

Center of Worcester, Inc. for planning, engineering and infrastructure design of energy efficient improvements to improve access to quality health care; provided further, that not less than $200,000 shall be expended to the town of Boylston for local infrastructure related to economic development projects; provided further, that not less than $200,000 shall be expended to the town of Bolton for local infrastructure related to economic development projects; provided further, that not less than $200,000 shall be expended to the town of Berlin for local infrastructure related to economic development projects; provided further, that not less than $500,000 shall be expended for the town of West Bridgewater to support development and construction at War Memorial park; provided further, that not less than $1,000,000 shall be expended to the city of Boston for the design and renovation of the John D. O'Bryant School of Mathematics and Science; provided further, that not less than $3,000,000 shall be expended to Senior Connection, Inc. for the purpose of developing the Grandfamilies housing village of Worcester; provided further, that not less than $725,000 shall be expended to the town of Spencer for the purpose of demolition of certain buildings; provided further, that not less than $300,000 shall be expended to the town of Westminster for water infrastructure modernization and per- and polyfluoroalkyl substance mitigation for residents and businesses; provided further, that not less than $300,000 shall be expended to the town of West Brookfield for improvements and infrastructure upgrades to the town center and depot area; provided further, that not less than $300,000 shall be expended to the town of Sterling for upgrades and infrastructure improvements to the downtown area; provided further, that not less than $50,000 shall be expended to the town of Rutland to support planning, analysis and implementation of an economic development plan; provided further, that not less than $500,000 shall be expended to the town of Ware for upgrades and infrastructure improvements to the downtown area; provided further, that not less than

$150,000 shall be expended to the town of Templeton for upgrades and infrastructure improvements to the downtown area; provided further, that not less than $500,000 shall be expended for Community Health Center of Franklin County, Incorporated for equipment acquisition and electronic health integration to ensure the continuation of essential pharmacy services in the town of Shelburne; provided further, that not less than $1,000,000 shall be expended for an academic medical center in the city of Springfield to accelerate regional job creation and economic development in western Massachusetts, secure critical capital infrastructure, provide facility modernization and clinical capacity expansion related to the acquisition of a community hospital in the city; provided further, that not less than $1,000,000 shall be expended for the town of Maynard for water infrastructure improvements and other related expenses; provided further, that not less than $1,750,000 shall be expended for water infrastructure in the town of Norfolk; provided further, that not less than $1,500,000 shall be expended for water infrastructure in the town of Sherborn; provided further, that not less than $1,750,000 shall be expended for water infrastructure in the town of Wrentham; provided further, that not less than $3,000,000 shall be expended to the city of Woburn for the design, permitting and construction of a pedestrian bridge to Anderson regional transportation center in the area of the New Boston street in the city of Woburn; provided further, that not less than $2,000,000 shall be expended to the town of Arlington for the reconstruction of the Edith M. Fox library; provided further, that not less than $1,500,000 shall be expended for the department of conservation and recreation for the design, construction and installation of the Mass Central rail trail in the town of Hudson and other related expenses; provided further, that not less than $1,500,000 shall be expended for the department of conservation and recreation for the design, construction and installation of the Mass Central rail trail in the towns of Wayland and Sudbury and other related expenses; provided further, that not less than $1,000,000 shall be expended to the Old Colony Planning Council for the purposes of designing and implementing a competitive small business incubator grant program serving the Old Colony region and focusing on the acquisition of physical space for business through purchase, lease or rent and other capital assets; provided further, that not less than $1,000,000 shall be expended to the city of Brockton for the purposes of daylighting restoration of Trout brook, full restoration of Brook corridor and other related public infrastructure at Brockton yards; provided further, that not less than $100,000 shall be expended to the town of Acushnet to support economic development alongside the reconstructed South Main street corridor including, but not limited to commercial, industrial and business development opportunities; provided further, that not less than $2,450,000 shall be expended to the town of Dartmouth to support housing production and economic development, including, but not limited to, pump station upgrades and water interconnection to the city of Fall River to diversify sources and bring down costs for ratepayers; provided further, that not less than $2,450,000 shall be expended to the town of Fairhaven for the planning, design, engineering and construction of a public safety complex; provided further, that not less than $2,000,000 shall be expended to support the development of workforce housing in the town of Falmouth ; provided further, that not less $1,000,000 shall be expended to the town of Pembroke for water quality and improvements; provided further, that not less than $2,000,000 shall be expended to support housing development in the towns of Bourne, Falmouth, Kingston, Mashpee, Sandwich, Pembroke, Plymouth and Plympton; provided further, that not less than $500,000 shall be expended to the Dedham-Westwood water district for planning and capital infrastructure improvements; provided further, that not less than $1,500,000 shall be expended to Naismith Memorial Basketball Hall of Fame, Inc. in the city of Springfield for capital improvements and accessibility upgrades to support local tourism and community programming; provided further; that not less than $500,000 shall be expended to Springfield Symphony Orchestra for capital improvements and accessibility upgrades to Springfield Symphony hall in the city of Springfield; provided further, that not less than $500,000 shall be expended to the town of Whitman to support downtown revitalization and the town’s economic development goals; provided further, that not less than $5,00,000 shall be expended for infrastructure improvements in the Arlington neighborhood in the city of Methuen, including, but not limited to, drainage and sewage, road pavement, engineering costs and business outreach; provided further, that not less than $2,000,000 shall be expended for the Pappas Rehabilitation Hospital for Children in the town of Canton for immediate repairs, rehabilitation of existing infrastructure and upgrades to existing facilities to hospital level care to allow for expanded admissions and ensure patient safety; provided further, that not less than $1,000,000 shall be expended to the Mansfield Municipal Airport for upgrades to aircraft hangars that will result in additional revenue collection; provided further, that not less than $2,000,000 shall be expended as economic relief grants to be administered by the executive office of economic development to businesses and nonprofits that suffered a documented loss of revenue due to security restrictions, traffic management, parking and transportation alterations, foot-traffic reductions and other local, state or federal regulations and restrictions as a result of the commonwealth's hosting of Boston 2026 FIFA World Cup matches; provided further, that priority shall be given to entities within the state highway route 1 corridor and within communities adjacent to Gillette Stadium in the town of Foxborough; provided further, that the disbursement of funds shall be made in an expedited manner not later than December 31, 2026; provided further, that not less than $5,000,000 shall be expended to support projects in the city of Lynn related to the South Harbor Implementation Plan, including, but not limited to, street grid improvements; provided further, that not less than $500,000 shall be expended to the city of Newburyport for the design, construction and implementation of the Market Landing park visitor center and restroom facility in the city of Newburyport; provided further, that not less than $250,000 shall be expended to the town of Manchester-by-the-Sea for the planning, design and construction of a new harbormaster office and visitor center located at Reed park; provided further, that not less than $100,000 shall be expended to the town of Rowley for well and other drinking water improvements; provided further, that not less than $250,000 shall be expended to the town of Salisbury for infrastructure improvements at Salisbury beach and the implementation of the phase III of the Salisbury Beach Public Realm plan; provided further, that not less than $200,000 shall be expended to the town of Rockport for the purchase of a truck for the collection and cleaning of refuse; provided further, that not less than $250,000 shall be expended to the town of Georgetown to assist in the expansion and connection of municipal and school facilities in the dedicated fiber loop; provided further, that not less than $150,000 shall be expended to the town of Essex for improvements to the downtown community greenspaces and thoroughfare; provided further, that not less than $1,000,000 shall be expended to the city of Gloucester for the design, construction and implementation of the Water Pollution Control Facility Secondary Treatment Plant upgrades in the city of Gloucester; provided further, that not less than $500,000 shall be expended to Merrimack College for the planning, design and development of the Lower Merrimack Valley Innovation District to support regional economic development opportunities; provided further, that not less than $250,000 shall be expended to the town of Seekonk for economic development purposes; provided further, that not less than $250,000 shall be expended to the town of Dighton for economic development purposes; provided further, that not less than $250,000 shall be expended to the town of Berkley for economic development purposes; provided further, that not less than $500,000 shall be expended to the town of Rehoboth for economic development purposes; provided further, that not less than $1,000,000 shall be expended to the city of Taunton for economic development, infrastructure, public facilities, utility improvements, downtown revitalization, small business assistance or related capital improvement purposes; provided further, that not less than $750,000 shall be expended to the town of Raynham for state highway route 138 corridor improvements; provided further, that not less than $800,000 shall be expended to the town of Middleborough for economic development purposes; provided further, that not less than $250,000 shall be expended to the town of Carver for economic development purposes; provided further, that not less than $250,000 shall be expended to the town of Marion for economic development purposes; provided further, that not less than $450,000 shall be expended to the town of Wareham for economic development purposes; provided further, that not less than $2,500,000 shall be expended to the city of Lowell for improvements to the Bridge street bridge over the Eastern canal in the city of Lowell; provided further, that not less than $2,500,000 shall be expended to the city of Everett to replace and upgrade the aging and insufficient water, sewer and stormwater systems underneath Beacham street in the city of Everett; provided further, that not less than $2,500,000 shall be expended to the city of Chelsea for the design, construction, cleanout and redesign of the Market street culvert; provided further, that not less than $5,000,000 shall be expended to the department of conservation and recreation in consultation with the Friends of the Middlesex Fells Reservation, Inc. for maintenance and improvements to the Middlesex Fells reservation; provided further, that not less than $4,000,000 shall be expended to the Massachusetts Development Finance Agency, in collaboration with the town of Uxbridge, for the redevelopment of historic mill building space for local economic growth in the town of

Uxbridge; provided further, that not less than $1,000,000 shall be expended for expanding sidewalk access along state highway route 140 in the town of Upton; provided further, that not less than $500,000 shall be expended for the Springfield Day Nursery Corporation in the city of Springfield for construction of a family resource center and workforce development hub; provided further, that not less than $500,000 shall be expended to the Jamaica Plain Neighborhood Development Corporation to promote access to safe and affordable housing; provided further, that not less than $500,000 shall be expended to the Southwest Boston Community Development Corporation to assist with planning, programming and operations, including, but not limited to, the creation and preservation of affordable housing, strengthening the local economy of the neighborhood and the promotion of climate resiliency; provided further, that not less than $2,500,000 shall be expended to the city of Somerville for the Early Action Acquisition Fund to increase affordable or mixed-income housing, including, but not limited to, assistance to help developers acquire property; provided further, that not less than $2,500,000 shall be expended for grants to the cities of Cambridge and Somerville for the design, engineering, permitting and construction of green stormwater infrastructure projects exclusively aimed at minimizing and ultimately eliminating combined sewer overflows into the Alewife brook; provided further, that not less than $250,000 shall be expended to the MassHire Norwood Career Center to support and promote career advancement programs in the region; provided further, that not less than $250,000 shall be expended to the town of Walpole for the purposes of purchasing new safety equipment and upgrading safety infrastructure; provided further, that not less than $500,000 shall be expended to the New England Aquarium Corporation for repairs and infrastructure improvements to its plaza and the abutting area of the Boston harborwalk in order to promote tourism, access, safety and continued economic development at Central wharf;

provided further, that not less than $1,500,000 shall be expended to the Boston Housing Authority for the development and management of a climatetech revolving loan fund to support building decarbonization, energy efficiency and demand response investments at publicly-assisted properties with funding priority to projects affected by the rollback of federal energy efficiency or renewable energy incentives, loans or grants; provided further, that not less than $1,250,000 shall be expended to the town of Danvers for the purposes of design, permitting and reconstruction of the Syzpko bridge in the town of Danvers to connect the commercial corridors of the town of Danvers and the cities of Peabody and Salem to state highway route 128; provided further, that not less than $1,250,000 shall be expended to the city of Beverly to renovate city hall for infrastructure developments; provided further, that not less than $1,250,000 shall be expended to the city of Salem for improvements at the Salem Ferry Terminal including, but not limited to, passenger services, expanded operational capacity, leasable office space, training and event areas and security and information technology office infrastructure; provided further, that not less than $1,500,000 shall be expended to the executive office of housing and livable communities for grants to local housing authorities and the vacant unit task force for vacant unit turnover; provided further, that not less than $1,000,000 shall be expended to the Neponset River Regional Chamber of Commerce to support small businesses in the towns of Dedham, Norwood, Westwood and Walpole; provided further, that not less than $125,000 shall be expended to Hyde Park Main Streets, Inc. for programs to support local businesses and promote local economic development; provided further, that not less than $125,000 shall be expended to Centre/South Main Streets, Inc. for programs to support local businesses and promote local economic development; provided further, that not less than $125,000 shall be expended to Roslindale Village Main Street, Inc. for programs to support local businesses and promote local economic development; provided further, that not less than $125,000 shall be expended to West Roxbury Main Streets, Inc. for programs to support local businesses and promote local economic development; provided further, that not less than $600,000 shall be expended to the town of Bedford for infrastructure upgrades and sidewalk improvements in the downtown area; provided further, that not less than $300,000 shall be expended to the town of Weston for the replacement of aging water tanks; provided further, that not less than $335,000 shall be expended to the Charles River Museum of Industry and Innovation, Inc. for facility and accessibility upgrades to support local tourism and promote the industrial history of the United States; provided further, that not less than $520,000 shall be expended to the city of Waltham for the historic restoration of the interior and exterior of the blighted corn research laboratory building at the former farm and field station owned by the University of Massachusetts for a museum, a learning lab and a visitor center to honor Dr. Walton C. Galinat; provided further, that not less than $520,000 shall be expended to the city of Waltham for exterior and interior renovations to emergency shelter and housing for low-income individuals at the former Elks Lodge property located at the intersection of Lexington street and School street; provided further, that not less than $600,000 shall be expended to the town of Chelmsford for sidewalk installation and drainage upgrades along the Main street corridor from Groton road to School street; provided further, that not less than $300,000 shall be expended to the town of Weston for the Winter street culvert repair project; provided further, that not less than $600,000 shall be expended to the town of Carlisle for walkability improvements to the Carlisle town center; provided further, that not less than $600,000 shall be expended to the town of Concord for infrastructure improvements at the Kenneth Dunn square intersection and the Pail Factory bridge; provided further, that not less than $600,000 shall be expended to the town of Lexington for safety improvements on Adams street and along Massachusetts avenue; provided further, that not less than $300,000 shall be expended for the New England Historic Genealogical Society for infrastructure and safety improvements, including, but not limited, to spaces dedicated to the 10 Million Names Project to research genealogical records of the 10 million people enslaved in the United States of America between 1619 to 1865, inclusive; provided further, that not less than $200,000 shall be expended to Bold Skin Babe Cosmetology Institute Inc to bridge gaps and increase access to education, economic opportunity and entrepreneurship in the beauty and wellness industry through its programs and offerings including, but not limited to, scholarships for low income students; provided further, that not less than $5,000,000 shall be expended for the Lawrence Municipal Airport in the town of North Andover for the study, design and construction of airport improvements including, but not limited to, ground-based facilities designed to support the use of electric vertical takeoff and landing aircraft, costs associated with the relocation and construction of a new maintenance building and other infrastructure improvements; provided further, that not less than $1,000,000 shall be expended to the city known as the town of Winthrop for upgrades to the memorial gymnasium on Pauline street which may include, but shall not be limited to, upgrades to the heating system, the windows and the gym floors; provided further, that not less than $500,000 shall be expended to the city of Revere for the planning, development, establishment, operation and support of a regional food hub; provided further, that not less than $1,000,000 shall be expended to the town of Stow for the design, construction and installation of the Sudbury road bridge and other related expenses; provided further, that not less than $1,250,000 shall be expended to the city of Peabody for the expansion of the Torigian senior center in the city of Peabody; provided further, that not less than $12,000,000 shall be expended to the city of Framingham to support access to the Regional Justice Center and downtown revitalization, which shall include funding for the design, purchase, construction or rehabilitation of a downtown parking garage; provided further, that not less than $250,000 shall be expended to the town of Natick for the development and construction of a multi-use path along state highway route 135 connecting to the West Natick commuter rail station; provided further, that not less than $2,500,000 shall be expended to the city of Haverhill for upgrades to sewer treatment infrastructure; provided further, that not less than $2,500,000 shall be expended to the city of Haverhill to assist recovery efforts of the mill fire of April and May 2026; provided further, that not less than $500,000 shall be expended to Arc Landing Boston, Inc. to support a catalyst fund to assist in the growth of the health care industry and increase access to health care; provided further, that not less than $1,000,000 shall be expended to the city of Fall River for economic development and revitalization efforts in the Flint neighborhood and Pleasant street corridor of the city; provided further, that not less than $5,000,000 shall be expended to the town of Lakeville for the redevelopment of the site of the former Lakeville state hospital; and provided further, that not less than $1,000,000 shall be expended to the town of Swansea for the construction and installation of sewage lines …………………….....$221,983,000

7002-8088 For the University of Massachusetts at Lowell, for the center of excellence in nuclear and fusion technology established in section 48 of chapter 75 of the General Laws to fund the activities and research initiatives of the center and to provide grants and contracts supporting nuclear fission and fusion research initiatives including, but not limited to, the LIBRA ONE project as defined under said section 48 of said chapter 75; provided, that such initiatives may include the design, construction and operation of experimental apparatus, the procurement of specialized materials and equipment, personnel costs for researchers and graduate students and associated administrative costs; and provided further, that the University of Massachusetts at Lowell shall administer funds, including grants and contracts, in this item and may enter into contracts with other public and private institutions of higher education to carry out the objectives of the center.. $5,000,000

EXECUTIVE OFFICE OF HOUSING AND LIVABLE COMMUNITIES

7004-0096 For state financial assistance to be administered by the executive office of housing and livable communities through a contract with the Massachusetts Housing Finance Agency established in chapter 708 of the acts of 1966 in the form of grants, loans, subsidies, credit enhancements and other financial assistance to support the acquisition, planning, predevelopment, permitting, site preparation, construction, rehabilitation, redevelopment and preservation of affordable and attainable year-round housing in municipalities designated as seasonal communities pursuant to section 32 of chapter 23B of the General Laws; provided, that eligible recipients shall include municipalities, municipal or regional year-round housing trust funds, local or regional housing authorities and qualified nonprofit or for-profit housing developers; provided further, that funds may be expended for infrastructure improvements necessary to support such housing; provided further, that housing projects within projects that receive financial assistance under this item shall be restricted to households with an income not to exceed an amount to be determined by the secretary of housing and livable communities; provided further, that the secretary may restrict housing to individuals who maintain primary residence in a seasonal community for a period of not less than 10 months; and provided further, that funds shall be distributed in a manner that promotes geographic equity among seasonal communities $10,000,000

SECTION 4. Chapter 2 of the General Laws is hereby amended by adding the following section:-

Section 66. The Massachusetts National Guard museum in the city of Salem, established pursuant to section 140 of chapter 33, shall be the official military museum of the commonwealth.

SECTION 5. Subclause (w) of clause Twenty-sixth of section 7 of chapter 4 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by inserting after the figure “90K”, in line 273, the following words:- and photographs, video or other images and other personal identifying information collected under chapter 90L.

SECTION 6. Said section 7 of said chapter 4 is hereby further amended by striking out clause Sixtieth, as so appearing, and inserting in place thereof the following clause:-

Sixtieth, “Age of criminal majority”, the age of 19.

SECTION 7. Section 116 of chapter 6 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

The committee shall create and make available specialized training and continuing education for officers who conduct death investigations on the identification and investigation of deaths that may be related to domestic violence. The training shall include, but not be limited to: (i) the identification and detection of staged crime scenes; (ii) the engagement of multidisciplinary teams in the investigation of deaths preceded by domestic violence; and (iii) indicators of domestic homicide in suspicious death cases including, but not limited to: (A) sudden or untimely death; (B) a history of domestic violence against the decedent including, but not limited to, coercive control, strangulation, suffocation or other life-threatening behavior; (C) evidence that the decedent's death followed the decedent or their intimate partner ending, or intending to end, their relationship; (D) death in the decedent's home or place of residence; (E) an appearance of death due to suicide or accident at the scene; (F) discovery of the decedent's body by a current or former intimate partner; (G) evidence that the abuser, a child of the abuser or a child of the decedent was the last person to see the decedent alive; (H) evidence that the abuser had control of the scene of death before the arrival of law enforcement; and (I) evidence of tampering with the scene of death.

SECTION 7A. Section 167 of said chapter 6, as so appearing, is hereby amended by striking out, in line 38, 40 and 41, the figure "18" and inserting in place thereof, in each instance, the following words:- "criminal majority".

SECTION 8. Section 204 of said chapter 6, as so appearing, is hereby amended by striking out, in lines 20 to 21, the words "but shall not serve for longer than 8 consecutive years".

SECTION 9. Section 16I of chapter 6A of the General Laws, as so appearing, is hereby amended by striking out, in line 13, the words "housing and".

SECTION 10. Said section 16I of said chapter 6A, as so appearing, is hereby further amended by striking out, in line 20, the word "community" and inserting in place thereof the following word:- economic.

SECTION 11. Section 18 3/4 of said chapter 6A, as so appearing, is hereby amended by adding the following paragraph:-

(16) The secretary shall ensure that each agency and board within the executive office and every house of correction and jail provide to the commissioner of probation all information that is necessary to automate record sealing pursuant to sections 100A to 100B, inclusive, of chapter 276.

SECTION 12. Chapter 7 of the General Laws is hereby amended by inserting after section 4T the following section:-

Section 4U. Notwithstanding any general or special law to the contrary, the secretary, in consultation with the deputy commissioner of local services and the secretary of housing and livable communities, shall direct all departments, commissions, offices, boards, divisions, institutions and other agencies administering discretionary or competitive grant programs for which eligible recipients include municipalities or other public instrumentalities to establish a preference modifier for applicants or prospective recipients that have zoning or land use policies that encourage the production of housing sufficient to meet commonwealth housing goals as determined by the executive office of housing and livable communities; provided, however, that such polices may include, but shall not be limited to, as-of-right zoning capacity for multifamily housing that provides opportunity to build housing in appropriate areas, the elimination of parking minimums for residential use, the elimination of restrictive lot size requirements and wastewater and wetlands standards that do not exceed state health or environmental standards. A regional or other partnership of not less than 2 municipalities shall only be eligible for such preference modifier if the applicable requirements in all included municipalities are met. The executive office for administration and finance, in consultation with the executive office of energy and environmental affairs, the director of rural affairs and the executive office of housing and livable communities, shall issue guidelines to implement this section provided, however, that the guidelines may vary in accordance with the regional plans pursuant to section 5 of chapter 40B; and provided further, that the executive office for administration and finance shall solicit and take into consideration feedback on the development of said guidelines at not less than 2 public hearings in geographically diverse areas of the commonwealth.

SECTION 13. Section 35FF of chapter 10 of the General Laws is hereby repealed.

SECTION 14. Section 3A of chapter 23A of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out the definition of "gateway municipality" and inserting in place thereof the following definition:-

"Gateway municipality", a municipality with: (i) a population of not less than 35,000 and not more than 250,000; (ii) a median household income below the commonwealth's average median household income; and (iii) a rate of educational attainment of a bachelor's degree or higher that is below the commonwealth's average.

SECTION 15. Said section 3A of said chapter 23A, as so appearing, is hereby further amended by inserting after the definition of "retention project" the following definition:-

"Similarly situated community", a municipality determined by the secretary of economic development to be similarly situated to the gateway municipalities; provided, however, that the municipality has either a median household income below the commonwealth's average median household income or a rate of educational attainment of a bachelor's degree or higher that is below the commonwealth's average.

SECTION 16. Said chapter 23A is hereby further amended by inserting after section 3A the following section:-

Section 3A1/2. The executive office of economic development shall promulgate regulations to determine the communities that meet the definitions of gateway municipality and similarly situated community. The executive office shall publish and update an official list of gateway municipalities and similarly situated communities not more than once every 3 years. A community may petition the executive office to be deemed a gateway community; provided, however, that if the executive office accepts the petition, the executive office shall immediately update the official list of gateway municipalities.

SECTION 17. Section 5A of chapter 23B of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

There shall be within the executive office a housing appeals committee which shall consist of 5 persons to be appointed by the secretary, 1 of whom shall be an officer or employee of the executive office or an agency or division within the executive office, and 2 persons to be appointed by the governor, 1 of whom shall be a current or recent member of a select board and 1 of whom shall be a current or recent member of a city council or similar governing body of a city. The members shall serve for terms of 2 years and the secretary shall designate the chairperson. No member of the committee shall receive compensation for such services but shall be reimbursed by the commonwealth for all reasonable expenses actually and necessarily incurred in the performance of their official duties. The committee shall hear all petitions for review filed under section 22 of chapter 40B and shall conduct hearings in accordance with rules and regulations established by the secretary; provided, however, that the committee may hear multiple petitions concurrently and any such petition shall be heard by at least 3 members, not less than 2 of whom shall have been appointed by the secretary and at least 1 of whom shall have been appointed by the governor, as assigned by the chair.

SECTION 18. Said chapter 23B is hereby further amended by adding the following 2 sections:-

Section 37. (a) There is hereby established and set up on the books of the commonwealth a separate non-budgeted special revenue fund, to be known as the Engaging Neighborhoods, Organizations, Unions, Governments and Households Fund, which shall be administered by the executive office of housing and livable communities. The fund shall be credited with: (i) revenue from appropriations or other money authorized or transferred by the general court and specifically designated to be credited to the fund; (ii) funds from public and private sources, including, but not limited to, gifts, grants and donations and settlements received by the commonwealth that are designated to be credited to the fund; and (iii) interest earned on such revenues. Any unexpended balance in the fund at the end of a fiscal year shall remain available for expenditure in subsequent fiscal years and shall not revert to the General Fund. No expenditure shall be made from the fund that shall cause the fund to be in a deficit at any point.

(b) Monies in the fund shall be expended, without further appropriation, for the executive office to fund grants under subsection (c) and support partner organizations receiving grants with planning, operations and implementation of services. Monies in the fund may be used to provide direct or third-party administrative support to grantees, including technical assistance, capacity building and program evaluation.

(c) The executive office of housing and livable communities shall develop a grant program to support community-driven, place-based strategies and programs aimed at reducing poverty and increasing community health, safety and well-being. The grant program shall support collaborative efforts to improve outcomes and opportunities for children and families living in the state's most distressed neighborhoods and to transform those communities by aligning housing and community development investments with access to a community-based continuum of high-quality education, services, enrichment and practices based on the best available evidence that will address needs from birth through college and career; and shall include, but not be limited to: (i) reducing concentrated poverty and expanding economic opportunity for people with low incomes; (ii) providing cradle-to-career access to high-quality education, training and care; (iii) connecting residents to jobs and in-demand occupations; (iv) enabling access to quality early education and care, affordable housing and health care, including reproductive, maternal, behavioral and mental health care; (v) providing support for vulnerable populations such as people with disabilities, justice-involved youth and adults, and families involved with the child welfare system; (vi) connecting individuals and families to appropriate benefits and support programs; and (vii) supporting students in attending and succeeding in K-12 school environments through the expansion of integrated student support services and enrichment programs. In developing and administering the grant program, the executive office may consult with individuals that have expertise as subject matter experts, providers or people with lived experience in a wide array of issues and areas that affect people in poverty.

(d) To be eligible for the grant program established under subsection (b), entities shall form place-based partnerships shall include, but shall not be limited to: (i) non-profit organizations; (ii) institutions of higher education; (iii) public schools; (iv) school districts; (v) municipalities; and (vi) community-based organizations.

(e) The executive office of housing and livable communities shall develop a transparent and competitive process for the awarding of grants. The executive office shall prioritize applicants serving communities that have experienced long-term economic distress, have demonstrated a commitment to cross-sector collaboration and partnerships and show demonstrated engagement with community stakeholders and people with lived experience in their proposal.

(f) Grants shall be provided through the following tracks: (i) 1-year partnership development grants, which shall establish the foundation for proposed place-based strategy; two-year plan development grants, which shall use a formal partnership structure to conduct a shared community needs assessment to develop comprehensive action plans; and (iii) 2-to-4-year implementation grants, which shall launch approved action plans, leverage additional funding streams, conduct progress monitoring and continuous quality improvement. Implementation grants may be extended up to two years after the initial grant cycle provided accountability and data supports grant extension.

(g) Annually, not later than October 1, the executive office of housing and livable communities shall submit a report to the governor, the clerks of the senate and house of representatives and the senate and house committees on ways and means on the administration of the Engaging Neighborhoods, Organizations, Unions, Governments and Households Fund, which shall include, but not be limited to: (i) grant recipients and amounts received; (ii) the expenditures made from the fund; (iii) the anticipated funding obligation for the next fiscal year; and (iv) summaries of funded projects. The report shall be made publicly available on the executive office's website.

Section 38. There shall be an engaging neighborhoods, organizations, unions, governments and households (ENOUGH) fund advisory committee, the function of which shall be advisory to the executive office of housing and livable communities in connection with the management, operation and awarding of the fund. The committee shall consist of the following members: the secretary of housing and livable communities or a designee; the secretary of health and human services or a designee; the secretary of education or a designee; the secretary of economic development or a designee; the secretary of labor and workforce development or a designee; the secretary of transportation or a designee; the commissioner of t transitional assistance or a designee; the president of the Massachusetts Development Finance Agency or a designee; the director of rural affairs or a designee; 8 members to be appointed by the governor who shall collectively have expertise as subject matter experts, providers or people with lived experience in a wide array of issues and areas that affect people in poverty, including but not limited to cash benefits and other income supports, tax credits and tax assistance, asset development and wealth building, early education and out-of-school time, K-12 education including vocational education, higher education, workforce development and skills training, labor unions and apprenticeships, immigration and refugee settlement, housing and homelessness, nutrition and food security, public health, maternal health and infant support, early intervention, transportation, environmental justice, health care, behavioral and mental health care, trauma-sensitive intervention and violence prevention, social services, child welfare, digital equity, justice-involved and re-entry services, legal services, and services for special populations such as children and adults with disabilities, the LGBTQIA+ community, veterans, elders, and youth aging out of foster care. All members shall be appointed for a term of 5 years, may be reappointed, and shall serve without compensation, but may be reimbursed from the fund for ordinary and reasonable in-state travel expenses. The committee may meet as often as the members may determine, but shall meet at least bi-annually, or at such other intervals as may be established by the agency in order to advise the agency or such other qualified organization with which the agency contracts, with respect to the fund and to make any advisory recommendations with respect thereto to the agency. All grant applications recommended by the executive office of housing and livable communities shall be reviewed and approved in consultation with the advisory committee.

SECTION 19. The definition of “Cultural facility” in subsection (b) of section 42 of chapter 23G of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out the second and third sentences and inserting in place thereof the following sentence:- The term cultural facility may include, but shall not be limited to, museums, historical sites, zoos, aquariums, nature or science centers, theaters, concert halls, exhibition spaces, classrooms and auditoriums suitable for presentation of performing or visual arts; provided, however, that municipally-owned buildings, structures or sites shall have not less than 50 per cent of their usable floor area or outside space dedicated to such use to qualify under this definition.

SECTION 20. Section 5 of chapter 23I of the General Laws, as so appearing, is hereby amended by striking out, in line 37, the figure “3F” and inserting in place thereof the following figure:- 3C.

SECTION 21. Subsection (b) of said section 5 of said chapter 23I, as so appearing, is hereby amended by adding the following 2 sentences:- The decision by the center to certify or deny certification of a life sciences company and the decision to award or deny any incentives pursuant to subsections (c) or (d) including, but not limited to, the amount of such award and any conditions or limitations on such authorization, shall be decisions that are at the sole discretion of the center. Such decision by the center shall be final and shall not be subject to administrative appeal or judicial review pursuant to chapter 30A or give rise to any other cause of action or legal or equitable claim or remedy.

SECTION 22. Said section 5 of said chapter 23I, as so appearing, is hereby further amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d)(1) There shall be a life sciences tax incentive program. The center, in consultation with the department, may authorize incentives, including incentives carried forward or refunded pursuant to subsections (m), (n) and (r) of section 6 of chapter 62, paragraph 17 of section 30 of chapter 63, the second time it appears, section 31M of said chapter 63, the second time it appears, paragraph 6 of subsection (f) of section 38 of said chapter 63, subsection (k) of section 38M of said chapter 63, section 38U of said chapter 63, section 38V of said chapter 63, section 38W of said chapter 63, section 38CC of said chapter 63, the second paragraph of subsection (c) of section 42B of said chapter 63 and subsection (xx) of section 6 of chapter 64H in a cumulative amount, including the current year cost of incentives allowed in previous years, that shall not exceed $40,000,000 annually. The center may authorize incentives to a life sciences company that spans multiple years if the total amount of incentives due to be taken in any single calendar year does not exceed the applicable cap. The center shall determine the amount and type of any such incentive to authorize and the schedule on which those incentives may be claimed. The center may, in consultation with the department, limit any incentive to a specific dollar amount or time duration or in any other manner deemed appropriate by the department; provided, however, that the department shall only allocate any such incentives among commonwealth certified life sciences companies pursuant to subsection (b) and shall award such tax incentives pursuant to subsection (c).

The center shall provide an estimate to the secretary of administration and finance of the tax cost of extending benefits to a proposed project before certification, as approved by the commissioner of revenue, based on reasonable projections of project activities and costs. Tax incentives shall not be available to a certified life sciences company unless expressly granted by the secretary of administration and finance in writing.

(2) When authorizing incentives pursuant to subsection (d), the center shall require the certified life sciences company to execute a written agreement setting forth the terms and conditions on which the tax credits may be claimed. Such written agreement shall set forth the company's permanent new or retained full-time employees, commitments over 1 or more years, set forth a schedule on which the credits may be claimed and other such terms or conditions as the center may in its discretion require. Such agreement may also, at the center's discretion, limit or restrict the right of the certified life sciences company to carry unused tax credits forward to subsequent tax years.

SECTION 23. Subsection (e) of said section 5 of said chapter 23I, as so appearing, is hereby amended by striking out paragraphs (1) and (2) and inserting in place thereof the following 2 paragraphs:-

(1) Certification granted pursuant to subsection (b) shall be valid starting with the tax year in which certification is granted. Each certified life sciences company shall file an annual report with the center certifying whether the company has achieved the job commitments, met the specific targets established in the proposal pursuant to subclause (A) of clause (i) of

subsection (b) and other material obligations or representations set forth in the written agreement pursuant to paragraph (2) of subsection (d).

(2) The certification of a life sciences company may be revoked by the center after an investigation and determination that representations made by the certified life sciences company in its certification proposal or written agreement pursuant to paragraph (2) of subsection (d) are materially at variance with the conduct of the life sciences company after receiving certification; provided, however, that the center shall review the certified life sciences company at least annually; provided further, that the center shall have the discretion to determine whether the material variance shall result in revocation of a project certification, taking into account: (i) the conduct of the certified life sciences company subsequent to the project certification; (ii) the extent to which the material variance is the result of unforeseen conditions that are outside the control of the certified life sciences company; and (iii) other considerations as the center shall establish by policy. If center revokes certification of a life sciences company, the center shall provide its reasons for the decision in writing to the secretary of administration and finance, the commissioner of revenue and the clerks of the house of representatives and the senate, who shall forward the same to the house and senate committees on ways and means, the joint committee on revenue and the joint committee on economic development and emerging technologies. The center shall post these reasons on the internet for public access.

SECTION 24. Said subsection (e) of said section 5 of said chapter 23I, as so appearing, is hereby further amended by striking out paragraph (4) and inserting in place thereof the following 2 paragraphs:-

(4) In connection with an award of refundable jobs credits pursuant to subsection (r) of section 6 of chapter 62 or section 38CC of chapter 63, if the center finds that the certified life sciences company is in material variance with the terms of the written agreement entered into under paragraph (2) of subsection (d), the center may rescind tax credits awarded but not yet claimed and request that the department recapture tax credits already claimed. The center may provide the company with reasonable opportunity to cure the material variance and rescind or recapture tax credits in proportion to the company's compliance, as determined by the center. Tax credits shall be rescinded or recaptured by sending a written notice to the certified life sciences company and the department. Where applicable, the department shall recapture tax credits in accordance with subsection (r) of section 6 of chapter 62 or section 38CC of chapter 63.

(5) Nothing in this subsection shall limit any legal remedies available to the commonwealth against any certified life sciences company.

SECTION 25. Said section 5 of said chapter 23I, as so appearing, is hereby further amended by striking out, in lines 149 and 150, the word "independent".

SECTION 26. Section 1 of chapter 23J of the General Laws, as so appearing, is hereby amended by striking out the definition of "Fund" and inserting in place thereof the following definition:-

"Fund", the Climatetech Investment Fund established in section 15.

SECTION 27. Said section 1 of said chapter 23J, as so appearing, is hereby further amended by striking out the definition of "Trust fund."

SECTION 28. Section 2 of said chapter 23J, as so appearing, is hereby amended by striking out, in lines 13 to 15, inclusive, the words ", in collaboration with the Massachusetts Renewable Energy Trust Fund established in section 4E of chapter 40J, in" and inserting in place thereof the following word:- in.

SECTION 29. Subsection (e) of said section 2 of said chapter 23J, as so appearing, is hereby amended by striking out the second paragraph.

SECTION 30. Section 3 of said chapter 23J, as so appearing, is hereby amended by striking out, in lines 65 and 66, the words "Massachusetts Alternative and Clean Energy Investment Trust Fund" and inserting in place thereof the following word:- fund.

SECTION 31. Subsection (a) of said section 3 of said chapter 23J, as so appearing, is hereby amended by striking out paragraph (26).

SECTION 32. Said subsection (a) of said section 3 of said chapter 23J, as so appearing, is hereby further amended by striking out paragraph (31).

SECTION 33. Section 5 of said chapter 23J, as so appearing, is hereby amended by striking out, in lines 16 to 19, inclusive, the words "and the trust fund over the previous fiscal year, the ability of the fund to meet the requirements in section 35FF of chapter 10 and the ability of the trust fund to meet the requirements in section 9" and inserting in place thereof the following words:- over the previous fiscal year, the ability of the fund to meet the requirements in section 15.

SECTION 34. Section 9 of said chapter 23J is hereby repealed.

SECTION 35. Section 11 of said chapter 23J, as appearing in the 2024 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “the fund and the trust fund” and inserting in place thereof the following words:- any trust funds administered by the center under this chapter.

SECTION 36. Section 15 of said chapter 23J, as so appearing, is hereby amended by striking out, in line 6, the words “and (iii)” and inserting in place thereof the following words:- (iii) all amounts collected under section 20 of chapter 25; and (iv).

SECTION 37. Subsection (b) of section 16 of said chapter 23J, as so appearing, is hereby amended by adding the following 2 sentences:- The decision by the center to certify or deny certification of a climatetech company and the decision to award or deny any incentives pursuant to subsection (d) including, but not limited to, the amount of such award and any conditions or limitations on such authorization shall be decisions that are in the sole discretion of the center. Such decision by the center shall be final and shall not be subject to administrative appeal or judicial review under chapter 30A and shall not give rise to any other cause of action or legal or equitable claim or remedy.

SECTION 38. Subsection (c) of said section 16 of said chapter 23J, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) Certification granted pursuant to subsection (b) shall be valid starting with the tax year in which certification is granted. Each certified climatetech company shall file an annual report with the center certifying whether the company has achieved the job commitments, met the specific targets established in the proposal pursuant to clause (i) of subsection (b) and, if not,

detailing its progress towards those targets, and other material obligations or representations set forth in the written agreement pursuant to paragraph (3) of subsection (d).

SECTION 39. Said section 16 of said chapter 23J, as so appearing, is hereby further amended by inserting after the word "proposal", in line 56, the following words:- or written agreement pursuant to paragraph (3) of subsection (d).

SECTION 40. Subsection (c) of said section 16 of said chapter 23J, as so appearing, is hereby amended by striking out paragraph (3) and inserting in place thereof the following 2 paragraphs:-

(3) In connection with an award of refundable jobs credits pursuant to subsection (hh) of section 6 of chapter 62 or section 38TT of chapter 63, if the center finds the certified climatetech company is in material noncompliance with the terms of the written agreement entered into under paragraph (3) of subsection (d) then the center may rescind tax credits awarded but not yet claimed, and request that the department recapture tax credits already claimed; provided, however, that the center may provide the certified climatetech company with reasonable opportunity to cure the material noncompliance and to rescind or recapture tax credits in proportion to the certified climatetech company's compliance as determined by the center. Tax credits shall be rescinded or recaptured by sending a written notice to the certified climatetech company and the department. Where applicable, the department shall recapture tax credits in accordance with said subsection (hh) of said section 6 of said chapter 62 or said section 38TT of said chapter 63.

(4) Nothing in this subsection shall limit any legal remedies available to the commonwealth against a certified climatetech company.

SECTION 41. Subsection (d) of said section 16 of said chapter 23J, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) The center, in consultation with the department of revenue, may authorize incentives, including those established in subsections (gg) and (hh) of section 6 of chapter 62, subsection (k) of section 38M of chapter 63, section 38RR of said chapter 63, section 38SS of said chapter 63, section 38TT of said chapter 63, the second paragraph of subsection (c) of section 42B of said chapter 63 and subsection (yy) of section 6 of chapter 64H, that shall not exceed $30,000,000 annually. The center may authorize incentives to a certified climatetech company that spans multiple years if the total amount of incentives due to be taken in any single calendar year does not exceed the applicable cap; provided, however, that the center shall determine the amount and type of any such incentive authorized and the schedule on which such incentives may be claimed. The center, in consultation with the department of revenue, may limit the incentives to a specific dollar amount, for a specific period of time or in any other manner deemed appropriate by the department of revenue; provided, however, that the department of revenue shall only allocate the incentives among certified climatetech companies.

SECTION 42. Said subsection (d) of said section 16 of said chapter 23J, as so appearing, is hereby further amended by adding the following paragraph:-

(3) When authorizing incentives pursuant to this subsection, the center shall require the certified climatetech company to execute a written agreement setting forth the terms and conditions on which the tax credits may be claimed. Such written agreement shall set forth the certified climatetech company’s permanent new or retained full time employees, commitments

over 1 or more years, set forth a schedule on which the credits may be claimed and other such terms or conditions as the center may in its discretion require; provided, however, that such agreement may, at the center's discretion, limit or restrict the right of the certified climatetech company to carry unused tax credits forward to subsequent tax years.

SECTION 43. Said chapter 23J is hereby further amended by adding the following section:-

Section 17. (a) Unless otherwise provided, the words used in this section shall have the meanings ascribed to them in section 1 of chapter 164.

(b) For purposes of this section, "gridtech solution" shall mean novel technologies, novel applications of technologies and other innovative approaches including, but not limited to, novel retail rate designs, distributed energy resource wiring configurations or customer energy solutions.

(c) There shall be a gridtech deployment advisory board, which shall be tasked with: (i) exploring opportunities for public-private partnerships to test or deploy at scale gridtech; (ii) facilitating connections between gridtech companies and relevant distribution companies; and (iii) identifying and proposing solutions to barriers in the existing practices of an electric company or the department of public utilities; provided, however, that such solutions are permissible under state law. The advisory board shall prioritize, where appropriate, the deployment of gridtech that reduce electric distribution and transmission grid costs and support achievement of the statewide greenhouse gas emissions limits and sublimits under chapter 21N.

(d) The board established pursuant to subsection (c) shall be comprised of the chief executive officer of the Massachusetts clean energy technology center, or their designee, the commissioner of energy resources, or their designee, the chair of public utilities, or their designee, the secretary of the executive office of economic development, or their designee, 1 of whom shall be a representative from the body established under chapter 40G, 1 of whom shall be a representative from each electric company 1 of whom shall be a representative from the Massachusetts Municipal Wholesale Electric Company, 1 of whom shall be a representative from a municipal electric distribution company or an organization that represents municipal electric distribution companies and 3 of whom representatives from organizations involved or familiar with the development, financing or implementation of gridtech solutions. The board shall be co-chaired by the chief executive officer of the Massachusetts clean energy technology center, or their designee, and a member of an electric company serving on the advisory board. All representatives shall, unless otherwise provided, be appointed by the chief executive officer of the Massachusetts clean energy technology center.

(e) The electric companies shall file for review and approval with the department of public utilities any process approved by the board to review, on an expedited basis, requests for limited waivers of prior department orders that will alleviate gridtech deployment barriers.

(f) The department shall approve any process filed under subsection (e) if it determines that such process is in the public interest, including but not limited to reducing electric grid costs and supporting achievement of the statewide greenhouse gas emissions limits and sublimits under chapter 21N.

(g) Annually, the board shall identify barriers to the deployment of discrete gridtech technologies and applications in existing utility practices and orders issued by the department of public utilities and potential solutions to those barriers and, as applicable, limited waivers of department orders to alleviate the identified barriers. The electric companies shall seek approval from the department of any limited waivers identified and approved by the board so long as they are consistent with the process approved by the department under subsection (f).

(h) Nothing in this section shall preclude members of the board from testing, funding or scaling gridtech solutions outside of the processes outlined in this section.

SECTION 44. Section 20 of chapter 25 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The department shall require a mandatory charge of 0.5 mill per kilowatt-hour for all electricity consumers, except those served by a municipal lighting plant which does not supply generation service outside its own service territory or does not open its service territory to competition at the retail level. All revenues generated by the mandatory charge shall be deposited into and expended in a manner consistent with the requirements of the Climatetech Investment Fund, established under section 15 of chapter 23J.

SECTION 45. Said section 20 of said chapter 25, as so appearing, is hereby further amended by striking out, in line 22, the words “Massachusetts Renewable Energy Trust” and inserting in place thereof the following words:- Climatetech Investment Fund.

SECTION 46. Said section 20 of said chapter 25, as so appearing, is hereby further amended by inserting after the word “from”, in line 24, the following words:- revenues from mandatory charges held by.

SECTION 47. Said section 20 of said chapter 25, as so appearing, is hereby further amended by striking out, in line 28, the word "collaborative" and inserting in place thereof the following words:- Massachusetts clean energy technology center.

SECTION 48. Section 2EEEEEE of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 73, the words "and (iii)" and inserting in place thereof the following words:- (iii) protecting the commonwealth from the elimination, reduction or material delay of federal funds upon a determination by the secretary that the elimination, reduction or material delay of such federal funds would materially impact public health, safety or welfare or the fiscal stability of the commonwealth or any of its political subdivisions, in accordance with guidance issued by the executive office for administration and finance; (iv) improving the financial stability of hospitals and community health centers in the commonwealth that provide health care to low-income, uninsured or underinsured residents, including by transferring any amounts in the fund to the Health Safety Net Trust Fund established in section 66 of chapter 118E, in accordance with guidance issued by the executive office for administration and finance in consultation with the executive office of health and human services; (v) funding pay-as-you-go capital for any capital project or program up to the amount otherwise authorized by the general court for such project or program in chapter 238 of the acts of 2024, in accordance with guidance issued by the executive office for administration and finance; and (vi).

SECTION 49. Said chapter 29 is hereby further amended by inserting after section 2NNNNNN the following section:-

Section 2OOOOOO. (a) There shall be established and set up on the books of the commonwealth a Crumbling Concrete Assistance Fund which shall be administered by the secretary of housing and livable communities. Amounts credited to the fund shall be expended, without further appropriation, to: (i) provide financial assistance to owners of residential real property for the repair or replacement of concrete foundations of such residential real property that have deteriorated due to the presence of pyrite or pyrrhotite; (ii) minimize negative fiscal impacts on municipalities in which such property is located; and (iii) reimburse owners of residential real property that present satisfactory evidence, as determined by the secretary, that said owners have paid for and replaced their concrete foundation that deteriorated due to the presence of pyrite or pyrrhotite prior to the establishment of the fund; provided, however, that the reimbursement shall not exceed the funding the owner would have received had they applied for financial assistance through the fund. The secretary shall seek to maximize available federal reimbursements for money spent from the fund.

The fund shall be credited with: (i) appropriations or other money authorized by the general court and specifically designated to be credited to the fund; (ii) funds from public and private sources, including, but not limited to, gifts, grants, donations and settlements received by the commonwealth that are specifically designated to be credited to the fund; (iii) federal funds received under subsection (b); and (iv) interest earned on the assets of the fund. Any balance in the fund at the close of a fiscal year shall be available for expenditure in subsequent fiscal years and shall not be transferred to any other fund or revert to the General Fund.

(b) The secretary of housing and livable communities may apply for, receive and deposit into the fund any federal funds, including, but not limited to, funds made available by the United States Department of Housing and Urban Development Section 108 Loan Guarantee program.

(c) Amounts issued from the fund to impacted homeowners for the repair or replacement of concrete foundations that have deteriorated due to the presence of pyrite or pyrrhotite shall be exempt from taxation under chapter 62.

(d) Annually, not later than June 1, the secretary of housing and livable communities shall report on the activities of the fund from the previous calendar year to the clerks of the senate and house of representatives, the senate and house committees on ways and means, the joint committee on environment and natural resources and the joint committee on housing.

(e) The secretary of housing and livable communities shall promulgate regulations or issue other guidance to set rules for the expenditure of the funds under this section.

SECTION 50. Chapter 30A of the General Laws is hereby amended by inserting after section 20 the following section:-

Section 20A. (a) For the purposes of this section, “adequate, alternative means of public access” shall mean measures that provide transparency and permit timely and effective public access to a hybrid public meeting of a public body, including, but not limited to, providing public access through telephone, internet or satellite enabled audio or video conferencing or any other technology that enables the public to clearly follow the proceedings of the meeting while the proceedings are occurring.

(b) A public body may allow remote participation by any member for any meeting of the public body; provided, however, that: (i) if any member participates remotely, all votes taken shall be recorded as roll call votes; (ii) in a meeting conducted with a quorum of members participating both in person and remotely, voice votes may be taken upon a motion of the chair and a 2/3 roll call vote in the affirmative of the members present in the meeting; (iii) all members of a public body participating in the meeting, whether in person or remotely, shall be clearly audible; and (iv) for any meeting conducted with remote participation, the public body shall ensure that any party entitled to or required to appear before it may participate remotely.

(c) Members participating remotely in a meeting may vote and shall be considered present and in attendance for all purposes, including, but not limited to, for purposes of determining a quorum and for the purposes of section 23D of chapter 39.

(d) For any meeting conducted with remote participation, the public body shall make provisions to ensure adequate, alternative means of public access to the deliberations of the public body for interested members of the public; provided, however, that documents used for any such meeting shall be made available to the public before or at the time of the meeting; provided further, that for any such meeting where real-time participation by members of the public is permitted by any general or special law, charter, ordinance or by-law, adequate, alternative means of public access shall be provided to permit such remote participation; and provided, further, that a public body shall offer its selected adequate, alternative means of public access to meetings with remote participation without subscription, toll or similar charge to the public.

(e) The chief executive officer of a municipality shall develop, and the executive body of the municipality shall adopt standards and guidelines for remote participation prior to any meeting with remote participation held pursuant to this section; provided, however, that public bodies that are not a department or subdivision of a city or town shall adopt standards and guidelines for remote participation prior to any meeting with remote participation held pursuant to this section.

SECTION 51. Section 23 of said chapter 30A, as appearing in the 2024 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b)(1) An individual may file a complaint with a public body alleging violation of the open meeting law; provided, however, that the complaint:

(i) reasonably describes the circumstances constituting the alleged violation;

(ii) is filed with the public body within 20 business days of the date of the alleged violation;

(iii) includes the postal mail and, where available, the electronic contact information of the individual filing the complaint; and

(iv) is signed by the individual filing the complaint either in ink or in compliance with chapter 110G.

(2) Complaints shall be deemed received: (i) if filed by electronic mail, on the business day of submission if submitted by 4:00 p.m. or otherwise on the next business day; or (ii) 3 days after mailing via first class postal mail.

(3) A public body must meet to review and respond to a complaint not later than 14 business days after receipt thereof, confirm receipt of the complaint and identify any remedial actions taken or intended to be taken by the public body in response to the complaint; provided, however, that if a complainant files more than 12 complaints with the same public body within the same calendar year, or a complaint is otherwise unduly burdensome, the public body may file a petition with the attorney general seeking relief from the obligation to respond to the

complaint. In determining whether to grant any such requested order requiring the public body to respond to the complaint, the attorney general may consider: (i) the previous record of compliance or non-compliance by the public body; (ii) the burden placed on the public body in responding to the complaint; (iii) any evidence of harassment or intimidation on the part of the complaints; (iv) the facts of the alleged violation; and (v) the number of complaints filed against the public body or other public bodies within the municipality. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request showing good cause by the public body to grant the extension.

(4) The public body shall, within 14 business days of receipt of a complaint, unless granted an extension of time pursuant to paragraph (3), send a copy of the complaint to the attorney general and notify the attorney general of any remedial action.

(5) Any remedial action taken pursuant to paragraph (3) shall not be admissible as evidence against the public body in any subsequent administrative or judicial proceeding related to the alleged violation.

SECTION 52. Said section 23 of said chapter 30A, as so appearing, is hereby further amended by inserting after the word "a", in line 19, the following words:- petition for review of an open meeting law.

SECTION 53. Chapter 39 of the General Laws is hereby amended by inserting after section 10A the following section:-

Section 10B. (a) In a town having a representative town meeting form of government, the town moderator may request that the select board authorize remote participation for a town meeting. Such a request by the moderator to the select board shall be in writing and shall include, but not be limited to: (i) the moderator's request to incorporate remote participation in 1 or more upcoming town meetings; (ii) the technology platform the moderator has identified for remote participation in town meeting; (iii) confirmation that the moderator has consulted with the local disability commission or coordinator for compliance with the federal Americans with Disabilities Act; and (iv) certification that: (A) the moderator has tested the remote participation method; and (B) the remote participation method satisfactorily enables the town meeting to be conducted in substantially the same manner as if the meeting occurred in-person and in accordance with the operational and functional requirements set forth in this section.

(b)(1) A decision to authorize remote participation for a town meeting shall be made by a select board not later than 10 business days prior to the town meeting or not later than 10 business days following receipt of a written request by the moderator, whichever is earlier.

(2) Not later than 3 business days following a decision to authorize remote participation for a town meeting, the select board shall issue adequate notice, pursuant to this paragraph, of a remote participation option to all town meeting members, known interested parties with business before the town meeting, and the public, consistent with applicable local rules and practices governing such notice; provided, however, that the notice shall include, but not be limited to, the date and time of the meeting and information necessary to request remote participation access, consistent with subsection (d); and provided further, that the notice shall be accompanied by the written request of the moderator submitted under subsection (a) and filed and posted in accordance with subsection (b) of section 10A of chapter 39.

(c) A remote participation method used by a town meeting for remote participation under this section shall: (i) strictly limit voting to only those confirmed by the town clerk to be eligible to vote at that meeting; provided, however, that each person deemed eligible to vote shall be provided with appropriate physical or technological participation credentials designed to allow remote participation of all eligible voters, establish regularity in administration and minimize inaccurate results or fraud; and (ii) enable:

(A) the moderator, town meeting members, town officials and any other interested parties to identify and hear the moderator and each speaker recognized by the moderator, whether participating remotely or in person;

(B) the moderator to determine whether a quorum is present;

(C) a town meeting member, town official or other individual authorized to participate in the meeting to request recognition by the moderator without prior authorization, consistent with applicable town meeting rules, bylaws, ordinances, charter or special acts; provided, however, that to the extent technologically feasible, the request shall be visible or audible to the town meeting members and the public in real time and upon review of the recording of the town meeting proceedings, consistent with clause (H);

(D) the moderator to determine when a town meeting member or other individual wishes to be recognized to speak, make a motion, raise a point of order or object to a request for unanimous consent, whether participating remotely or in person;

(E) the moderator to recognize a town meeting member, town official or other individual to speak and to enable that person to speak, whether participating remotely or in person;

(F) the moderator to conduct a recorded roll call vote; provided, however, that all roll call votes shall be kept with the minutes of the meeting and preserved in accordance with clause (H);

(G) any interested members of the public to access the meeting remotely for purposes of witnessing the deliberations and actions taken at the town meeting, consistent with applicable town meeting rules, bylaws, ordinances, charter or special acts; and

(H) the town meeting to be recorded; provided, however, that the recording shall be preserved and made publicly available on the town's website for not less than 90 days after the dissolution of the town meeting and until the official minutes of the meeting have been prepared by the town clerk.

(d) An individual seeking to participate remotely in a town meeting shall submit a remote participation request to the town clerk not less than 48 hours in advance of the meeting; provided, however, that upon receipt of the request and verification of the requester's eligibility to participate in the town meeting, in consultation with the town moderator as applicable, the town clerk shall provide appropriate remote participation credentials, instructions and materials.

SECTION 54. Subdivision (1) of section 4 of chapter 32 of the General Laws, as so appearing, is hereby amended by inserting after paragraph (g) the following paragraph:

(g 1/4) Any member in service of the teachers' retirement system or any teacher who is a member of the Boston retirement system who: (i) reduced the member's employment as a teacher from full-time service to part-time service for the primary purpose of child-rearing; (ii) subsequently returned to full-time employment as a teacher; and (iii) has completed not less than 20 years of creditable service prior to such purchase, may purchase full-time creditable service for the period or periods of such part-time service; provided, however, that: (1) not more than 5 years of full-time service may be purchased for such period or periods of part-time service; (2) the board may require such documentation as it deems necessary to establish eligibility under this paragraph, including, but not limited to, birth certificates, adoption records or other evidence demonstrating that the reduction in employment was for the primary purpose of child-rearing; and (3) the purchase of full-time creditable service under this paragraph shall require payment by the member into the annuity savings fund of the relevant retirement system, in an amount equal to the difference between the regular deductions actually withheld from the member's regular compensation over the period of the member's part-time service and the amount that would have been withheld as regular deductions from the member's regular compensation for full-time employment over such period, plus buyback interest thereon, in 1 sum or in installments, upon such terms and conditions as the relevant retirement system may require.

SECTION 55. Chapter 33 of the General Laws is hereby amended by adding the following section:-

Section 140. There shall be a Massachusetts National Guard museum in the city of Salem, the birthplace of the national guard pursuant to section 60 of chapter 2.

SECTION 56. Section 24 of chapter 37 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in line 14, the figure "18" and inserting in place thereof the following words:- criminal majority.

SECTION 57. Section 8B of chapter 40 of the General Laws, as so appearing, is hereby amended by striking out the first, second and third sentences and inserting in place thereof the following 3 sentences:- A city, by ordinance, or a town, by by-law, may establish a council on aging for the purpose of coordinating or carrying out programs and delivering services designed to meet the needs of older adults, in coordination with programs of the executive office of aging and independence. A council established pursuant to this section shall submit an annual report to the city or town and shall send a copy thereof to the executive office of aging and independence. The executive office shall from time-to-time review and evaluate such reports and make recommendations as to any required or necessary changes in the local programs included in the reports. A council established pursuant to this section may appoint such staff and other employees as it may require; provided, however, that if the council is an advisory council, the director may appoint staff and other employees as it may require, consistent with municipal needs.

SECTION 58. Section 8C of said chapter 40, as so appearing, is hereby amended by inserting after the word "thereof", in line 72, the following words:- ; provided, however, that the commission shall retain a record of any such rules and regulations and any other applicable ordinance or by-law, subject to the provisions of section 7 of chapter 4, which denotes whether each such rule, regulation, ordinance or by-law is more restrictive than the requirements of section 40 of chapter 131 and any accompanying regulations promulgated by the department of environmental protection.

SECTION 59. Section 21D of said chapter 40, as so appearing, is hereby amended by striking out, in line 44, the word "mailing" and inserting in place thereof the following word:- paying.

SECTION 60. The fifth paragraph of said section 21D of said chapter 40, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- A city or town may use an online payment mechanism or other electronic payment system or service as an alternative to payment by mail.

SECTION 61. Section 54A of said chapter 40, as so appearing, is hereby amended by inserting after the word “timeframes”, in line 8, the following words:- in which the department is required to respond.

SECTION 62. The first paragraph of said section 54A of said chapter 40, as so appearing, is hereby amended by inserting after the second sentence the following sentence:- “Said process shall allow a city, town or person to file such application for consent at any time up to 2 years prior to the submittal of an application for a building permit and no consent under this section shall be required for a permit to build a structure on a portion of land for which a previous consent or determination of inapplicability was previously issued.

SECTION 63. Section 1A of chapter 40A of the General Laws, as so appearing, is hereby amended by inserting after the definition of “As of right” the following definition:-

“Bulk and height of structures”, the articulation and roof lines of structures; provided, however, that performance standards governing bulk and height of structures may not be more restrictive than the dimensional requirements set forth by ordinance or by-law, nor require specific building materials; provided, however, that the word “articulation”, as used herein, refers to strategies to address building massing including, but not limited to, wall offsets, height variation, wall setbacks, accent lines, stepbacks or such other industry standard types of articulation as may be proposed by the petitioner.

SECTION 64. Said section 1A of said chapter 40A, as so appearing, is hereby further amended by inserting after the definition of “Permit granting authority” the following definition:-

“Site plan review”, the review and approval process under a municipality’s zoning ordinance or by-law that establishes criteria for the layout, safety and impacts of a proposed use or development, including whether a proposed use of land or structures is in compliance with reasonable performance standards as defined in section 7A; provided, however, that “site plan review”, and the performance standards applicable thereto, in connection with any protected use pursuant to section 3 or any other section of this chapter, shall be limited to the extent required by the provisions of such section.

SECTION 65. Section 3 of said chapter 40A, as so appearing, is hereby amended by striking out, in lines 141 and 156, the words “, in a single-family residential zoning district”.

SECTION 66. Said section 3 of said chapter 40A, as so appearing, is hereby further amended by adding the following paragraph:-

No zoning ordinance or by-law shall prohibit, unreasonably restrict or require a special permit or other discretionary zoning approval for the use of land or structures for a single duplex, or the rental thereof, on a lot zoned for residential use upon which a single-family dwelling is permitted, lawfully existing or entitled to protection under section 6, including a pre-existing nonconforming lot; provided, however, that the use of land or structures for duplexes may be subject to design guidelines and may be subject to reasonable regulations, including, but not limited to, 310 CMR 15.000 et seq., if applicable, site plan review and regulations concerning dimensional setbacks and the bulk and height of structures, and may be subject to restrictions and prohibitions on the operation of short-term rentals pursuant to section 14 of chapter 64G and other applicable laws; provided further, that the use of land or structures for a duplex under this paragraph shall not require owner occupancy of either residential dwelling unit; provided further, that regulations concerning the height of a duplex do not limit height to less than 3 stories; provided further, that a local regulation, ordinance or by-law shall not be more restrictive of duplexes than of single-family dwellings and shall not, individually or cumulatively, render the development of a duplex physically or financially infeasible; and provided further, that a local regulation issued by a local board, department, commission or other similar entity that is more restrictive than state minimum requirements shall be presumed unreasonable unless it addresses a legitimate municipal interest that cannot be addressed by less restrictive means. For the purposes of this paragraph, “duplex” shall mean a building with 2 attached residential dwelling units, neither of which is an accessory dwelling unit. The executive office of housing and livable communities may issue guidelines or promulgate regulations to administer this paragraph.

SECTION 67. Said chapter 40A is hereby further amended by inserting after section 3B the following section:-

Section 3C. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Adaptive reuse”, the conversion of an existing structure from the use for which it was constructed to multi-family housing or mixed-use development by maintaining the elements of the structure and adapting such elements to the new use.

“Board of appeals”, a municipal zoning board of appeals established pursuant to section 12.

“Bus station”, a location serving as a point of embarkation for any bus operated by a transit authority, including the Massachusetts Bay Transportation Authority Silver Line.

“Commercial conversion”, the use of land or structures for the creation and operation of any of the following: (i) adaptive reuse; (ii) new construction of multi-family housing; and (iii) new construction of mixed-use development.

“Commercial use”, the use of land or structures for non-residential uses including, but not limited to offices, retail, dining establishments and other similar uses as authorized by the executive office in consultation with the executive office of economic development.

“Commercially-zoned lot”, a lot where zoning allows commercial use as-of-right or by special permit.

“Commuter rail station”, any commuter rail station operated by a transit authority with year-round service with trains departing at regular time intervals, rather than intermittent, seasonal or event-based service.

“Executive office”, the executive office of housing and livable communities.

“Ferry terminal”, the location where passengers embark and disembark from a ferry service with year-round service with ferries departing at regular time intervals, rather than intermittent, seasonal or event-based service.

“Financially infeasible”, a condition or requirement imposed by the board of appeals that adds unreasonable costs or unreasonably diminishes the economic feasibility of a commercial conversion.

“Local board”, any local board or official, including, but not limited to, any board of survey, board of health, board of subdivision control appeals, planning board, conservation commission, historical commission, water, sewer or other commission or district, fire, police, traffic or other department, building inspector or similar official or board, city council or selectboard, regardless of their geographical jurisdiction or their source of authority, including boards established pursuant to any special law or general law, if they perform functions usually performed by locally created boards.

"Local contribution", an incentive provided by a city or town for commercial conversion on a commercially-zoned lot under subsection (c).

"Subway station", any of the stops along the rapid transit system of a transit authority, including the red line, green line, orange line or blue line of the Massachusetts Bay Transportation Authority and any extensions or additions to such lines.

"Transit authority", the Massachusetts Bay Transportation Authority established in section 2 of chapter 161A or any other local or regional transit authority established pursuant to section 3 of chapter 161B or section 14 of said chapter 161B.

"Transit station", a subway station, commuter rail station, ferry terminal or bus station.

(b)(1) A city or town subject to this chapter may, pursuant to section 5, amend zoning to allow commercial conversion as of right on every commercially-zoned lot; provided, however, that a city or town that adopts as of right zoning under this section shall provide not less than 1 adaptive reuse incentive pursuant to subsection (c); and provided further, that as of right zoning established pursuant to this section shall include, but not be limited to, for adaptive reuse, allowing: (i) existing building setbacks to remain and be considered lawfully nonconforming pursuant to section 6; provided, however, that a municipality may prohibit any additional encroachments into any nonconforming setback, unless otherwise required pursuant to clause (ii) or permitted by zoning; (ii) such development to exceed the existing footprint of the building to accommodate upgrades related to building code, fire code and utility requirements; and (iii) such development to exceed the maximum height of the existing zoning district if the structure in existence prior to the adaptive reuse exceeds the maximum height of the existing zoning district. Adaptive reuse for multi-family housing, new multi-family housing and new-construction of mixed-use developments shall be exempt from residential parking requirements that exceed 1 parking space per residential dwelling unit; provided, however, that such commercial conversion projects on lots that are partially or entirely located within a 0.5 mile radius of a transit station shall be exempt from any residential parking requirements.

A city or town may: (i) require that adequate infrastructure, including roads, water and sewage systems, shall be available to support commercial conversion; (ii) restrict development on lots where industrial and manufacturing uses are permitted and where such uses have a substantial and demonstratable likelihood of resulting in impacts that are incompatible with residential use, such as air, noise or odor; (iii) impose affordable housing requirements on commercial conversion through an inclusionary zoning ordinance or by-law to the extent that such affordable housing requirements require not more than 10 per cent of the residential units within a commercial conversion to be subject to such affordable housing requirements and that such affordable housing requirements do not limit eligibility to households with income of not more than 80 per cent area median income; provided, however, that the executive office, in its discretion, may approve a greater percentage of affordable units or greater affordability requirements for some or all of the affordable units upon request by a city or town as to an individual project in a form as may be designated by the executive office.

Notwithstanding any special or general law, rule or regulation to the contrary, an adaptive reuse commercial conversion under this section shall comply with the base energy code of the state building code; provided, however, that a municipality that has adopted the specialized stretch energy code pursuant to section 6 of chapter 25A may require any such adaptive reuse commercial conversion project to comply with the stretch energy code or the municipal opt-in specialized stretch energy code.

(2) Notwithstanding sections 5, 8 and 9, a city or town that has adopted zoning pursuant to paragraph (1) may establish a streamlined process for an applicant seeking commercial conversion of a commercially-zoned lot to submit a single application for approval of a commercial conversion to the board of appeals in lieu of separate applications to the applicable local boards; provided, however, that such process shall include, but not be limited to:

(i) notification by the board of appeals to each local board, as applicable, of the filing of an application under this paragraph by sending a copy thereof to such local boards for their recommendations on an application; provided, however, that within 30 days of receipt of the application, the board of appeals shall hold a public hearing in conformance with section 11; and

(ii) the ability of the board of appeals to request representatives of local boards to attend the hearing on an application.

Notwithstanding section 7, the board of appeals shall have the same power to issue permits or approvals as any local board or official authorized to act with respect to such application, including, but not limited to, the power to attach to said permit or approval conditions and requirements that are not financially infeasible. The board of appeals, in making a decision on an application, shall take into consideration the recommendations of the local boards and the testimony of any consultants, if applicable. The board of appeals shall render a decision within 60 days of receipt of an application; provided, however, that if a decision is not rendered within such time. unless the time has been extended by mutual agreement between the board of appeals and the applicant, the application shall be deemed to have been allowed and the permit or approval shall issue.

(c) A city or town that adopts zoning pursuant to this section may provide any of the following local contributions: (i) a tax increment exemption for adaptive reuse pursuant to section 5P of chapter 59; (ii) a preference for commercial conversion projects for assistance under a municipal affordable housing trust fund established pursuant to section 55C of chapter 44; (iv) a streamlined approval process pursuant to subparagraph (2) of subsection (b); or (v) any other local contributions as allowed by the executive office.

(d) The executive office may establish additional incentives for cities and towns that adopt zoning and a local contribution pursuant to this section. Such incentives for cities and towns may include, but shall not be limited to, a preference for financial assistance pursuant to section 271/2 of chapter 23B, a preference for tax credits authorized pursuant to subsection (ee) of section 6 of chapter 62 and section 38OO of chapter 63 and other incentives identified by the executive office in consultation with the executive office of economic development and the executive office for administration and finance.

(e) The executive office may, in consultation with the executive office of economic development, promulgate regulations for the implementation and administration of this section.

(f) Any zoning adopted pursuant to paragraph (1) of subsection (b) may be repealed in accordance with section 5.

SECTION 68. Section 5 of said chapter 40A, as appearing in the 2024 Official Edition, is hereby amended by inserting after the word “appeals”, in line 6, the following words:- , a mayor.

SECTION 69. Said section 5 of said chapter 40A, as so appearing, is hereby further amended by striking out, in line 92, the words "or (c) open-space residential development" and inserting in place thereof the following words:- (c) open-space residential development; or (d) commercial conversion pursuant to section 3C.

SECTION 70. Section 6 of said chapter 40A, as so appearing, is hereby amended by inserting after the word "to", in line 13, the following words:- a structure used for commercial conversion pursuant to section 3C or.

SECTION 71. Said section 6 of said chapter 40A, as so appearing, is hereby further amended by striking out, in lines 33 to 38, inclusive, the words "or site plan approval pursuant to the local ordinance or by-law shall conform to any subsequent amendment of the zoning ordinance or by-law or of any other local land use regulations unless the use or construction is commenced within a period of 3 years after the issuance of the special permit or site plan approval" and inserting in place thereof the following words:- , site plan approval pursuant to the local ordinance or by-law or a permit for commercial conversion issued pursuant to section 3C shall conform to any subsequent amendment of the zoning ordinance or by-law or of any other local land use regulations unless the use or construction is commenced within a period of 3 years after the issuance of the special permit, site plan approval or permit for commercial conversion.

SECTION 72. Said chapter 40A is hereby further amended by inserting after section 7 the following section:–

Section 7A. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Designated authority", the local municipal board, committee or officials designated in the zoning ordinance or by-law to conduct site plan review.

"Performance standards", reasonable, written municipal zoning regulations, published industry standards and best practices, applicable to site plans and relative to traffic circulation and safety, pedestrian safety and access, off-street parking and loading, emergency vehicle access, stormwater drainage, screening, bulk and height of structures, exterior lighting and storage or other outdoor service areas.

(b) Substantive provisions of site plan review, including content of submission requirements and applicable performance standards, governing site plan review and approval by the designated authority or authorities shall be as set forth within a local ordinance or by-law adopted pursuant to section 5. Performance standards shall be reasonably definite and objective so that any applicant has knowledge of such standards prior to application submission. No zoning ordinance or by-law may include performance standards governing the aesthetics of structures; provided, however, that municipalities may establish uniform design guidelines. The designated authority may, where such action is in the public interest and not inconsistent with the intent and purpose of this section, waive strict compliance with the performance standards for site plan review. The designated authority may adopt, and from time to time amend, written procedural rules and regulations to implement the local site plan review ordinance or by-law, including provisions for the imposition of reasonable fees for the employment of outside consultants in the same manner as set forth in section 53G of chapter 44.

(c) A zoning ordinance or by-law may establish applicability standards for projects that are subject to site plan review, which may include a category of projects that are subject to a minor or administrative site plan review process. The zoning ordinance or by-law may require a public hearing in accordance with section 11 for projects that meet or exceed specified thresholds under the zoning ordinance or by-law. The decision of the designated authority for a use allowed as of right, or for a use requiring a special permit but reviewed by a separate designated authority, shall require a simple majority vote of the designated authority and shall be made within the time limits prescribed by ordinance or by-law, not to exceed 90 days from the date of filing of a complete application or such extended time as may be agreed in writing by the petitioner. The submission and review process for a site plan required in connection with the issuance of a special permit, and subject to review by the same permit granting authority as the special permit application, shall be conducted with the review of the special permit application in a coordinated process and may require the same vote required for approval of a special permit. The ordinance or by-law may establish the designated authority to be the building commissioner, director of planning or other municipal official who coordinates administrative site plan review with other municipal employees, in which instance there shall be no vote requirement for site plan review. Any appeal from administrative site plan review shall be in accordance with section 17 unless an ordinance or by-law first provides for an appeal to another public body of the municipality. In no instance shall the issuance or denial of a building permit be a prerequisite to filing a civil action under this section.

(d) Site plan review may impose only those conditions that are necessary to ensure substantial compliance of the proposed use of land or structures with the requirements of the zoning ordinance or by-law; provided, however, that no condition may impose restrictions greater than those expressly regulated within the zoning ordinance or by-law and no conditions may be imposed regarding matters over which jurisdiction exclusively lies in another body pursuant to any general or special law; and provided further, that any off-site conditions shall only address direct adverse impacts related to performance standards expressly governed by the zoning ordinance or by-law and which conditions are proportionate in both nature and extent to the impacts of the project on adjacent properties or adjacent roadways.

(e) A site plan application may be denied only on the grounds that the: (i) proposed site plan does not meet the specific requirements set forth in the zoning ordinance or by-law; or (ii) petitioner failed to submit the information and fees required by the zoning ordinance or by-law necessary for an adequate and timely review of the design of the proposed land or structures.

(f) The designated authority shall cause to be made a detailed record of its proceedings, indicating the vote of each member upon each question, or if a member is absent or fails to vote, indicating such fact, and setting forth clearly the reason for its decision and of its official actions, copies of all of which shall be filed within 14 days in the office of the city or town clerk and shall be deemed a public record, and notice of the decision shall be mailed forthwith to the petitioner and, if such site plan review required a public hearing pursuant to the zoning ordinance or by-law, to the parties in interest designated in section 11. Each such notice shall specify that appeals, if any, shall be made pursuant to section 17 and shall be filed within 20 days after the date of filing of such notice in the office of the city or town clerk. Failure by the designated authority to take final action within 90 days or extended time, if applicable, shall be deemed to be an approval of the site plan. The petitioner who seeks such approval by reason of the failure of the designated authority to act within such time prescribed, shall notify the city or town clerk, in writing within 14 days from the expiration of said 90 days or extended time, if applicable, of such approval. If site plan review required a public hearing, the petitioner shall send such notice to parties in interest designated in said section 11 by mail and each such notice shall specify that appeals, if any, shall be made pursuant to said section 17 and shall be filed within 20 days after the date the city or town clerk received such written notice from the petitioner that the designated authority failed to act within the time prescribed. After the expiration of 20 days without notice of appeal pursuant to said section 17, or, if appeal has been taken, after receipt of certified records of the court in which such appeal is adjudicated, indicating that such approval has become final, the city or town clerk shall issue a certificate stating the date of approval, the fact that the designated authority failed to take final action and that the approval resulting from such failure has become final, and such certificate shall be forwarded to the petitioner.

(g) A site plan approval granted under this section shall lapse within a specified period of time, not less than 3 years from the date of the filing of such approval with the city or town clerk, if substantial use or construction has not yet begun, except as extended for good cause by the designated authority; provided, however, that the minimum period of 3 years may be increased to a longer period by ordinance or by-law. Such specified period shall not include time required to pursue or await the determination of an appeal under section 17 or to pursue or await the appeal of any other permit, license, determination or approval that are prerequisites to the issuance of a building permit.

SECTION 73. Said chapter 40A is hereby further amended by inserting after section 9A the following section:-

Section 9A 1/2. (a) As used in this section, “academic, research or medical facility” shall mean any building, structure or campus that is leased, owned, occupied or operated by:

(i) a public or private institution of higher education;

(ii) a hospital licensed by the commonwealth;

(iii) a dental, medical, public health or scientific research institution; or

(iv) a federal, state or local government agency that conducts or supports medical, health, biomedical or scientific research or provides health care services.

(b) No establishment defined in section 9A shall be located within 500 square feet of an academic, research or medical facility.

SECTION 74. The first paragraph of section 14 of said chapter 40A, as appearing in the 2024 Official Edition, is hereby amended by adding the following clause:-

(5) To hear and decide applications for commercial conversion upon which the board is empowered to act under paragraph (2) of subsection (b) of section 3C.

SECTION 75. Section 15 of said chapter 40A, as so appearing, is hereby amended by striking out, in lines 36 and 37, the words "The board of appeals shall hold a hearing on any appeal, application or petition within sixty-five" and inserting in place thereof the following words:- Except as provided in clause (i) of paragraph (2) of subsection (b) of section 3C, the board of appeals shall hold a hearing on any appeal, application or petition within 65.

SECTION 76. The fifth paragraph of said section 15 of said chapter 40A, as so appearing, is hereby amended by striking out the first 7 sentences and inserting in place thereof the following 7 sentences:- All hearings of the board of appeals shall be open to the public and shall be opened within 30 days of any petition or application. Any such hearing shall extend for not more than 60 days from the date the hearing is opened. The decision of the board shall be made within 100 days after the date of the filing of an appeal, application or petition, except in regard to permits for commercial conversion as provided for in clause (iv) of paragraph (2) of subsection (b) of section 3C and special permits as provided for in section 9. The required time limits for a public hearing and said decision may be extended by written agreement between the applicant and the board of appeals. A copy of such agreement shall be filed in the office of the city or town clerk. Failure by the board to act within the times prescribed or extended time agreed upon, if applicable, shall be deemed to be the granting of the appeal, application or petition. The applicant who seeks such approval by reason of the failure of the board to act within the time prescribed shall notify the city or town clerk, in writing, within 14 days from the expiration of said period or extended time, if applicable, of such approval and that notice has been sent by the applicant to parties in interest.

SECTION 77. The fourth paragraph of section 4 of chapter 40G of the General Laws, as so appearing, is hereby amended by striking out clause (8) and inserting in place thereof the following clause:-

(8) the enterprise will report adequate financial data to the MTDC and provide the MTDC with sufficient control over the management of the enterprise in order to protect the investment of the MTDC including, in the discretion of the board, right of access to financial and other records of the enterprise.

SECTION 78. Said section 4 of said chapter 40G, as so appearing, is hereby further amended by striking out, in line 68, the words "(1) Not more than $1,000,000" and inserting in place thereof the following words:- not more than $2,000,000.

SECTION 79. Said section 4 of said chapter 40G, as so appearing, is hereby further amended by striking out, in line 69, the figure "$2,000,000" and inserting in place thereof the following figure:- $4,000,000.

SECTION 80. The last paragraph of said section 4 of said chapter 40G, as so appearing, is hereby amended by striking out clause (2).

SECTION 81. Section 6 of said chapter 40G, as so appearing, is hereby amended by striking out, in line 2, the word "ninety," and inserting in place thereof the following figure:- 120.

SECTION 82. Said section 6 of said chapter 40G, as so appearing, is hereby further amended by striking out, in lines 5 to 7, inclusive, the words "and the number of persons hired as a result of the activities of the corporation who were recipients of programs provided for in chapter 115, 117A, or 118".

SECTION 83. Chapter 40J of the General Laws is hereby amended by striking out section 3, as so appearing, and inserting in place thereof the following section:-

Section 3. There shall be a body, politic and corporate, to be known as the Massachusetts Technology Park Corporation. The corporation is hereby constituted a public instrumentality of the commonwealth, and the exercise by the corporation of the powers conferred in this chapter shall be deemed and held to be an essential governmental function. The corporation is hereby placed in the executive office of economic development but shall not be subject to the supervision or control of said department or of any board, bureau, department or other agency of the commonwealth, except as specifically provided in this chapter.

The corporation shall be governed, and its corporate powers exercised, by a board of directors, which shall consist of the secretary of economic development or their designee, the secretary of administration and finance or their designee, the commissioner of higher education or their designee and 15 persons to be appointed by the governor, 2 of whom shall be appointed from a list of persons nominated by the president of the senate, 2 of whom shall be appointed from a list of persons nominated by the speaker of the house of representatives, 2 of whom shall be chief executive officers of post-secondary educational institutions or distinguished members of the engineering or scientific faculties of those institutions, or members of other appropriate faculties, and of those 2, at least 1 shall represent a public post-secondary educational institution and 6 of whom shall represent businesses concerned with any technology that may be subject to this chapter, and 2 of whom shall be recommended by the Massachusetts AFL-CIO. Each director appointed from the list of nominations provided by the president of the senate and the speaker of the house of representatives shall serve a term of 2 years to be coterminous with the legislative session of the general court. All other directors appointed by the governor shall serve for a term of 5 years and thereafter until the director's successor is appointed. A person appointed to fill a vacancy on the board shall be appointed in a like manner and shall serve for the unexpired term of the predecessor director. A director shall be eligible for reappointment. A director may be removed by the governor for cause. Nine directors shall constitute a quorum and the affirmative vote of a majority of the directors present and eligible to vote at a meeting shall be necessary for any action to be taken by the board. The directors shall serve without compensation, but each director shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of official duties. The board shall meet not less than 4 times each year and shall have final authority over the activities of the corporation.

The secretary of economic development or their designee shall serve as chair. The board shall biennially elect from among its members a vice-chair and may designate a treasurer and a secretary, who need not be members of the board. The secretary of the board shall keep a record of the proceedings of the corporation and shall be the custodian of all books, documents and papers filed with the corporation and its official seal. The secretary of the board shall cause copies to be made of all minutes and other records and documents of the corporation and shall certify that such copies are true copies and all persons dealing with the corporation may rely upon such certification. The treasurer of the board shall be the chief financial and accounting officer of the corporation and shall be in charge of its funds, books of account and accounting records.

The executive committee of the board shall consist of the chair and the vice-chair and not less than 3 directors elected biennially by the board from among its members, 1 of whom shall be a director representing a post-secondary educational institution and 1 of whom shall be a director from a business. The executive committee shall have all the powers of the board between meetings of the board, to be exercised in accordance with by-laws established by the board. The executive committee shall meet as often as considered necessary by the committee.

An action required or permitted to be taken at a meeting of the directors may be taken without a meeting if all of the directors consent in writing to such action and such written consent is filed with the records of the minutes of the meetings of the board. Such consent shall be treated for all purposes as a vote at a meeting.

Chapter 268A shall apply to all directors, officers and employees of the corporation except that the corporation may purchase from, sell to, borrow from, contract with or otherwise deal with an organization in which a director of the corporation is in any way interested or involved; provided, however, that such interest or involvement is disclosed in advance to the directors and recorded in the minutes of the proceedings of the corporation; and provided further, that no director having such an interest or involvement may participate in any decision relating to such organization.

Neither the corporation nor its officers, directors, agents, employees, consultants or advisors shall be subject to sections 3B of chapter 7, sections 9A, 45, 46 and 52 of chapter 30, chapter 31, or sections 27 to 27E, inclusive, of chapter 149; provided, however, that in purchasing products or services, the corporation shall at all times follow generally accepted good business practices.

All officers and employees of the corporation having access to its cash or negotiable securities shall give bond to the corporation at its expense, in such amount and with such surety as the board may prescribe. The persons required to give bond may be included in at least 1 blanket or scheduled bonds.

Directors and officers who are not regular, compensated employees of the corporation shall not be liable to the commonwealth, the corporation or any other person as a result of their activities, whether ministerial or discretionary, as such directors or officers except for willful dishonesty or intentional violations of law. The board of the corporation may purchase liability insurance for directors, officers and employees and may indemnify said persons against the claims of others.

SECTION 84. Section 9 of chapter 40R of the General Laws, as so appearing, is hereby amended by striking out subsections (a) and (b) and inserting in place thereof the following 2 subsections:-

(a) The commonwealth shall pay from the trust fund or other funds from appropriations or other money authorized by the general court a zoning incentive payment, according to the following schedule:

Projected Units of New Construction %	Payment
Up to 20%	$20,000
21 to 100%	$150,000
101 to 200%	$400,000
201 to 500%	$740,000
501% or more	$1,200,000

Subject to any conditions imposed by the department as a condition of approving a smart growth zoning district or starter home zoning district, the zoning incentive payment shall be payable upon confirmation of approval of the district by the department. The projected percentage of units shall be based upon the zoning adopted in the smart growth zoning district or starter home zoning district.

(b) The commonwealth shall pay from the trust fund or other funds from appropriations or other money authorized by the general court a 1-time density bonus payment to each city or town with an approved smart growth zoning district and a 1-time production bonus payment to each city or town with an approved starter home zoning district. Such payment shall be $6,000 for each housing unit of new construction created in the smart growth zoning district and $6,000 for each housing unit of new construction created in the starter home zoning district. The amount due shall be paid on a unit-by-unit basis in accordance with department regulations, upon submission by a city or town of proof of issuance of a building permit for a particular housing unit or units within the district.

SECTION 85. Section 1 of chapter 40X of the General Laws, as so appearing, is hereby amended by striking out the definition of " Lead jurisdiction" and inserting in place thereof the following 2 definitions:-

"Governing body", the city council or board of aldermen in a city or the board of selectmen or town council in a town or the board of commissioners or executive body in a county.

"Lead jurisdiction", the city, town or county in which the tourism destination marketing district petition is filed.

SECTION 86. Said section 1 of said chapter 40X, as so appearing, is hereby further amended by striking out the definition of "Municipal governing body.

SECTION 87. Said section 1 of said chapter 40X, as so appearing, is hereby further amended by inserting after the word "municipality", in line 29, the following words:- or county.

SECTION 88. Section 2 of said chapter 40X, as so appearing, is hereby amended by striking out, in line 2, the word "municipal".

SECTION 89. Section 3 of said chapter 40X, as so appearing, is hereby amended by inserting after the word "municipality", in line 4, the following words:- or county.

SECTION 90. Said section 3 of said chapter 40X, as so appearing, is hereby further amended by striking out, in line 32, the words "or towns" and inserting in place thereof the following words:- , towns or counties.

SECTION 91. Said section 3 of said chapter 40X, as so appearing, is hereby further amended by striking out, in line 36, the words “city or town’s” and inserting in place thereof the following words:- city, town or county’s.

SECTION 92. Section 4 of said chapter 40X, as so appearing, is hereby amended by striking out, in lines 1, 19, 23, 38 and 101, the word “municipal”, each time it appears.

SECTION 93. Said section 4 of said chapter 40X, as so appearing, is hereby further amended by striking out, in lines 13 and 14, and in lines 56 and 57, the words “municipality’s website” and inserting in place thereof, in each instance, the following words:- website of the city, town or county.

SECTION 94. Said section 4 of said chapter 40X, as so appearing, is hereby further amended by striking out, in lines 31, 32 and 33, and in line 110, the words “local municipal”, each time they appear.

SECTION 95. Section 5 of said chapter 40X, as so appearing, is hereby amended, by striking out, in line 16, the word “municipal”.

SECTION 96. Section 7 of said chapter 40X, as so appearing, is hereby amended by striking out, in line 2, the word “municipal”.

SECTION 97. Section 8 of said chapter 40X, as so appearing, is hereby amended by striking out, in line 1, and in lines 21 and 22, the word “municipal”, each time it appears.

SECTION 98. Said section 8 of said chapter 40X, as so appearing, is hereby further amended by striking out, in line 7, the words “local municipal”.

SECTION 99. Section 9 of said chapter 40X, as so appearing, is hereby amended by striking out, in lines 6, 14, 20 and 21, 23, 29 and 39, the word “municipal”, each time it appears.

SECTION 100. Said section 9 of said chapter 40X, as so appearing, is hereby further amended by striking out, in line 12, the words “city or town’s local municipal”.

SECTION 101. Section 10 of said chapter 40X, as so appearing, is hereby amended by striking out, in lines 3, 5, 15, 16, 17, 19, 23 and 30, the words “local municipal”, each time they appear.

SECTION 102. Said section 10 of said chapter 40X, as so appearing, is hereby further amended by striking out, in line 36, the word “municipally”.

SECTION 103. Said section 10 of said chapter 40X, as so appearing, is hereby further amended by inserting after the word “municipality”, in line 41, the following words:- or county.

SECTION 104. Section 11 of said chapter 40X, as so appearing, is hereby amended by striking out, in lines 4 and 5, inclusive the words “local municipal”.

SECTION 105. Section 56 of chapter 41 of the General Laws, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:- This section shall not prohibit payment to be made for: (i) school travel prior to the date of travel; (ii) software licenses, software maintenance agreements or online subscription services for school curriculum prior to the fiscal year in which services shall be rendered; or (iii) estimates issued by utilities for make-ready work to facilitate access to utility poles, conduits, ducts or rights-of way related to broadband infrastructure projects.

SECTION 106. Section 98F of said chapter 41 is hereby amended by striking out, in line 22, as so appearing, the words “18 years of age” and inserting in place thereof the following words:- the age of criminal majority.

SECTION 107. Clause Forty-first C of section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by striking out the second sentence and inserting in place thereof the following sentence:- A city, by vote of its council and approval of its mayor, or a town, by vote of town meeting, may adjust the following factors contained in these provisions by: (i) reducing the requisite age of eligibility to any person age 65 years or older; (ii) increasing the sum contained in the first sentence from $500 to $1500; (iii) increasing the amounts contained in subclause (B) of the first sentence from $13,000 and $15,000, respectively, to, in both instances, not more than 50 per cent of the area median income, as adjusted for household size, as defined annually by the United States Department of Housing and Urban Development; provided, however, that the relevant year of the calculation shall be the most recent figure available as of July 1 of the start of the fiscal year to which the exemption is sought; (iv) increasing the amounts contained in subclause (C) of the first sentence from $28,000 to not more than $80,000 and from $30,000 to not more than $110,000; and (v) by excluding from the determination of whole estate not more than 3 dwelling units.

SECTION 108. Said section 5 of said chapter 59 is hereby further amended by striking out, in line 1785, as so appearing, the figure “$10,000” and inserting in place thereof the following figure:- $30,000”.

SECTION 109. Said chapter 59 is hereby further amended by inserting after section 5O the following 2 sections:-

Section 5P. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Adaptive reuse", as defined in section 3C of chapter 40A.

"Zoning", as defined in section 1A of chapter 40A.

(b) A city or town that adopts zoning pursuant to section 3C of chapter 40A, may adopt a tax increment exemption for an adaptive reuse project allowed as of right under such zoning. The exemption amount shall be not less than 10 per cent and not more than 100 per cent of the incremental value attributable to the residential portion of an adaptive reuse project allowed as of right under zoning established pursuant to said section 3C of said chapter 40A for a period of not less than 5 years and not more than 20 years. The legislative body of the city or town shall establish the percentage and term of the exemption, subject to the charter of the city or town and the approval of the executive office of housing and livable communities.

(c) The executive office of housing and livable communities may promulgate regulations for the administration of this section.

Section 5Q. A city or town that accepts this section may issue rebates to those taxpayers who received the residential exemption in the prior fiscal year; provided, however, that the city or town shall set asset, income or other thresholds to determine eligibility for said rebates. The city or town shall appropriate an amount to be used for such rebates; and provided further, that such rebates for each eligible taxpayer shall be in a uniform amount based on the amount appropriated and the estimated number of eligible taxpayers. The amount of the rebate shall be in addition to any exemptions allowed under this chapter. A taxpayer who seeks to qualify for the rebate shall, before the deadline established by city or town, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the applicant’s income, assets and any other information as described in the application. The application shall be filed each year for which the applicant seeks the rebate.

SECTION 110. Section 59 of said chapter 59, as appearing in the 2024 Official Edition, is hereby amended by striking out, in lines 4 and 5, the words “on or before” and inserting in place thereof the following words:- not more than 45 days after.

SECTION 111. Section 17 of chapter 61A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding the preceding paragraph, if the portion of land is contiguous land not actively devoted to agricultural or horticultural uses and is so separated to serve as the site of a renewable energy generating source, as defined in subsection (b) of section 11F of chapter 25A, the land so separated shall not be subject to the option to purchase under section 14 and liability for conveyance or roll-back taxes otherwise applicable at such time; provided, however, that such land so separated shall instead be subject to liability for 50 per cent of such otherwise applicable roll-back taxes, which shall be due and payable at the time it commences serving as the site of a renewable energy generating source. If the use of the land so separated as a renewable energy generating source permanently ceases, or does not commence, and the land so separated is sold for or converted to a use other than agricultural or horticultural, the land so separated shall become subject to the option to purchase and conveyance or roll-back taxes shall be assessed for the balance of the amount that would have been assessed at the time of the separation. The land so separated subject to this paragraph shall not exceed 10 per cent of the land valued, assessed and taxed under this chapter from which it was separated and not greater, in total, than 15 acres of the contiguous portion of such land not actively devoted to agricultural or horticultural uses.

SECTION 112. Chapter 62 of the General Laws is hereby amended by inserting after section 5D the following 2 sections:-

Section 5E. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

"Account holder", an individual who establishes, individually or jointly with 1 or more individuals, a rental savings account.

"Allowable costs", a fee paid for renting a unit as a permanent residence in the commonwealth, limited to the amount of: (i) first and last month's rent; (ii) a security deposit equal to 1 month's rent; and (iii) the purchase and installation costs of a lock and key.

"Eligible costs", fees paid for renting a unit as a permanent residence in the commonwealth, limited to the amount of: (i) first and last month's rent; (ii) a security deposit equal to 1 month's rent; and (iii) the purchase and installation costs of a lock and key.

"Financial institution", any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, benefit association, insurance company, safe deposit company, money market mutual fund or similar entity authorized to do business in the commonwealth.

"Qualified beneficiary", an individual seeking to rent a unit as a permanent residence.

(b) Beginning January 1, 2027, an individual may open an account with a financial institution and designate the account as a rental savings account to pay or reimburse a qualified beneficiary's eligible costs.

(c) An account holder shall designate, not later than April 15 of the year following the tax year during which the account is established, a resident as the qualified beneficiary of the rental savings account. The account holder may designate themselves as the qualified beneficiary and may change the designated qualified beneficiary at any time; provided, however, there shall not be more than 1 qualified beneficiary at any time.

(d) An individual may jointly own a rental savings account with another person if the joint account holders file a joint income tax return; provided, however, this requirement shall not apply if at least 1 person would not otherwise be required to make a return because their Massachusetts gross income did not exceed $8,000.

(e) An individual may be the account holder of more than 1 rental savings account; provided, however, that the account holder shall not have multiple accounts that designate the same qualified beneficiary.

(f) An individual may be designated as the qualified beneficiary on more than 1 rental savings account.

(g) Only cash and marketable securities shall comprise a rental savings account. Subject to the limitations of this section, persons other than the account holder may contribute funds to a rental savings account. There shall be no limitation on the amount of contributions that may be made to or retained in a rental savings account.

(h) The funds held in a rental savings account shall not be used to pay expenses of administering the account; provided, however, that a service fee may be deducted from the account by the financial institution.

(i) The account holder shall submit to the department of revenue: (1) detailed information regarding the rental savings account, including a list of transactions for the account during the tax year and the Form 1099 under the Internal Revenue Service requirements issued by the financial institution for such account with the account holder's Massachusetts income tax return on forms prepared by the department of revenue; and (2) a detailed accounting of the eligible costs toward which the account funds were applied, if there was a withdrawal from the account, and a statement of the amount of funds remaining in the account.

(j) A financial institution shall not be required to: (1) designate an account as a rental savings account, or designate the qualified beneficiaries of an account, in the financial institution's account contracts or systems; (2) track the use of funds withdrawn from a rental savings account; (3) allocate funds in a rental savings account among joint account holders or multiple qualified beneficiaries; or (4) report any information to the department of revenue or other government agency that is not otherwise required by law.

(k) A financial institution shall not be liable for: (1) determining or ensuring that an account satisfies the requirements to be a rental savings account; (2) determining or ensuring that funds in a rental savings account are used for eligible costs; or (3) reporting or remitting taxes or penalties related to the use of a rental savings account.

(l) Except as otherwise provided in this section and subject to the limitations under this subsection, there shall be deducted from taxable income of an account holder, for Massachusetts income tax purposes: (1) the amount contributed to a rental savings account during each tax year, not to exceed $15,000 for an account holder who files an individual tax return or $30,000 for joint account holders; (2) the amount of earnings, including interest and other income on the principal, from the rental savings account during the tax year.

(m) An account holder may claim the deduction and exclusion under subsection (k): (1) for a period not to exceed 15 years; (2) for an aggregate total amount of principal and earnings not to exceed $50,000 during said 15-year period; and (3) only if the principal and earnings of the account remain in the account until a withdrawal is made for eligible costs related to the securing a rental intended as a permanent residence.

(n) Any funds in a rental savings account not expended on eligible costs by December 31 of the last year of the 15-year period under shall thereafter be included in the account holder’s taxable income.

(o) A person other than the account holder who deposits funds in a rental savings account shall not be entitled to the deduction and exclusion provided for under this section.

(p) The deduction and exclusion from taxable income provided for by this section shall apply to any alternative bases for calculating taxable income for Massachusetts income tax purposes.

(q) Except as otherwise authorized in this section, if the account holder withdraws any funds from a rental savings account for a purpose other than eligible costs for the securing a rental property to be used as a permanent residence: (1) such funds shall be included in the account holder’s taxable income; and (2) the account holder shall pay a penalty to the department of revenue equal to the tax that would have been collected had the withdrawn funds been subject to income tax. Such penalty shall not apply to funds withdrawn from an account that were: (i) withdrawn by reason of the account holder's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. § 101 et seq.; or (iii) a transfer of the funds from a rental savings account to a new rental savings account held by a different financial institution or the same financial institution.

(r) The department of revenue shall prepare forms for: (1) the designation of an account with a financial institution to serve as a first-time home buyer savings account; (2) the designation of a qualified beneficiary of a rental savings account; and (3) an account holder to annually submit to the department of revenue detailed information regarding the rental savings account, including but not limited to a list of transactions for the account during the tax year, and identifying any supporting documentation that is required to be maintained by the account holder.

Section 5F. (a) For the purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Account holder", an individual who establishes, individually or jointly with 1 or more other individuals, a first-time homebuyer savings account.

"Allowable closing costs", a disbursement listed on a settlement statement for the purchase of a single-family residence in the commonwealth by a qualified beneficiary.

"Eligible costs", the down payment and allowable closing costs for the purchase of a single-family residence in Massachusetts by a qualified beneficiary.

“Financial institution”, any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, or any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in the commonwealth.

“First-time homebuyer”, an individual who resides in the commonwealth and has not owned or purchased, either individually or jointly, a single-family residence.

“First-time home buyer savings account”, an account with a financial institution that an account holder designates as a first-time home buyer savings account on the account holder’s Massachusetts income tax return for tax year 2025 or any tax year thereafter, pursuant to this section for the purpose of paying or reimbursing eligible costs for the purchase of a single-family residence in the commonwealth by a qualified beneficiary.

“Qualified beneficiary”, a first-time home buyer who is designated as the qualified beneficiary of an account designated by the account holder as a first-time home buyer savings account.

“Settlement statement”, the statement of receipts and disbursements for a transaction related to real estate, including a statement prescribed under the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. 2601 et seq., as amended, and regulations thereunder.

“Single-family residence”, a single-family residence owned and occupied by a qualified beneficiary as the qualified beneficiary’s principal residence, which may include a manufactured home, trailer, mobile home, condominium unit, or cooperative.

(b) Beginning January 1, 2028, any individual may open an account with a financial institution and designate the account, in its entirety, as a first-time home buyer savings account to be used to pay or reimburse a qualified beneficiary's eligible costs for the purchase of a single-family residence in the commonwealth.

(c) An account holder must designate, no later than April 15 of the year following the tax year during which the account is established, a first-time home buyer as the qualified beneficiary of the first-time home buyer savings account. The account holder may designate themselves as the qualified beneficiary and may change the designated qualified beneficiary at any time provided, however, there shall not be more than 1 qualified beneficiary at any time.

(d) An individual may jointly own a first-time home buyer savings account with another person if the joint account holders file a joint income tax return; provided, however, this requirement shall not apply if at least 1 person would not otherwise be required to make a return because their Massachusetts gross income did not exceed $8,000.

(e) An individual may be the account holder of more than one first-time home buyer savings account; provided, however, the account holder shall not have multiple accounts that designate the same qualified beneficiary.

(f) An individual may be designated as the qualified beneficiary on more than 1 first-time home buyer savings account.

(g) Only cash and marketable securities shall comprise a first-time home buyer savings account. Subject to the limitations of this section, persons other than the account holder may contribute funds to a first-time home buyer savings account. There shall be no limitation on the amount of contributions that may be made to or retained in a first-time home buyer savings account.

(h) The funds held in a first-time home buyer savings account shall not be used to pay expenses of administering the account; provided, however, that a service fee may be deducted from the account by the financial institution in which the account is held.

(i) The account holder shall submit the following to the department of revenue: (1) detailed information regarding the first-time home buyer savings account, including a list of transactions for the account during the tax year and the Form 1099 under the Internal Revenue Service requirements issued by the financial institution for such account with the account holder's Massachusetts income tax return on forms prepared by the department of revenue; and (2) a detailed account of the eligible costs toward which the account funds were applied, if there was a withdrawal from the account, and a statement of the amount of funds remaining in the account, if any.

(j) A financial institution shall not be required to: (1) designate an account as a first-time home buyer savings account, or designate the qualified beneficiaries of an account, in the financial institution's account contracts or systems; (2) track the use of funds withdrawn from a first-time home buyer savings account; (3) allocate funds in a first-time home buyer savings account among joint account holders or multiple qualified beneficiaries; or (4) report any information to the department of revenue or any other governmental agency that is not otherwise required by law.

(k) A financial institution is not responsible or liable for: (1) determining or ensuring that an account satisfies the requirements to be a first-time home buyer savings account; (2)

determining or ensuring that funds in a first-time home buyer savings account are used for eligible costs; or (3) reporting or remitting taxes or penalties related to the use of a first-time home buyer savings account.

(l) Except as otherwise provided in this section and subject to the limitations under this subsection, there shall be deducted from taxable income of an account holder, for Massachusetts income tax purposes: (1) the amount contributed to a first-time home buyer savings account during each tax year, not to exceed $25,000 for an account holder who files an individual tax return or $50,000 for joint account holders; and (2) the amount of earnings, including interest and other income on the principal, from the first-time home buyer savings account during the tax year.

(m) An account holder may claim the deduction and exclusion under subsection (k): (1) for a period not to exceed 15 years; (2) for an aggregate total amount of principal and earnings, not to exceed $250,000 during said 15-year period; and (3) only if the principal and earnings of the account remain in the account until a withdrawal is made for eligible costs related to the purchase of a single-family residence by a qualified beneficiary, except as otherwise provided in this section.

(n) Any funds in a first-time home buyer savings account not expended on eligible costs by December 31 of the last year of the 15-year period shall thereafter be included in the account holder's taxable income.

(o) A person other than the account holder who deposits funds in a first-time home buyer savings account shall not be entitled to the deduction and exclusion provided for under this section.

(p) The deduction and exclusion from taxable income provided for by this section shall apply to any alternative bases for calculating taxable income for Massachusetts income tax purposes.

(q) Except as otherwise authorized in this of this section, if the account holder withdraws any funds from a first-time home buyer savings account for a purpose other than eligible costs for the purchase of a single-family residence: (1) said shall be included in the account holder's taxable income; and (2) the account holder shall pay a penalty to the department of revenue equal to the tax that would have been collected had the withdrawn funds been subject to income tax. Such penalty shall not apply to funds withdrawn from an account that were: (i) withdrawn by reason of the account holder's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. § 101 et seq.; or (iii) a transfer of the funds from a first-time home buyer savings account to a new first-time home buyer savings account held by a different financial institution or the same financial institution.

(r) The department of revenue shall prepare forms for: (1) the designation of an account with a financial institution to serve as a first-time home buyer savings account; (2) the designation of a qualified beneficiary of a first-time home buyer savings account; and (3) an account holder to annually submit to the department of revenue detailed information regarding the first-time home buyer savings account, including but not limited to a list of transactions for the account during the tax year, and identifying any supporting documentation that is required to be maintained by the account holder.

SECTION 113. Subsection (r) of section 6 of chapter 62 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) To the extent authorized by the life sciences tax incentive program established in section 5 of chapter 23I, a taxpayer may be allowed a refundable jobs credit against the tax liability imposed under this chapter in an amount and schedule determined by the Massachusetts Life Sciences Center, in consultation with the department. The credit allowed under this subsection shall be taken only after the taxpayer executes a contract under paragraph (2) of subsection (d) of section 5 of chapter 23I.

SECTION 114. Said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out, in line 920, the figure “50” and inserting in place thereof the following figure:- 25.

SECTION 115. Subsection (r) of said section 6 of said chapter 62, as so appearing, is hereby amended by adding the following 2 paragraphs:-

(5) If the Massachusetts Life Sciences Center makes a determination to revoke a life sciences company pursuant to paragraph (4) of subsection (e) of section 5 of chapter 23I, a portion of the tax credit otherwise allowed by this section and claimed by the taxpayer prior to the date of such determination shall be added back as additional tax due and shall be reported as such on the return of the taxpayer for the taxable period in which such determination is made. The amount of credits subject to recapture shall be proportionate to the life science company’s compliance, as determined by the Massachusetts Life Sciences Center as part of its revocation process and reported to the center and the department at the time certification is revoked.

(6) Nothing in this subsection shall limit the authority of the commissioner to make an adjustment to a taxpayer's liability upon audit.

SECTION 116. Said section 6 of said chapter 62, as so appearing, is hereby further amended by inserting after the word "facility", in line 1687, the following words:- in the case of an owner and not more than 50 per cent of the owner and tenant's combined total capital investment in a climatetech facility in the case of a tenant.

SECTION 117. Said section 6 of said chapter 62, as so appearing, is hereby further amended by striking out, in line 1702, the words "has made a" and inserting in place thereof the following words:- and tenant have made a combined.

SECTION 118. Subsection (hh) of said section 6 of said chapter 62, as so appearing, is hereby amended by striking out paragraph (1) and inserting in place thereof the following paragraph:-

(1) A taxpayer, to the extent authorized by the climatetech tax incentive program established in section 16 of chapter 23J, may be allowed a refundable jobs credit against the tax liability imposed under this chapter in an amount and schedule determined by the Massachusetts clean energy technology center established in section 2 of said chapter 23J, in consultation with the department of revenue. The credit allowed under this section shall be taken only after the taxpayer executes a contract under paragraph (3) of subsection (d) of section 16 of chapter 23J.

SECTION 119. Said subsection (hh) of said section 6 of said chapter 62, as so appearing, is hereby further amended by adding the following 2 paragraphs:-

(6) If the Massachusetts clean energy technology center makes a determination to revoke the certification of a climatetech company pursuant to paragraph (2) of subsection (c) of section 16 of chapter 23J, a portion of the tax credit otherwise allowed by this section and claimed by the taxpayer prior to the date of such determination shall be added back as additional tax due and shall be reported as such on the return of the taxpayer for the taxable period in which such determination is made. The amount of credits subject to recapture shall be proportionate to the certified climatetech company's compliance, as determined by the Massachusetts clean energy technology center as part of its revocation process and reported to the center and the department at the time certification is revoked.

(7) Nothing in this subsection shall limit the authority of the commissioner to make an adjustment to a taxpayer's liability upon audit.

SECTION 120. Section 6J of said chapter 62, as so appearing, is hereby amended by inserting after the word "criteria", in line 46, the following words:- , and there shall be a preference for projects that are adaptive reuse allowed as-of-right in commercially zoned districts pursuant to section 3C of chapter 40A.

SECTION 121. Subsection (b) of section 21 of chapter 62C of the General Laws, as so appearing, is hereby amended by adding the following 3 clauses:-

(32) the disclosure to the life sciences center established in section 3 of chapter 23I of return and wage reporting information of a life sciences company certified pursuant to subsection (b) of section 5 of chapter 23I, that is: (i) received by the commissioner pursuant to this chapter or chapter 62E; and (ii) necessary for the administration of the life sciences tax incentive program authorized by subsection (d) of section 5 of chapter 23I.

(33) the disclosure to the clean energy technology center established in section 2 of chapter 23J of return and wage reporting information of a climatetech company certified pursuant to subsection (b) of section 16 of chapter 23J, that is: (i) received by the commissioner pursuant to this chapter or chapter 62E; and (ii) necessary for the administration of the climatetech tax incentive program authorized by paragraph (1) of subsection (d) of section 16 of chapter 23J.

(34) the disclosure to the clean energy technology center established in section 2 of chapter 23J of return and wage reporting information of an offshore wind company certified pursuant to subsection (b) of section 8A of chapter 23J, that is: (i) received by the commissioner pursuant to this chapter or chapter 62E; and (ii) necessary for the administration of the offshore wind tax incentive program authorized by subsection (d) of section 8A of chapter 23J.

SECTION 122. Section 6 of chapter 62F of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

A credit under this section shall not be allowed if the department of revenue determines that the net state tax revenues in the fiscal year are less than 7.5 per cent of the total statewide personal income for the calendar year ending in the fiscal year as determined by the Bureau of Economic Analysis in the United States Department of Commerce.

SECTION 123. The second paragraph of the definition of “Net income” in paragraph 4 of section 30 of chapter 63 of the General Laws, as amended by section 4 of chapter 65 of the acts of 2026, is hereby further amended by adding the following sentence:- For purposes of this paragraph, in the case of a taxpayer required to file a combined report pursuant to section 32B, where at least 1 member of the combined group is a marijuana establishment licensed pursuant to chapter 94G or a medical marijuana establishment licensed pursuant to chapter 94I, amounts paid or incurred by any member of the combined group during the taxable year in carrying on the trade or business of such unitary business that would have been deductible under the Code, but for section 280E of said Code, shall be treated as amounts paid or incurred in carrying on such trade or business for purposes of this paragraph, without regard to whether the member that paid or incurred such amounts is the member that holds the license.

SECTION 124. Section 38R of said chapter 63, as appearing in the 2024 Official Edition, is hereby amended by inserting, after the word “criteria”, in line 45, the following words:- and there shall be a preference for projects that are adaptive reuse allowed as-of-right in commercially zoned districts pursuant to section 3C of chapter 40A.

SECTION 125. Section 38U of said chapter 63, as so appearing, is hereby amended by striking out, in lines 51 and 52, the words “neither credit allowed by section 31A nor section 31H is taken” and inserting in place thereof the following words:- the credit allowed by section 31H is not taken.

SECTION 126. Section 38CC of said chapter 63, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) A taxpayer, to the extent authorized by the life sciences tax incentive program established in section 5 of chapter 23I, may be allowed a refundable jobs credit against the tax liability imposed under this chapter in an amount and schedule determined by the Massachusetts Life Sciences Center in consultation with the department. The credit allowed under this section shall be taken only after the taxpayer executes a contract under paragraph (2) of subsection (d) of section 5 of chapter 23I.

SECTION 127. Said section 38CC of said chapter 63, as so appearing, is hereby further amended by striking out, in line 7, the figure "50" and inserting in place thereof the following figure:- 25.

SECTION 128. Subsection (c) of said section 38CC of said chapter 63, as so appearing, is hereby amended by adding the following sentence:- If the taxpayer is subject to a minimum excise under this chapter, the amount of the credit allowed by this section shall not reduce the excise to an amount less than the minimum excise.

SECTION 129. Said section 38CC of said chapter 63, as so appearing, is hereby further amended by striking out, in line 20, the figure "$30,000,000" and inserting in place thereof the following figure:- $40,000,000.

SECTION 130. Said section 38CC of said chapter 63, as so appearing, is hereby further amended by adding the following 2 subsections:-

(e) If the Massachusetts Life Sciences Center makes a determination to revoke the certification of a life sciences company pursuant to paragraph (4) of subsection (e) of section 5 of chapter 23I, a portion of the tax credit otherwise allowed by this section and claimed by the company prior to the date of such determination shall be added back as additional tax due and shall be reported as such on the return of the taxpayer for the taxable period in which such determination is made. The amount of credits subject to recapture shall be proportionate to the company's compliance, as determined by the Massachusetts Life Sciences Center as part of its revocation process and reported to the corporation and the department at the time certification is revoked.

(f) Nothing in this section shall limit the authority of the commissioner of revenue to make an adjustment to a corporation's liability upon audit.

SECTION 131. Section 38RR of said chapter 63, as so appearing, is hereby amended by inserting after the word “facility”, in line 29, the following words:- in the case of an owner and not more than 50 per cent of the owner and tenant’s combined total capital investment in a climatetech facility in the case of a tenant.

SECTION 132. Said section 38RR of said chapter 63, as so appearing, is hereby further amended by striking out, in lines 44 and 45, the words “owner’s total capital investment in the facility equals” and inserting in place thereof the following words:- owner and tenant have made a combined total capital investment in the facility that is.

SECTION 133. Section 38TT of said chapter 63, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) A taxpayer, to the extent authorized by the climatetech tax incentive program established in subsection (d) of section 16 of chapter 23J, may be allowed a refundable jobs credit against the tax liability imposed under this chapter in an amount and schedule as determined by the Massachusetts clean energy technology center established in section 2 of said chapter 23J, in consultation with the department of revenue. The credit allowed under this section shall be taken only after the taxpayer executes a contract pursuant to paragraph (3) of said subsection (d) of said section 16 of said chapter 23J.

SECTION 134. Said section 38TT of said chapter 63, as so appearing, is hereby further amended by adding the following 2 subsections:-

(e) If the Massachusetts clean energy technology center makes a determination to revoke the certification of a climatetech company pursuant to paragraph (2) of subsection (c) of section 16 of chapter 23J, a portion of the tax credit otherwise allowed by this section and claimed by the taxpayer prior to the date of such determination shall be added back as additional tax due and shall be reported as such on the return of the taxpayer for the taxable period in which the determination to revoke the certification is made. The amount of credits subject to recapture shall be proportionate to the certified climatetech company's compliance, as determined by the Massachusetts clean energy technology center as part of its revocation process and reported to the corporation and the department at the time certification is revoked.

(f) Nothing in this section shall limit the authority of the commissioner of revenue to make an adjustment to a corporation's liability upon audit.

SECTION 135. Section 38UU of said chapter 63 is hereby repealed.

SECTION 136. Paragraph (qq) of section 6 of chapter 64H of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Sales of gas, steam, electricity or heating fuel for use by any business that has not more than10 employees and that had gross income of not more than $2,000,000 for the preceding calendar year and that reasonably expects gross income of not more than $2,000,000 for the current calendar year.

SECTION 137. Section 2 of chapter 70B of the General Laws, as so appearing, is hereby amended by striking out, in lines 46 and 47, the words "and which meet the purposes of subsection (c) of section 9 of chapter 23J".

SECTION 138. Chapter 75 of the General Laws is hereby amended by adding the following 2 sections:-

Section 48. (a) As used in this section and section 49, the following words shall have the following meanings unless the context clearly requires otherwise:

”Center”, the center of excellence in nuclear and fusion technology established in subsection (b).

“Fission energy technology”, technology related to the generation of energy through nuclear fission reactions including, but not limited to, reactor design, advanced and small modular reactor technologies, nuclear fuel cycle technologies, reactor materials and nuclear safety and security systems.

“Fusion energy technology”, technology related to the generation of energy through nuclear fusion reactions including, but not limited to, plasma physics, superconducting magnet systems, tritium breeding and handling, inertial confinement fusion and fusion-fission hybrid systems.

“LIBRA ONE project”, the tritium breeder blanket research program focused on the development of lithium-based tritium breeding systems for use in commercial fusion reactors.

“PSFC”, the Plasma Science and Fusion Center at the Massachusetts Institute of Technology.

“University”, the University of Massachusetts at Lowell.

(b) There shall be within the university the center of excellence in nuclear fission energy technology and fusion energy technology. The center shall serve as the commonwealth’s primary institution for interdisciplinary research, workforce training and public-private collaboration in nuclear fission and fusion energy technology including, but not limited to, the LIBRA ONE project. The center shall be administered by the university, which may enter into contracts, subgrant agreements and other cooperative arrangements with other public and private institutions of higher education, national laboratories and research entities to carry out the objectives of the center. The center shall operate under the oversight of the university's board of trustees, which shall appoint an executive director.

(c) The center shall:-

(i) conduct basic and applied research in nuclear fission and fusion energy technology, including reactor science, plasma science, superconducting magnet engineering, tritium science, materials science and related fields;

(ii) develop and operate laboratory facilities, experimental platforms and test beds for fission and fusion energy research including, but not limited to, the LIBRA ONE project;

(iii) provide undergraduate, graduate and post-doctoral educational programs and workforce training in nuclear fission and fusion energy technology to support the commonwealth's nuclear energy sector;

(iv) foster partnerships with private fission and fusion companies, national laboratories and other research universities in the commonwealth and nationwide;

(v) support the commercialization of fission and fusion energy technologies developed at or in partnership with the center; and

(vi) serve as a resource to state agencies on nuclear fission and fusion energy policy, regulation and economic development.

(d) Annually, not later than September 1, the center shall submit a report detailing the center's activities, research programs, industry partnerships, workforce outcomes and financial status. The report shall be submitted to the governor and filed with the clerks of the senate and house of representatives.

Section 49. (a) The university may enter into a contract or other agreement with the PSFC to carry out the LIBRA ONE project consistent with the objectives of the center established in section 48. An entity performing work under any such contract shall submit to the university a progress report detailing: (i) the use of prior-year grant funds; (ii) the current status of LIBRA ONE project milestones; (iii) the number of graduate students and post-doctoral researchers supported by the grant; and (iv) any publications, intellectual property filings or industry partnerships resulting from grant-funded work. The university shall transmit such progress reports to the executive office of economic development and may withhold further disbursement pending receipt and review of a satisfactory progress report.

(b) Upon completion of the LIBRA ONE project or expiration of the grant term, whichever occurs first, the university shall submit a final report to the governor, the joint committee on economic development and emerging technologies and the senate and house committees on ways and means summarizing the scientific outcomes of the project, its implications for fission and fusion energy commercialization in the commonwealth and recommendations for future investment by the commonwealth in nuclear fission and fusion energy technologies.

SECTION 139. The General Laws are hereby amended by inserting after chapter 80A the following chapter:-

CHAPTER 80B

RESIDENTIAL PROPERTY IMPROVEMENT FINANCING PROGRAM

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

"Betterment assessment", an assessment levied on qualifying residential property pursuant to chapter 80.

"Municipality", a city, town or county.

"Program administrator", a municipality or authorized legal entity operating a qualifying improvement financing program.

"Property owner", the owner or owners of record, excluding persons merely occupying the property.

"Qualifying improvement", permanent improvements to residential property including storm hardening, flood mitigation, energy efficiency, renewable energy, water conservation improvements, sewerage, roofing, repair and replacement of concrete foundations and other resiliency measures as further defined by regulation.

"Qualifying improvement contractor", a licensed or registered contractor who has been registered to participate by a program administrator to install or otherwise perform work to make qualifying improvements on residential property.

“Residential property”, real property zoned residential or multifamily residential with four or fewer dwelling units.

“Third-party administrator”, an entity under contract with a program administrator.

Section 2. (a)(1) A municipality may, by a majority vote of the city or town council, by a majority vote of the board of selectmen or by resolution of its legislative body, as may be appropriate, authorize a residential property assessed clean energy program to finance qualifying improvements to residential property and shall assess, collect, remit and assign betterment assessments, in return for qualifying improvements for a benefitted property owner located within such municipality and for costs reasonably incurred in performing such acts. A program administrator may only offer a program for qualifying improvements to residential properties within a municipality that has adopted the program.

(2) A municipality may enter into an interlocal agreement providing for a partnership between not less than 2 municipalities for the purpose of facilitating a program to finance qualifying improvements to residential property located within the jurisdiction of the municipalities that are party to the agreement.

(3) A municipality may deauthorize a program administrator through repeal of the vote or the resolution adopted pursuant to paragraph (1). Any recorded financing agreements at the time of deauthorization shall continue, except as otherwise provided herein.

(4) An authorized program administrator may contract with third-party administrators to implement the program as provided herein.

(5) An authorized program administrator may levy betterment assessments to facilitate repayment of financing qualifying improvements.

(6) Consistent with the requirements of chapter 80, betterment assessments levied pursuant to this section and the interest, fees and any penalties thereon shall constitute a lien against the qualifying residential property until they are paid, notwithstanding section 12 of chapter 80, and shall continue notwithstanding any alienation or conveyance of the qualifying residential property by the property owner to a new property owner. Betterment assessments shall have fixed interest rates based on market conditions and such rates shall not be capped by statutes or regulations intended to cover the interest rates of unsecured, credit-based finance options and shall not be limited by restrictions on other betterment financing. A new property owner shall take title to the qualifying residential property subject to the betterment assessment and related lien. The lien shall be levied and collected in the same manner as the property taxes of the participating municipality on real property, including, in the event of default or delinquency, with respect to any penalties, fees and lien priorities. Each lien may be continued, recorded and released upon repayment in full of the betterment assessment in the manner provided for property tax liens. If betterment assessments are paid in installments and any such installment is not paid when due, the betterment assessment lien may be foreclosed to the extent of any unpaid installment payments and any penalties, interest and fees related thereto.

(7) A program administrator may incur debt for the purpose of providing financing for qualifying improvements, which debt is payable from revenues received from the improved property or any other available revenue source authorized by law.

(b) The owner of record of the residential property within the jurisdiction of an authorized program may apply to the authorized program administrator to finance a qualifying improvement. The program administrator shall only enter into a financing agreement with the property owner.

Section 3. (a) Prior to entering into a financing agreement, the program administrator shall make each of the following findings based on a review of public records derived from a commercially accepted source and the property owner's statements, records and credit reports: (i) the total amount of any betterment assessment for a residential property under this section does not exceed 20 per cent of the fair market value of the property as determined by customary methods; (ii) the financing agreement does not utilize a negative amortization schedule, a balloon payment or prepayment fees or fines other than nominal administrative costs; (iii) the capitalized interest included in the original balance of the assessment financing agreement does not constitute negative amortization; (iv) all property taxes and any other assessments, including betterment assessments, levied on the same bill as the property taxes are current and have not been delinquent for the preceding 3 years, or the property owner's period of ownership, whichever is less; (v) there are no outstanding fines or fees related to zoning or code enforcement violations issued by a municipality, unless the qualifying improvement will remedy the zoning or code violation; (vi) there are no involuntary liens, including, but not limited to, construction liens on the residential property; (vii) no notices of default or other evidence of property based debt delinquency have been recorded or released during the preceding 3 years or the property owner's period of ownership, whichever is less; (viii) the property owner is current on all mortgage debt on the residential property; (ix) the property owner has not been subject to a bankruptcy proceeding within the last 5 years unless it was discharged or dismissed more than 2 years before the date on which the property owner applied for financing; (x) the residential property is not subject to an existing home equity conversion mortgage or reverse mortgage product; (xi) the term of the financing agreement does not exceed the weighted average useful life of the qualified improvements to which the greatest portion of funds disbursed under the assessment contract is attributable, not to exceed 30 years; (xii) the useful life of a qualifying improvement using established standards, including certification criteria from government agencies or nationally recognized standards and testing organizations; (xiii) the total estimated annual payment amount for all betterment assessments entered into under this section on the residential property does not exceed 10 per cent of the property owner's annual household income; and (xiv) the property owner's income has been confirmed using reasonable evidence and not relying solely on a property owner's statement.

(b) A property owner and the program administrator may agree to include in the financing agreement provisions for allowing change orders necessary to complete the qualifying improvement. Any financing agreement or contract for qualifying improvements which includes such provisions shall meet the requirements of this paragraph. If a proposed change order on a qualifying improvement is expected to increase the original cost of the qualifying improvement by not less than 20 per cent or is expected to expand the scope of work for the qualifying improvement by more than 20 per cent, before the change order may be executed which would result in an increase in the amount financed through the program administrator for the qualifying improvement, the program administrator shall notify the property owner, provide an updated written disclosure form as described in subsection (d) to the property owner and obtain written approval of the change from the property owner.

(c) A financing agreement shall not be entered into: (i) if the total cost of the qualifying improvement, including program fees and interest, is less than $5,000; or (ii) for qualifying improvements in buildings or facilities under new construction or construction for which a certificate of occupancy or similar evidence of substantial completion of new construction or improvement has not been issued.

(d) A financing agreement shall not be executed unless the program administrator first provides, including via electronic means, a written financing estimate and disclosure to the property owner which includes all of the following, each of which shall be individually acknowledged in writing by the property owner: (i) the estimated total amount to be financed, including the total and itemized cost of the qualifying improvement, program fees and capitalized interest; (ii) the estimated annual betterment assessment; (iii) the term of the financing agreement and the schedule for the betterment assessments; (iv) the interest charged and estimated annual percentage rate; (v) a description of the qualifying improvement; (vi) the total estimated annual costs that will be required to be paid under the assessment contract, including program fees; (vii) the total estimated average monthly equivalent amount of funds that would need to be saved in order to pay the annual costs of the betterment assessment, including program fees; (viii) the estimated due date of the first payment that includes the betterment assessment; (ix) a disclosure that the financing agreement may be canceled within 3 business days after signing the financing agreement without any financial penalty for doing so; (x) a disclosure that the property owner may repay any remaining amount owed, at any time, without penalty or imposition of additional prepayment fees or fines other than nominal administrative costs; (xi) disclosure that if the property owner sells or refinances the residential property, the property owner may be required by a mortgage lender to pay off the full amount owed under each financing agreement under this section; (xii) a disclosure that the assessment will be collected along with the property owner’s property taxes and will result in a lien on the property from the date the financing agreement is recorded; (xiii) a disclosure that potential utility or insurance savings are not guaranteed and will not reduce the assessment amount; and (xiv) a disclosure that failure to pay the assessment may result in penalties, fees, including attorney fees, court costs and the issuance of a tax certificate that could result in the property owner losing the property and a judgment against the property owner and may affect the property owner’s credit rating.

(e) Prior to the financing agreement being approved, the program administrator shall conduct an oral, recorded telephone call with the property owner during which the program administrator shall confirm each finding or disclosure required in this section.

Section 4. Not less than 5 business days before entering into a financing agreement, the property owner shall provide to the holders or loan servicers of any existing mortgages encumbering or otherwise secured by the residential property a written notice of the owner’s intent to enter into a financing agreement together with the maximum amount to be financed, including the amount of any fees and interest, and the maximum annual assessment necessary to repay the total. A verified copy or other proof of such notice shall be provided to the program administrator. A provision in any agreement between a mortgagor or other lienholder and a property owner, or otherwise now or hereafter binding upon a property owner, which allows for acceleration of payment of the mortgage, note or lien or other unilateral modification solely as a result of entering into a financing agreement as provided for in this section is unenforceable. This subsection shall not limit the authority of the holder or loan servicer to increase the required monthly escrow by an amount necessary to pay the annual assessment.

Section 5. A property owner may cancel a financing agreement on a form established by the program administrator within 3 business days after signing the financing agreement without any financial penalty.

Section 6. A financing agreement executed pursuant to this section, or a summary memorandum of such agreement, shall be submitted for recording in the appropriate public records of the municipality within which the residential property is located by the program administrator within 10 business days after execution of the agreement and the 3-day cancellation period. A notice of lien for the full amount of the financing shall may be recorded in the public records of the county where the property is located. Such lien is not enforceable in a manner that results in the acceleration of the remaining nondelinquent unpaid balance under the assessment financing agreement.

Section 7. At or before the time a seller executes a contract for the sale of any residential property for which a betterment assessment has been levied under this section and has an unpaid balance due, the seller shall give the prospective purchaser a written disclosure statement in the following form, which shall be set forth in the contract or in a separate writing:

“QUALIFYING IMPROVEMENTS.—The property being purchased is subject to an assessment on the property pursuant to chapter 80 of the Massachusetts General Laws. The assessment is for a qualifying improvement to the property and is not based on the value of the property. You are encouraged to contact the property appraiser’s office to learn more about this and other assessments that may be provided by law.”.

Section 8. Before disbursing any funds to a qualifying improvement contractor for a qualifying improvement on residential property, the program administrator shall confirm that the applicable work or service has been completed by verifying, through a geolocational verification application, or as applicable, that the final permit for the qualifying improvement has been closed with all permit requirements satisfied or a certificate of occupancy or similar evidence of substantial completion of construction or improvement has been issued.

Section 9. (a) A program administrator or its third-party administrator shall establish a process to register contractors for participation in a program authorized by a municipality pursuant to this chapter. A qualifying improvement contractor may only perform such work that the contractor is appropriately licensed, registered and permitted to conduct. At the time of application to participate and during participation in the program, contractors shall: (i) hold all necessary licenses or registrations for the work to be performed which are in good standing; (ii) comply with all applicable federal, state and local laws and regulations, including obtaining and maintaining any other permits, licenses or registrations required for engaging in business in the jurisdiction in which it operates and maintaining all state-required bond and insurance coverage; and (iii) file with the program administrator a written statement that the contractor will comply with applicable laws and rules and qualifying improvement program policies and procedures, including those on advertising and marketing.

(b) A third-party administrator or a program administrator, either directly or through an affiliate, shall not be registered as a qualifying improvement contractor.

(c) A program administrator shall establish and maintain: (i) a process to monitor qualifying improvement contractors for performance and compliance with requirements of the program and shall conduct regular reviews of qualifying improvement contractors to confirm that each qualifying improvement contractor is in good standing; and (ii) procedures for notice and imposition of penalties upon a finding of violation, which may consist of placement of the qualifying improvement contractor in a probationary status that places conditions for continued participation, suspension or termination from participation in the program.

Section 10. (a) A program administrator may contract with third-party administrators to administer a program authorized by a municipality pursuant to this chapter on behalf of and at the discretion of the program administrator.

(b) The third-party administrator shall be independent of the program administrator and have no conflicts of interest between managers or owners of the third-party administrator and program administrator managers, owners, officials, or employees with oversight over the contract. A program administrator, either directly or through an affiliate, shall not act as a third-party administrator for itself or for another program administrator.

(c) The contract shall provide for the entity to administer the program according to the requirements set forth herein and the terms of the vote or resolution by which the municipality authorized the program; provided, however, that only the program administrator may levy or administer betterment assessments.

The program administrator shall include in any contract with the third-party administrator the right to perform annual reviews of the administrator to confirm compliance with the requirements set forth herein, the terms of the vote or resolution by which the municipality authorized the program, and the contract with the program administrator.

Section 11. (a) When communicating with a property owner, a program administrator, qualifying improvement contractor or third-party administrator shall not suggest or imply: (i) that a betterment assessment authorized under this chapter is a government assistance program; (ii) that qualifying improvements are free or provided at no cost, or that the financing related to a betterment assessment authorized under this chapter is free or provided at no cost; or (iii) that the financing of a qualifying improvement using the program authorized pursuant to this chapter does not require repayment of the financial obligation.

(b) When communicating with a property owner, a program administrator, qualifying improvement contractor or third-party administrator shall not: (i) make any representation as to the tax deductibility of a betterment assessment; (ii) provide to a qualifying improvement contractor any information that discloses the amount of financing for which a property owner is eligible for qualifying improvements or the amount of equity in a residential property; (iii) advertise the availability of betterment assessments for, or solicit program participation on behalf of, the program administrator unless the contractor is registered by the program administrator to participate in the program and is in good standing with the program administrator; (iv) provide any payment, fee or kickback to a qualifying improvement contractor for referring property owners to the program administrator or third-party administrator; provided, however, that a program administrator or third-party administrator may provide information to a qualifying improvement contractor to facilitate the installation of a qualifying improvement for a property owner; (v) reimburse a qualifying improvement contractor for its expenses in advertising and marketing campaigns and materials; or (vi) provide any direct cash payment or other thing of material value to a property owner which is explicitly conditioned upon the property owner entering into a financing agreement; provided, however, that a program administrator or third-party administrator may offer programs or promotions on a nondiscriminatory basis that provide reduced fees or interest rates if the reduced fees or interest rates are reflected in the betterment assessments and are not provided to the property owner as cash consideration.

(c) A program administrator, qualifying improvement contractor or third-party administrator may encourage a property owner to seek the advice of a tax professional regarding tax matters related to assessments.

Section 12. (a) A recorded financing agreement shall not be removed from attachment to a residential property if the property owner fraudulently obtained funding pursuant to this chapter. A financing agreement shall not be enforced, and a recorded financing agreement may be removed from attachment to a residential property and deemed null and void, if: (i) the property owner applied for, accepted and canceled a financing agreement within the 3-business-day period pursuant to this chapter; provided, however, that a qualifying improvement contractor shall not begin work under a canceled contract; (ii) a person other than the property owner obtained the recorded financing agreement; provided, however, that the court may enter an order which holds a person personally liable for the debt; or (iii) the program administrator, third-party administrator or qualifying improvement contractor approved or obtained funding through fraudulent means and in violation of this chapter for qualifying improvements on the residential property.

(b) If a qualifying improvement contractor has initiated work on residential property under a contract deemed unenforceable under this section, the qualifying improvement contractor shall: (i) not receive compensation for that work under the financing agreement; (ii) restore the residential property to its original condition at no cost to the property owner; and (iii) immediately return any funds, property and other consideration given by the property owner. If the property owner provided any property and the qualifying improvement contractor does not or cannot return it, the qualifying improvement contractor shall immediately return the fair market value of the property or its value as designated in the contract, whichever is greater.

(c) If the qualifying improvement contractor has delivered chattel or fixtures to residential property pursuant to a contract deemed unenforceable under this section, the qualifying improvement contractor has 90 days after the date on which the contract was executed to retrieve the chattel or fixtures; provided, however, that: (i) the qualifying improvement contractor has fulfilled the requirements of subsections (a) and (b) of section 3; and (ii) the chattel and fixtures can be removed at the qualifying improvement contractor’s expense without damaging the residential property.

(d) If a qualifying improvement contractor fails to comply with this section, the property owner may retain any chattel or fixtures provided pursuant to a contract deemed unenforceable under this section.

(e) A contract that is otherwise unenforceable under this section shall remain enforceable if the property owner waives the owner’s right to cancel the contract or cancels the financing agreement pursuant to the provisions of this chapter, but allows the qualifying improvement contractor to proceed with the installation of the qualifying improvement.

Section 13. Each program administrator that is authorized to administer a program for financing qualifying improvements to residential property under this section shall post on its website an annual report within 45 days after the end of each fiscal year containing the following information from the previous year for each program authorized under the provisions of this chapter: (i) the number and types of qualifying improvements funded; and (ii) the aggregate, average and median dollar amounts of annual betterment assessments and the total number of betterment assessments collected pursuant to financing agreements for qualifying improvements.

SECTION 140. Section 1 of chapter 90 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by inserting after the definition of “Class 2 electric bicycle” the following definition:-

“Class 3 electric bicycle”, an electric bicycle or tricycle equipped with a motor that provides assistance only when the rider is pedaling and that ceases to provide assistance when the bicycle reaches or exceeds the speed of 28 miles per hour.

SECTION 141. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of “Cross-over mirror” the following definition:-

“Cycle”, a powered or unpowered device with functional human-powered pedals or a device without human-powered pedals on which a rider is seated during operation, including bicycles as defined in section 1 of chapter 90E.

SECTION 142. Said section 1 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 104, the words “or a class 2 electric bicycle” and inserting in place thereof the following words:- , a class 2 electric bicycle or a class 3 electric bicycle; provided, however, that “electric bicycle” shall not include a motorized bicycle.

SECTION 143. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of “Massachusetts license” the following definition:-

“Micromobility device”, a small, lightweight transportation device intended for personal use as an alternative to motor vehicles for travel in public access areas, including ways and bikeways, and as may be further defined by regulations promulgated by the registrar; provided, however, that a "micromobility device" shall not include a motor vehicle, motorcycle, motorized bicycle or moped, low speed vehicle, limited use motorcycle or low speed motorcycle.

SECTION 144. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of "Mobile telephone" the following definition:-

"Mobility aid device", a device used by a pedestrian with a mobility disability to assist with indoor and outdoor locomotion, including an electric personal assistive mobility device used by a vulnerable user, a group wheelchair, a mobility cart and other such devices.

SECTION 145. Said section 1 of said chapter 90, as so appearing, is hereby further amended by striking out the definition of "Motorized bicycle" and inserting in place thereof the following definition:-

"Motorized bicycle", a pedal bicycle that has a helper motor or a nonpedal bicycle that: (i) has a motor with a cylinder capacity not exceeding 50 cubic centimeters or the hybrid or electric powered equivalent; (ii) has an automatic transmission; and (iii) is capable of a maximum speed of not more than 30 miles per hour; provided, however, that "motorized bicycle" shall not include an electric bicycle; and provided further, that "motorized bicycle shall include a moped.

SECTION 146. Said section 1 of said chapter 90, as so appearing, is hereby further amended by striking out the definition of "Motorized scooter".

SECTION 147. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of "Motor vehicles" the following definition:-

"Nationally recognized testing laboratory", as defined in 29 C.F.R 1910.7.

SECTION 148. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of “Police officer” the following definition:-

“Powered micromobility device”, a micromobility device that has an onboard motor capable of delivering tractive power to the device as power-assist to human-powered propulsion or as sole propulsion or throttle including, but not limited to, electric scooters, skateboards, hoverboards and unicycles with onboard motors; provided, however, that “powered micromobility device” shall not include mobility aid devices.

SECTION 149. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of “School pupil” the following definition:-

“Scooter”, a powered or unpowered device without pedals where the rider can sit or stand on a footboard for typical operation.

SECTION 150. Said section 1 of said chapter 90, as so appearing, is hereby further amended by inserting after the definition of “Semi-trailer unit” the following definition:-

“Solely human-powered micromobility device”, a micromobility device propelled exclusively by human muscular effort that has no onboard motor capable of delivering tractive power to the device including, but not limited to, nonelectric bicycles, unpowered scooters, skateboards, longboards, unicycles, roller skates, inline skates and any such other unpowered micromobility devices; provided, however, that “solely human-powered micromobility device” shall not include mobility aid devices.

SECTION 151. The first paragraph of section 1B of said chapter 90, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following 2 sentences:- A motorized bicycle shall not be operated upon any way within the commonwealth without obtaining an annual registration and sticker or plate bearing a distinctive number, by an application as prescribed by the registrar. Motorized bicycles shall be excluded from operating on bike lanes and off-street recreational bicycle paths.

SECTION 152. Said section 1B of said chapter 90, as so appearing, is hereby further amended by adding the following paragraph:-

No motorized bicycle shall be registered under this section unless the application is accompanied by a certificate as defined in section 34A or unless the registrar is otherwise satisfied that the applicant and motorized bicycle have compulsory liability insurance.

SECTION 153. Section 1C of said chapter 90, as so appearing, is hereby amended by striking out, in line 1, the words “and motorized scooters”.

SECTION 154. Section 1E of said chapter 90 is hereby repealed.

SECTION 155. Said chapter 90 is hereby further amended by inserting after section 2 the following section:-

Section 21/2. (a) The registrar of motor vehicles may issue number or registration plates for motor vehicles or micromobility devices not otherwise defined in section 1; provided, however, that a motor vehicle or micromobility device shall not be eligible to be registered pursuant to chapter 90B.

(b) The registrar, in consultation with the division of insurance, may promulgate regulations, including, but not limited to: (i) definitions for each type of motor vehicle or micromobility devices not otherwise defined in section 1; (ii) requirements for registration and operation; (iii) any restrictions for registration and operation; (iv) equipment requirements; (v) inspection requirements; and (vi) insurance required for such motor vehicles and micromobility devices.

SECTION 156. Section 2F of said chapter 90, as appearing in the 2024 Official Edition, is hereby amended by striking out, in line 4, the figure “$100,000” and inserting in place thereof the following figure:- $50,000.

SECTION 157. Section 8B of said chapter 90, as so appearing, is hereby amended by striking out, in line 20, the words “or motorized scooter”.

SECTION 158. Section 17 of said chapter 90, as so appearing, is hereby amended by striking out, in lines 9 and 11, the words “for a distance of a quarter of a mile”, each time they appear.

SECTION 159. Said section 17 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 13, the words “for a distance of one-eighth of a mile”.

SECTION 160. Said chapter 90 is hereby further amended by adding the following section:-

Section 64. (a) For purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Maximum designed speed tier classification system”, the system by which micromobility devices are categorized according to the maximum speed, measured in miles per hour, that the manufacturer designed the device to attain on a flat surface in normal conditions by an average rider.

"Shared use path", a path intended for transportation or recreational use that is designed for people of all ages and abilities on foot or using motorized or non-motorized micromobility devices and is physically separated from motorized vehicle traffic within a highway right-of-way or an independent right-of-way with few crossflows with motor vehicles.

"Speed tier 0", all unpowered micromobility devices and powered micromobility devices with a maximum manufacturer assisted or designed speed, whichever is higher, of not more than 20 miles per hour, including, but not limited to, unpowered micromobility devices, class 1 and class 2 electric bicycles and mobility aid devices.

"Speed tier 1", a powered micromobility device with a maximum manufacturer assisted or designed speed, whichever is higher, of not less than 21 miles per hour and not more than 30 miles per hour, including, but not limited to, class 3 electric bicycles.

"Speed tier 2", a powered micromobility device with a maximum manufacturer assisted or designed speed, whichever is higher, of not less than 31 miles per hour and not more than 40 miles per hour; provided, however, that "speed tier 2" shall not include low speed vehicles, limited use motorcycles or low speed motorcycles.

"Speed tier 3", a powered micromobility device with a maximum manufacturer assisted or designed speed, whichever is higher, greater than 40 miles per hour.

(b) Except as otherwise provided by state or federal law or by regulations of the registrar, powered micromobility devices sold, leased, rented or operated in the commonwealth shall have a minimum battery rating of UL 2271 or equivalent standard, as certified by a nationally recognized testing laboratory.

(c) Except as otherwise provided by state or federal law or by regulations of the registrar, powered micromobility devices sold, leased, rented or operated in the commonwealth, except electric bicycles, shall have a minimum electrical system level rating of UL 2272 or equivalent standard, as certified by a nationally recognized testing laboratory. Electric bicycles sold, leased, rented or operated in the commonwealth shall have a minimum electrical system level rating of UL 2849 or equivalent standard, as certified by a nationally recognized testing laboratory.

(d) Except as otherwise provided by state or federal law or by regulations of the registrar, motorized bicycles or mopeds powered by a lithium-ion battery sold, leased, rented or operated in the commonwealth shall have a minimum electrical system level rating UL 2850 or equivalent standard, as certified by a nationally recognized testing laboratory.

(e)(1)(A) Except as otherwise required by state or federal law or by regulations of the registrar, speed tier 0 and speed tier 1 micromobility devices sold, leased, rented or operated in the commonwealth shall be equipped with lights, brakes and an audible warning that satisfy the requirements of section 11B of chapter 85 and federal requirements for bicycle reflectors and brakes established in 16 C.F.R. 1512.

(B) Except as otherwise required by state or federal law or by regulations of the registrar, speed tier 2 and speed tier 3 micromobility devices sold, leased, rented or operated in the commonwealth shall be equipped with lights, brakes and a horn that satisfy the requirements for motor vehicles established in 49 C.F.R. 571.

(2)(A) Except as otherwise provided by state or federal law or by regulations of the registrar, a person who is 16 years of age or younger who operates a speed tier 0 micromobility device, except for a mobility aid device, or is being carried as a passenger on such micromobility device on a public way, bicycle path or on any other public right-of-way shall wear a helmet. The helmet shall fit the person's head, shall be secured to the person's head by straps while the micromobility device is being operated and shall meet the standards for helmets established by the United States Consumer Product Safety Commission pursuant to 16 C.F.R. 1203. This subparagraph shall not apply to a passenger if the passenger is in an enclosed trailer or other device which adequately holds the passenger in place and protects the passenger's head from impact in a crash.

(B) Except as otherwise provided by state or federal law or by regulations of the registrar, any person operating a speed tier 1, 2 or 3 micromobility device or riding as a passenger on a micromobility device shall wear protective headgear conforming with such minimum standards of construction and performance as the registrar may prescribe and no person operating such a micromobility device shall permit any other person to ride as a passenger on such micromobility device unless such passenger is wearing protective headgear. The registrar may, by regulation, vary any such requirement by speed tier, device type or circumstance of operation.

(3) Except as otherwise required by state or federal law or by regulations of the registrar, no person who is not more than 16 years of age shall purchase, rent, lease or operate any micromobility device designated as a speed tier 1, speed tier 2 or speed tier 3 micromobility device; provided, however, that this restriction shall not apply to any such person operating a mobility aid device.

(4) Except as otherwise required by state or federal law or by regulations of the registrar, no person who is not more than 14 years of age shall purchase, rent, lease or operate a powered micromobility device, motorized bicycle or moped designated as a speed tier 0, speed tier 1,

speed tier 2 or speed tier 3 micromobility device; provided, however, that this restriction shall not apply to any such person operating a solely human-powered micromobility device, unpowered micromobility device or mobility aid device.

(5) No person shall operate a micromobility device with more passengers than the device was designed to accommodate by the manufacturer, except as may be allowed by regulation.

(6)(A) Except as otherwise provided by state or federal law or by regulations of the registrar, speed tier 0 micromobility devices and the operator of a speed tier 0 micromobility device shall be afforded all of the rights and privileges and shall be subject to all of the duties of the operator of a bicycle or duties related to a bicycle set forth in sections 11B and 11B1/2 of chapter 85 or any other general or special law, regulation or local ordinance.

(B) Except as otherwise provided by state or federal law or by regulations of the registrar, speed tier 1 micromobility devices and the operator of such speed tier 1 micromobility device shall be afforded all of the rights and privileges and shall be subject to all of the duties of the operator of an electric bicycle or duties related to an electric bicycle set forth in section 11B3/4 of chapter 85 or any other general or special law, regulation or local ordinance.

(C) Except as otherwise provided by state or federal law or by regulations of the registrar, no person shall operate a speed tier 2 or speed tier 3 micromobility travel on sidewalks, bike lanes, bike paths, bike routes, separated micromobility lanes or shared use paths.

(f) No person shall make any aftermarket modifications to a micromobility device, including aftermarket modifications made to the device’s battery, to increase either the manufacturer-designed: (i) speed, range or propulsion power of a micromobility device; or (ii) passenger capacity of a micromobility device, except as may be allowed by regulation.

(g) No micromobility device shall be sold, rented, leased or operated in the commonwealth if it does not satisfy the requirements of this section for the device's respective speed tier based on the device's maximum manufacturer assisted or designed speed, whichever is higher.

(h) Micromobility devices shall be subject to all speed limits and speed restrictions for motor vehicles established by: (i) municipalities or the division of highways within the Massachusetts Department of Transportation pursuant to sections 17 and 18; (ii) regulations of the department under chapter 90E; or (iii) rules and regulations of the department of conservation. A violation of such speed limits and speed restrictions shall be subject to all civil and criminal fines applicable to the operation of a motor vehicle in violation of such speed limits and restrictions. Micromobility devices shall be subject to all civil and criminal fines and penalties applicable to the operation of a motor vehicle under sections 24 to 24R, inclusive, 24V and 25; provided, however, that administrative penalties shall not apply unless provided by regulations of the registrar. No micromobility device shall be subject to insurance requirements relative to said sections 24 to 24R, inclusive, 24V and 25 unless so provided by regulations promulgated by the registrar.

(i) The registrar, in consultation with the division of insurance, may promulgate regulations establishing registration, licensure, insurance, fines and other requirements for micromobility devices necessary to promote public and roadway safety.

SECTION 161. Chapter 90E of the General Laws is hereby amended by striking out section 1, as appearing in the 2024 Official Edition, and inserting in place thereof the following section:-

Section 1. For the purposes of this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

"Bicycle", a 2-wheel nonmotor-powered vehicle.

"Bicycle parking facility", any facility for the temporary storage of bicycles or micromobility devices that allows the frame and the wheels of the bicycle or micromobility device to be locked so as to minimize the risk of theft and vandalism.

"Bike lane", a lane on a street restricted to bicycles and speed tier 0 or speed tier 1 micromobility devices as defined in section 64 of chapter 90 and so designated by means of painted lines, pavement coloring or other appropriate markings; provided, however, that motorized bicycles shall not be permitted to use bike lanes.

"Bike path", a route for the exclusive use of bicycles and speed tier 0 or speed tier 1 micromobility devices, separated by grade or other physical barrier from motor traffic; provided, however, that motorized bicycles shall not be permitted to use bike paths.

"Bike route", a roadway shared by bicycles, micromobility devices and other forms of transportation designated by the means of signs or pavement markings.

"Bikeway", bike paths, bike lanes and bike routes.

"Commissioner", the administrator for highways.

"Department", the division of highways.

"Shared use path", a path intended for transportation or recreational use that is designed for people of all ages and abilities on foot or using motorized or non-motorized micromobility devices and is physically separated from motorized vehicle traffic within a highway right-of-way or an independent right-of-way with few crossflows with motor vehicles.

SECTION 162. Section 2 of said chapter 90E, as so appearing, is hereby amended by adding the following paragraph:-

The maximum speed for micromobility devices as defined in section 1 of chapter 90 on shared use paths shall be 20 miles per hour unless otherwise provided by the municipality in which the shared use path is located. Nothing in this paragraph shall be construed as prohibiting or limiting a municipality from setting a maximum speed for a shared use path located within its boundaries.

SECTION 163. The General Laws are hereby amended by inserting after chapter 90K the following chapter:-

CHAPTER 90L.

AUTOMATED ROAD SAFETY ENFORCEMENT PROGRAM.

Section 1. For the purposes of this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

"Automated road safety camera system", an automated motor vehicle sensor device that produces digital photographs, video or other images of a motor vehicle that commits a speed camera enforceable violation at the location where the automated motor vehicle sensor device is installed.

"Department", the Massachusetts Department of Transportation.

"Enforcing authority", (i) the municipal entity designated by the city manager in a city with a Plan D or E form of government, the mayor in all other cities or the select board in a town; (ii) the department; or (iii) such other person, contractor or entity as the municipal entity or the department may designate to supervise and coordinate the administration of speed camera enforceable violations under this chapter.

"Registrar", the registrar of motor vehicles.

"Secretary", the secretary of transportation.

"Social and racial equity", efforts, policies, standards, processes and any other functions of government intended to ensure that patterns of discrimination against and disparities of race, ethnicity or socioeconomic status, whether intentional or unintentional, are neither reinforced nor perpetuated and to prevent the emergence and persistence of foreseeable future patterns of discrimination against or disparities of race, ethnicity or socioeconomic status.

"Speed camera enforceable violation", exceeding the posted speed limit in violation of section 17, section 17C, section 17D or section 18 of chapter 90, by: (i) 11 miles per hour or more in a school zone established by a city or town pursuant to section 2 of chapter 85, when a school zone speed limit is in effect; or (ii) 11 miles per hour or more in an active construction or work zone, or a designated safety zone established pursuant to section 18B of said chapter 90.

Section 2. (a) There shall be within the division of highways an automated road safety enforcement program. The division shall establish by regulation the requirements, standards and processes for participation in the automated road safety enforcement program for municipalities and issue a procurement pursuant to which enforcing authorities may obtain road safety camera systems and other related services to implement speed camera enforcement of violations. An enforcing authority may install automated road safety camera systems as a means of promoting traffic safety. The automated road safety camera systems may be placed: (i) by a municipality along any school zone established by the city or town pursuant to section 2 of chapter 85; (ii) by a municipality along any safety zone established by the city or town as provided in section 18B of chapter 90; or (iii) by the department in any active construction or work zone.

Nothing in this section shall be construed as limiting the authority of law enforcement to issue citations for speeding violations pursuant to section 2 of chapter 90C.

(b) An enforcing authority shall not employ more than 1 automated road safety camera system per 5,000 residents as measured by using the most recent census data. Plans for locating automated road safety camera systems shall be approved by the select board in a town, or by the city council and the mayor in a city. Nothing in this paragraph shall limit the department from employing an automated road safety camera system in a construction or work zone, irrespective of the number of automated road safety camera systems in use in the city or town in which the work zone exists.

(c) Annually, not later than December 1, a participating city or town shall transmit a report to the department detailing each automated road safety camera system located in the city or town during the previous fiscal year. The report shall be in the form and manner determined by the department and shall include, but not be limited to: (i) a list of the locations of the automated road safety camera system in the city or town; (ii) the number of fines and warnings issued for each separate location; (iii) the number of fines and warnings successfully contested for each separate location's speed camera enforceable violations; (iv) an analysis of speed and crash data at each separate location; and (v) a description of any other public safety impacts of the city or town's participation in the automated road safety enforcement program. The department shall post all reports received pursuant to this section on its website.

Section 3. (a) The fines and warnings imposed for speed camera enforceable violations, as accrued in a 2-year look-back period, shall be: (i) a warning for a first violation; and (ii) either: (A) $25 for a second or subsequent violation; or (B) $100 for a second or subsequent violation of driving at a speed of 25 miles per hour or more over the posted speed limit; provided, however, that if subclause (B) applies, then the fine under subclause (A) shall not apply. Enforcing authorities shall be responsible for tracking subsequent violations to ascertain the appropriate fee under this section.

(b) Except as provided in section 4, the registered owner of a motor vehicle shall be liable for the fine; provided, however, that a registered owner of a motor vehicle shall not be liable for the fine imposed under this program for a speed camera enforceable violation if the operator of the motor vehicle was issued a citation for the violation in accordance with section 2 of chapter 90C.

(c) A certificate, or a facsimile thereof, based upon inspection of photographs, video or other images and data produced by an automated road safety camera system and sworn to or affirmed by the enforcing authority shall be prima facie evidence of the facts contained therein.

(d) Notice of a speed camera enforceable violation issued by an enforcing authority under the automated road safety enforcement program shall not be: (i) made part of the official record of the person upon whom such liability is imposed as provided in section 27 of chapter 90; or (ii) a conviction of a moving violation of the motor vehicle laws for the purpose of determining a surcharge on a motor vehicle premium pursuant to section 113B of chapter 175.

(e) An enforcing authority may hire and designate personnel as necessary or contract for services to implement the automated road safety enforcement program through the procurement conducted by the highway division provided in subsection (a) of section 2. Any such contract shall include a provision that all data collected from automated road safety camera systems is confidential and the exclusive property of the contracting enforcement authority, and shall prohibit the contractor from using, disclosing, selling or permitting access to data collected by an automated road safety camera system except as necessary to process speed camera enforceable violations and conduct reporting in accordance with this chapter.

(f)(1) The enforcing authority shall provide a notice of violation to the registered owner of a motor vehicle that is identified in photographs, video or other images produced by an automated road safety camera system as evidence of a speed camera enforceable violation pursuant to the automated road safety enforcement program. The notice shall include, but not be limited to: (i) a copy of the photographs produced by the automated road safety camera system and any other data showing the vehicle in the process of a speed camera enforceable violation; (ii) the registration number and state of issuance of the vehicle; (iii) the date, time and location of the alleged speed camera enforceable violation; (iv) the specific speed camera enforceable violation charged; (v) the speed limit and the actual speed of the vehicle; (vi) instructions for payment of the fine imposed pursuant to subsection (a); (vii) instructions on how to appeal the speed camera enforceable violation in writing and to obtain a hearing; and (viii) an affidavit form approved by the enforcing authority for the purposes of making a written appeal pursuant to subsection (i).

(2) In the case of a violation involving a motor vehicle registered in the commonwealth, the enforcing authority shall mail the notice of violation within 14 days of the violation to the

address of the registered owner of the motor vehicle as listed in the records of the registrar. If a motor vehicle is registered under the laws of another state or country, the notice of violation shall be mailed within 21 days of the violation to the address of the registered owner as listed in the records of the official in the state or country that has charge of the registration of the motor vehicle. If the address is unavailable, it shall be sufficient for the enforcing authority to mail a notice of violation to the official in the state or country that has charge of the registration of the motor vehicle.

(3) The notice of violation shall be sent by first class mail. A manual or automatic record of mailing processed by or on behalf of the enforcing authority in the ordinary course of business shall be prima facie evidence thereof and shall be admitted as evidence in any judicial or administrative proceeding as to the facts contained therein.

(g) A registered owner of a motor vehicle shall not be liable for a speed camera enforceable violation under this program if the: (i) operator of the motor vehicle was operating an emergency vehicle; (ii) violation was necessary to allow the passage of an emergency vehicle; (iii) violation was incurred during a period of time in which the motor vehicle was reported to the police department of any state, city or town as having been stolen and had not been recovered before the time the violation occurred; (iv) operator of the motor vehicle was operating the motor vehicle under a rental or lease agreement and the registered owner of the motor vehicle is a rental or leasing company and has complied with section 4; (v) operator of the motor vehicle was issued a citation for the violation in accordance with section 2 of chapter 90C; or (vi) violation was necessary to comply with any other law or regulation governing the operation of a motor vehicle.

(h) A registered owner of a motor vehicle to whom a notice of violation has been issued pursuant to this program may admit responsibility for the violation and pay the fine provided therein in accordance with the instructions in the notice of violation. Payment of the established fine shall operate as the final disposition of a speed camera enforceable violation; provided, however, that payment by a registered owner of a motor vehicle shall operate as the final disposition of the violation as to any other registered owner of the same motor vehicle for the same violation.

(i) Not more than 60 days after notice of a speed camera enforceable violation is given pursuant to this chapter, a registered owner of a motor vehicle may contest responsibility for the violation in writing by mail or online. The registered owner shall provide the enforcing authority with a signed affidavit, in a form approved by the enforcing authority, stating the: (i) reason for disputing the violation; (ii) full legal name and address of the registered owner of the motor vehicle; and (iii) full legal name and address of the operator of the motor vehicle at the time the violation occurred. The registered owner may include signed statements from witnesses, including the names and addresses of witnesses, supporting the registered owner's defense. Not more than 21 days after receipt of the signed affidavit, the enforcing authority or the hearing officer shall send the decision of the hearing officer, including the reasons for the outcome, by first class mail to the registered owner. If the registered owner is found responsible for the violation, the registered owner shall pay the fine in the manner described in subsection (h) not more than 14 days after the issuance of the decision or request further judicial review pursuant to section 14 of chapter 30A.

(j) In lieu of contesting responsibility for a violation in writing or online pursuant to subsection (i) and not more than 60 days after a violation under this program, a registered owner of the motor vehicle may request a hearing in accordance with the instructions in the notice of violation to contest responsibility for a speed camera enforceable violation. A hearing request shall be made in writing by mail or online. Upon receipt of a hearing request, the enforcing authority shall schedule the matter before a hearing officer. The hearing officer may be an employee of the enforcing authority or such other person as the enforcing authority may designate. Written notice of the date, time and place of the hearing shall be sent by first class mail to each registered owner of the motor vehicle. The hearing shall be informal, the rules of evidence shall not apply and the decision of the hearing officer shall be final subject to judicial review pursuant to section 14 of chapter 30A. Not more than 21 days after the hearing, the enforcing authority or the hearing officer shall send the decision of the hearing officer, including the reason for the outcome, by first class mail to the registered owner. If the registered owner is found to be responsible for the speed camera enforceable violation, the registered owner shall pay the fine in the manner described in subsection (h) not more than 14 days after the issuance of the decision or request further judicial review pursuant to said section 14 of said chapter 30A.

(k) Subject to any limitations the department may impose by regulation or by agreement with the registrar, the enforcing authority may notify the registrar when a Massachusetts resident and registered owner of a motor vehicle to whom a notice of a speed camera enforceable violation has been issued: (i) fails to contest the responsibility for a violation pursuant to subsection (i) or subsection (j) and fails to pay the fine in the notice in accordance with subsection (h) within 60 days of the violation; or (ii) is found responsible for the violation and does not pay the fine in accordance with subsection (h) and the registrar shall not renew the vehicle's registration. The enforcing authority may, not later than 2 years after the initial fine issuance was made, transmit such notice of non-payment to the registrar, in such form and containing such information as required by the registrar; provided, however, that no notice shall be transmitted to the registrar under this section at a time when there is pending, before either the enforcing authority or a court, a duly filed appeal of the fine. Upon receipt of such notification of nonpayment the registrar shall place the matter on record and not renew the registration of the motor vehicle to which a notice of a speed camera enforceable violation has been issued to the registered owner, nor allow an exchange of the registration of such vehicle nor issue a new registration of such vehicle to the person to whom the unpaid fine was assessed until after notice from the enforcing authority that the matter has been disposed of in accordance with the requirements herein. Upon such notification of nonpayment to the registrar, an additional $20 charge payable to the registrar of motor vehicles shall be assessed against the registered owner of said vehicle to be collected by the enforcing authority to be transferred to the registry of motor vehicles as part of the non- renewal process. It shall be the duty of the enforcing authority to notify the registrar that such matters have been disposed of in accordance with the requirements herein; provided however, that a certified receipt of full and final payment from the enforcing authority shall also serve as a legal notice to the registrar that the matter has been resolved. The registrar shall approve such forms as they deem necessary to implement this section and said forms shall be printed and used by the enforcing authorities.

Section 4. (a) Notwithstanding section 3, if the registered owner of a motor vehicle is a person or entity engaged in the business of leasing or renting motor vehicles and the motor vehicle was operated under a rental or lease agreement at the time of the speed camera enforceable violation, this section shall be applicable and the registered owner shall not be liable for any unpaid fines if the registered owner has complied with the requirements of this section.

(b) The enforcing authority shall provide notice in writing of each speed camera enforceable violation to the registered owner of a motor vehicle if a motor vehicle owned by the registered owner is involved in a speed camera enforceable violation.

(c) Not more than 45 days after the violation, the registered owner shall furnish to the enforcing authority, in writing, the name and address of the lessee or rentee of the motor vehicle at the time of the speed camera enforceable violation, the lessee's or rentee's driver's license number, the state that issued the driver's license and the lessee's or rentee's date of birth.

(d) Upon receipt of the information required under subsection (c), the enforcing authority shall issue a notice of a speed camera enforceable violation to the lessee or rentee in the form prescribed by section 3 and the lessee or rentee shall be liable for the violation.

(e) Subject to any limitations the department may impose by regulation or by agreement with the registrar, the enforcing authority may notify the registrar as provided in subsection (k) of section 3 if the lessee or rentee to whom a notice of violation has been issued: (i) fails to contest the responsibility for a speed camera enforceable violation pursuant to either subsection (i) or subsection (j) of section 3 and fails to pay the fine in the notice in accordance with subsection (h) of said section 3 within 90 days of the violation; or (ii) is found responsible for the violation and does not pay the fine in accordance with said subsection (h) of said section 3; provided, however, that if the vehicle owner furnished the information under subsection (c), such non-renewal shall only apply to the license or right to operate of the lessee or rentee and not the registration of the vehicle.

Section 5. (a) An enforcing authority shall install a reasonable distance away from each road safety camera system an unobstructed sign notifying the public that an automated road safety camera system is in use.

(b) An enforcing authority shall make a public announcement and conduct a public awareness campaign concerning its use of automated road safety camera systems beginning not less than 60 days before the first such automated road safety camera system is put into use; provided, however, that an enforcing authority may install but shall not activate automated road safety camera systems during the 60-day time period; provided further, that no further public awareness campaign shall be required for additional automated road safety camera systems that may be added in the participating city or town.

Section 6. (a) The compensation paid to the manufacturer or vendor of an automated road safety camera system shall not be based on the number of speed camera enforceable violations issued or the revenue generated by the automated road safety camera system.

(b) Not less than every 90 days, a city or town that adopts this chapter, or their designee, shall inspect the automated road safety camera system to verify that the automated road safety camera system is correctly calibrated. Not less than annually, an independent professional engineer registered in the commonwealth or an independent laboratory shall verify that the automated road safety camera system are correctly calibrated. Prior to the installation of an automated road safety camera system in a work zone, the department or their designee shall inspect the automated road safety camera system to verify that the automated road safety camera system is correctly calibrated.

Section 7. (a) An automated road safety camera system shall only retain photographs, video or other images when a speed camera enforceable violation occurs. Photographs and video shall be destroyed not more than 48 hours after the final disposition of a speed camera enforceable violation.

(b) A photograph, video or other image taken pursuant to this chapter shall not be discoverable in any judicial or administrative proceeding, other than in a proceeding held pursuant to this chapter, without a court order. A photograph or video taken pursuant to this chapter shall not be admissible in any judicial or administrative proceeding, other than in a proceeding to adjudicate liability for a violation of this chapter, without a court order. A court shall not order a release of a photograph or video taken pursuant to this chapter unless the photograph or video establishes or undermines a finding of a moving violation and the speed camera enforceable violation is material as to a finding of civil or criminal liability.

(c) Photographs, video or other images and other personal identifying information collected pursuant to this chapter shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66. Each enforcing authority shall maintain the confidentiality of all information including, but not limited to, photographs or other recorded images and credit and account data, relative to the registered vehicle or registered owner of the vehicle subject to a speed camera enforceable violation. Such information shall be used for enforcement purposes only with respect to speed camera enforceable violations under this chapter.

(d) An automated road safety camera system shall not be utilized to take a frontal view photograph of a motor vehicle operator committing a speed camera enforceable violation or other occupants of the vehicle. A frontal view photograph of a motor vehicle committing a speed camera enforceable violation taken by an automated road safety camera system that captures the operator or occupants of the vehicle shall not be discoverable or admissible in any judicial or administrative proceeding and shall not be used as the basis for a speed camera enforceable violation under this chapter. To the extent practicable, additional efforts shall be made to ensure that photographs produced by an automated road safety camera system shall not be used to identify the vehicle operator, the passengers or the contents of the vehicle. The use of facial recognition technology in conjunction with an automated road safety camera system is prohibited.

(e) A city or town or a manufacturer or vendor of an automated road safety camera system may not use, disclose, sell or permit access to data collected by an automated road safety camera system except as necessary to process speed camera enforceable violations and fulfill reporting requirements in accordance with this chapter.

Section 8. An enforcing authority may recover costs reasonably related to the implementation and operation of an automated road safety camera system including, but not limited to, costs associated with: (i) purchasing, maintaining and operating the automated road safety camera system; (ii) issuing notices of speed camera enforceable violations; (iii) holding hearings for appeals of speed camera enforceable violations; (iv) notifying the registrar of a failure to pay a fine under this program; (v) fulfilling reporting requirements in accordance with this chapter; and (vi) collecting a fine; provided, however, that net revenues collected by participating cities and towns pursuant to this program shall be deposited in the Massachusetts Transportation Trust Fund established in section 4 of chapter 6C.

Section 9. A city or town shall not implement this program unless the city or town has submitted a plan for the implementation of automated road safety camera systems to the department and the department has approved the plan. The plan submitted to the department shall include, but shall not be limited to, data and analysis of the traffic and safety history of the locations where automated road safety camera systems are proposed to be located, the discussion of social and racial equity impacts of the plan and steps the municipality shall take to ensure social and racial equity in the implementation of the plan.

Nothing in this section shall limit the number of work zones in which the department may install automated road safety camera systems.

SECTION 164. The General Laws are hereby amended by inserting after chapter 93L the following 2 chapters:-

CHAPTER 93M.

TRANSPARENCY IN FRONTIER ARTIFICIAL INTELLIGENCE ACT

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

“Affiliate”, a person controlling, controlled by or under common control with a specified person, directly or indirectly, through 1 or more intermediaries.

“Artificial intelligence model”, an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments.

"Catastrophic risk", a foreseeable and material risk that a frontier developer's development, storage, use or deployment of a frontier model will materially contribute to the death of, or serious injury to, not less than 50 people or not less than $1,000,000,000 in damage to, or loss of, property arising from a single incident involving a frontier model that: (i) provides expert-level assistance in the creation or release of a chemical, biological, radiological or nuclear weapon; (ii) engages in conduct with no meaningful human oversight, intervention or supervision that is either a cyberattack or, if the conduct had been committed by a human, would constitute the crime of murder, assault, extortion or theft, including theft by false pretense; or (iii) evades the control of its frontier developer or user; provided, however, that "catastrophic risk" shall not include a foreseeable and material risk from: (A) information that a frontier model outputs if the information is otherwise publicly accessible in a substantially similar form from a source other than a foundation model; (B) lawful activity of the federal government; or (C) harm caused by a frontier model in combination with other software if the frontier model did not materially contribute to the harm.

"Covered employee", an employee responsible for assessing, managing or addressing risk of critical safety incidents.

"Critical safety incident", any: (i) unauthorized access to, modification of, inadvertent release of or exfiltration of, the model weights of a frontier model; (ii) harm resulting from the materialization of a catastrophic risk; (iii) loss of control of a frontier model that causes death or bodily injury or that demonstrates materially increased catastrophic risk; or (iv) instance where a frontier model that uses deceptive techniques against the frontier developer to subvert the controls or monitoring of its frontier developer outside of the context of an evaluation designed to elicit this behavior and in a manner that demonstrates materially increased catastrophic risk.

"Deploy", to make a frontier model available to a third party for use, modification, copying or combination with other software; provided, however, that "deploy" shall not include making a frontier model available to a third party for the primary purpose of developing or evaluating the frontier model.

"Foundation model", an artificial intelligence model that is: (i) trained on a broad data set; (ii) designed for generality of output; and (iii) adaptable to a wide range of distinctive tasks.

"Frontier AI framework", documented technical and organizational protocols to manage, assess and mitigate catastrophic risks.

"Frontier developer", a person who has trained, or initiated the training of, a frontier model for which the person has used, or intends to use, at least as much computing power to train the frontier model as would meet the technical specifications of a frontier model.

"Frontier model", a foundation model that has been trained using a quantity of computing power greater than 10^26 integer or floating-point operations; provided, however, that the quantity of computing power shall include computing for the original training run and for any subsequent fine-tuning, reinforcement learning or other material modifications the developer applies to a preceding foundation model.

"Large frontier developer", a frontier developer that together with its affiliates collectively has annual gross revenues greater than $500,000,000.

"Model weight", a numerical parameter in a frontier model that is adjusted through training and that helps determine how inputs are transformed into outputs.

"Property", tangible or intangible property.

Section 2. (a) A large frontier developer shall write, implement, comply with and clearly and conspicuously publish on its internet website a frontier AI framework that applies to the large frontier developer's frontier models and describes in detail how the large frontier developer handles:

(i) incorporating national standards, international standards and industry-consensus best practices into its frontier AI framework;

(ii) defining and assessing thresholds used by the large frontier developer to identify and assess whether a frontier model has capabilities that could pose a catastrophic risk, which may include multiple-tiered thresholds;

(iii) applying mitigations to address the potential for catastrophic risks based on the results of assessments undertaken pursuant to clause (ii);

(iv) assessing the ability of the large frontier developer's frontier models to automate artificial intelligence research and development and any increased potential for catastrophic risks or challengers to risk monitoring, assessment or mitigation resulting from such ability;

(v) reviewing assessments and adequacy of mitigations as part of the decision to deploy a frontier model or use it extensively internally;

(vi) using third parties to assess the potential for catastrophic risks and the effectiveness of mitigations of catastrophic risks;

(vii) revisiting and updating the frontier AI framework, including any criteria that trigger updates and how the large frontier developer determines when its frontier models are substantially modified enough to require disclosures required in subsection (c);

(viii) cybersecurity practices to secure unreleased model weights from unauthorized modification or transfer by internal or external parties;

(ix) identifying and responding to critical safety incidents;

(x) instituting internal governance practices to ensure implementation of these processes; and

(xi) assessing and managing catastrophic risk resulting from the internal use of its frontier models, including risks resulting from a frontier model circumventing oversight mechanisms.

(b) A large frontier developer shall review and, as appropriate, update its frontier AI framework not less than annually; provided, however, that if a large frontier developer makes a material modification to its frontier AI framework, the developer shall clearly and conspicuously publish the modified frontier AI framework and a justification for such modification not less than 30 days after such modification.

(c)(1) Before, or concurrently with, deploying a new frontier model or a substantially modified version of an existing frontier model, a frontier developer shall clearly and conspicuously publish on its website a transparency report containing: (i) the website address of the frontier developer; (ii) a mechanism that enables a natural person to communicate with the frontier developer; (iii) the release date of the frontier model; (iv) the languages supported by the frontier model; (v) the modalities of output supported by the frontier model; (vi) the intended uses of the frontier model; and (vii) any generally applicable restrictions or conditions on uses of the frontier model.

(2) Before, or concurrently with, deploying a new frontier model or a substantially modified version of an existing frontier model, a large frontier developer shall include in the transparency report required by paragraph (1) summaries of: (i) assessments of catastrophic risks from the frontier model conducted pursuant to the large frontier developer's frontier AI framework; (ii) the results of such assessments; (iii) the extent to which third-party evaluators were involved; and (iv) any other steps taken to fulfill the requirements of the frontier AI framework with respect to the frontier model.

(3) A frontier developer that publishes the information described in paragraph (1) or (2) as part of a larger document, including a system card or model card, shall have satisfied the requirements of the applicable paragraph.

(4) A frontier developer may make disclosures described in this subsection that are consistent with, or superior to, industry best practices.

(c 1/2)(1) A large frontier developer shall clearly and conspicuously publish on its internet website a risk report that provides an overall assessment of the catastrophic risks posed by: (i) any frontier models the large frontier developer deploys externally; and (ii) any internally deployed frontier models with capabilities that materially exceed those of any frontier model that frontier developer has externally deployed.

(2) A risk report that is required by paragraph (1) shall include, but not be limited to:

(i) a summary of assessments of capabilities of the frontier models relevant to catastrophic risk, which shall address each type of catastrophic risk and describe any material changes to the capabilities of the frontier models relevant to each type of catastrophic risk since the most recently published risk report;

(ii) a description of the key threat models the large frontier developer tracks to identify potential catastrophic risks, how observed capabilities of those frontier models relate to each threat model and key mitigations that the large frontier developer has put in place to mitigate any such identified risks; and

(iii) an assessment of the residual level of each type of catastrophic risk posed by the frontier models after accounting for the mitigations implemented pursuant to clause (ii); provided, however, that the assessment shall provide sufficient information to demonstrate the evidence and reasoning behind the risk assessment and such information shall be sufficient to allow a reasonable person to reach a similar conclusion to that which the large frontier developer would reach in analyzing the level of risk posed by its frontier model.

(3) A large frontier developer shall renew and update the risk report required by paragraph (1) not less than every 180 days and include in each update a comparison of the assessed level of each type of catastrophic risk to the level assessed in the previously published risk report.

(d) A large frontier developer shall transmit to the attorney general a summary of any assessment of catastrophic risk resulting from internal use of its frontier models every 3 months or pursuant to another reasonable schedule as agreed to by the attorney general and large frontier developer.

(e)(1) A frontier developer shall not make a materially false or misleading statement about catastrophic risk from its frontier models or its management of catastrophic risk.

(2) A large frontier developer shall not make a materially false or misleading statement about its implementation of, or compliance with, its frontier AI framework.

(3) This subsection shall not apply to a statement that was made in good faith and was reasonable under the circumstances.

(f)(1) Upon publishing documents to comply with this section, the frontier developer may make redactions to those documents that are necessary to protect the frontier developer's trade secrets, the frontier developer's cybersecurity, public safety, or the national security of the United States or to comply with any federal or state law.

(2) If a frontier developer redacts information in a document pursuant to this subsection, the frontier developer shall describe the character and justification of the redaction in any published version of the document to the extent permitted by the concerns that justify redaction and shall retain the unredacted information for 5 years.

Section 3. (a) The attorney general shall establish a mechanism to be used by a frontier developer or a member of the public to report a critical safety incident that includes: (i) the date of the critical safety incident; (ii) the reasons the incident qualifies as a critical safety incident; (iii) a short and plain statement describing the critical safety incident; and (iv) whether the incident was associated with internal use of a frontier model.

(b)(1) The attorney general shall establish a mechanism to be used by a large frontier developer to confidentially submit summaries of any assessments of the potential for catastrophic risk resulting from internal use of its frontier models.

(2) The attorney general shall take all reasonable precautions to limit access to any reports related to internal use of frontier models to personnel authorized to access the information, in the attorney general's discretion, and to protect the reports from unauthorized access.

(c)(1) A frontier developer shall report any critical safety incident pertaining to 1 or more of its frontier models to the attorney general within 15 days of discovering the critical safety incident; provided, however, that if a frontier developer discovers that a critical safety incident poses an imminent risk of death or serious physical injury, the frontier developer shall disclose that incident within 24 hours to an authority, including any law enforcement agency or public safety agency with jurisdiction, that is appropriate based on the nature of that incident and as required by law.

(2) A frontier developer that discovers information about a critical safety incident after filing the initial report required by this subdivision may file an amended report at any time.

(3) A frontier developer may report critical safety incidents pertaining to foundation models that are not frontier models.

(d) The attorney general shall review critical safety incident reports submitted by frontier developers and may review reports submitted by members of the public.

(e)(1) The attorney general may transmit reports of critical safety incidents, summaries of any assessments of catastrophic risk from internal use of frontier models and reports from covered employees to the general court, the governor or appropriate federal or state agencies.

(2) The attorney general may consider any risks related to trade secrets, public safety, cybersecurity of a frontier developer, or national security when transmitting reports.

(f) A report of a critical safety incident submitted to the attorney general pursuant to this section, a report of assessments of catastrophic risk from internal use and a covered employee report shall be exempt from clause Twenty-sixth of section 7 of chapter 4 and chapter 66.

(g)(1) Annually, the attorney general shall produce a report with anonymized and aggregated information about critical safety incidents that have been reviewed by the attorney general since the preceding report.

(2) The attorney general shall not include information in a report pursuant to this subsection that would compromise the trade secrets or cybersecurity of a frontier developer, public safety or the national security of the United States or that would be prohibited from disclosure by any federal or state law.

(3) The attorney general shall submit the report to the clerks of the senate and house of representatives and to the governor.

(h) For the purposes of subsection (i), the attorney general shall promulgate regulations designating federal laws, regulations or guidance documents that:

(i) impose or state standards or requirements for critical safety incident reporting that are substantially equivalent to, or stricter than, those required by this section; provided, however, that such law, regulation or guidance shall not need to require critical safety incident reporting to the commonwealth; and (ii) is intended to assess, detect or mitigate the catastrophic risk.

(i) (1) A frontier developer that intends to comply with this section by complying with the requirements of, or meeting the standards stated by, a federal law, regulation, or guidance document designated pursuant to subsection (h) shall declare its intent to do so to the attorney general.

(2) After a frontier developer has declared its intent pursuant to paragraph (1), the frontier developer shall be deemed in compliance with this section to the extent that the frontier

developer meets the standards of, or complies with the requirements imposed or stated by, the federal law, regulation, or guidance document designated pursuant to subsection (h) until the frontier developer declares the revocation of that intent to the attorney general or the attorney general revokes an applicable regulation pursuant to subdivision (j); provided, however, that failure by a frontier developer to meet the standards of, or comply with the requirements stated by, the federal law, regulation or guidance document designated pursuant to subsection (h) shall constitute a violation of this chapter.

(j) The attorney general shall revoke a regulation adopted under subdivision (h) if the requirements of said subdivision (h) are no longer met by the designated federal law, regulation or guidance document.

Section 3A. (a) A large frontier developer shall annually retain a third party to perform an independent audit of compliance with the requirements of section 2 except for subsection (c 1/2) of said section 2. The third party shall conduct audits consistent with generally accepted auditing standards and best practices and shall possess demonstrated competence to perform the audit, including experience employing or contracting with individuals who possess technical expertise in the safety of frontier models.

(1) The third party shall be granted access to all materials reasonably necessary to comply with the third party's obligations under this section, including, but not limited to, all unredacted versions of materials published pursuant to this chapter. To protect the large frontier developer's trade secrets and confidential business information, cybersecurity, national security of the United States or public safety, a large frontier developer may impose reasonable security protocols on

the third party, including, but not limited to, restrictions on note taking, copying, retaining, or removing materials, requirements for on-premises review and confidentiality requirements.

(2) The third party shall produce a report that includes, but is not limited to:

(i) a description of whether the large frontier developer has substantially complied with the requirements of section 2, except for subsection (c 1/2) of said section 2;

(ii) when applicable, a description of material deviations from the requirements of section 2, except for subsection (c 1/2) of said section 2, an explanation of any deviation and its rationale and any recommendations for how the developer can improve its policies and processes for ensuring compliance;

(iii) a detailed assessment of the large frontier developer's internal controls, including its designation and empowerment of senior personnel responsible for such implementation by the large frontier developer, its employees and its contractors;

(iv) a list of the third party's personnel involved in the audit;

(v) the third party's procedures for managing conflicts of interest and any conflicts of interest of any personnel involved in the audit;

(vi) the methodology of the audit and the nature of the information reviewed by the third party to conduct the audit; and

(vii) the signature of the lead auditor certifying the results of the audit.

(3) The large frontier developer shall retain an unredacted copy of the report for the duration of the frontier model's deployment plus 5 years.

(4) Not later than 30 days after receiving the audit report, the large frontier developer shall conspicuously publish on its website a high-level summary of the audit findings and a copy of the third party's report with redactions as provided in subsection (f) of section 2 and transmit a copy of the redacted report to the attorney general.

(b)(1) A large frontier developer shall engage at least 1 third party to conduct an independent evaluation of the developer's frontier models with respect to each category of catastrophic risk. A large frontier developer shall engage a third party to conduct its evaluation not more than 30 days after publishing each risk report under subsection (c 1/2) of section 2 and in any event shall conduct an independent evaluation not less than once every 120 days.

(2) An independent evaluation conducted pursuant to paragraph (1) shall include, but not be limited to:-

(i) an independent assessment of each type of catastrophic risk posed by the large frontier developer's frontier models, taking into account model capabilities, applicable threat models and the large frontier developer's safeguards;

(ii) an assessment of the ability of the large frontier developer's frontier models to automate artificial intelligence research and development and any increased potential for catastrophic risks or challenges to risk monitoring, assessment or mitigation resulting from such ability;

(iii) a review of the large frontier developer's most recent risk report published pursuant to subsection (c 1/2) of section 2 including an assessment of: (A) the adequacy and completeness of the information disclosed in the risk report; (B) the analytical rigor of the frontier developer's risk methodology; (C) the appropriateness and materiality of any redactions made to the publicly available version of the risk report; and (D) whether the third party disagrees with any of the report's claims, including the overall assessment of the level of risk for each catastrophic risk;

(iv) a list of the third party's personnel involved in the evaluation;

(v) the third party's procedures for managing conflicts of interest and any conflicts of interest of any personnel involved in the evaluation;

(vi) the methodology of the evaluation and the nature of the information reviewed by the third party to conduct the evaluation; and

(vii) the signature of the lead evaluator certifying the results of the evaluation.

(3)(A) The third party shall be granted access to all materials reasonably necessary to comply with the evaluator's obligations under this section, including, but not limited to, all unredacted versions of materials published pursuant to this chapter and the large frontier developer's most capable frontier models.

(B) The third party shall have the opportunity to ask relevant questions about the frontier developer's frontier models, likelihood of catastrophic risks and related safeguards and the large frontier developer shall provide reasonable responses.

(C) To protect the frontier developer's trade secrets and confidential business information, cybersecurity, national security of the United States or public safety, a frontier developer may impose reasonable security protocols on the third party including, but not limited to, restrictions on note taking, copying, retaining or removing materials, requirements for on-premise review and confidentiality requirements.

(4) The third party shall publish a public version of its report not later than 30 days after delivering the report to the large frontier developer and the large frontier developer shall conspicuously publish a link to the report on its internet website. The public version may be redacted only as provided in subsection (f) of section 2.

(5) A large frontier developer may comply with this subsection by engaging multiple third parties focused on different categories of catastrophic risk or different aspects of the requirements of this subsection; provided, however, that: (i) collectively, the third parties perform all of the duties required by this subsection; (ii) each third party satisfies the independence and qualification requirements of this section; and (iii) each third party includes in its report a clear and specific statement of the scope of the assessment and the duties performed.

(c)(1)(A) A third party engaged under this section shall have no financial, operational or management dependence on the large frontier developer or any of the large frontier developer's affiliates and shall be otherwise free from the large frontier developer's control in reaching conclusions or making recommendations, including through contractual safeguards and conflict of interest policies.

(B) If no other source of funding has been established pursuant to clause (iii) of paragraph (1) of subsection (d), a large frontier developer may compensate the third party at reasonable market rates and shall not condition any payment or the amount of any payment on the results of the third party's audit or evaluation.

(2) Prior to accepting any engagement under this section, the third party shall certify in writing to the large frontier developer and the attorney general that the third party satisfies the independence requirements of this subsection. The certification shall include the third party's

sources of funding and remuneration for the engagement, any other current or recent engagements with the large frontier developer or its affiliates and any other facts that could reasonably be expected to bear on the third party's independence.

(d)(1) The attorney general, in consultation with academic institutions, nonprofit organizations and industry stakeholders, shall implement an independent evaluation ecosystem plan by: (i) developing and publishing standards for the qualification of qualified independent third party evaluators; (ii) exploring a licensing system to qualify third party evaluators; (iii) subject to government appropriation, providing government funding or arranging pooled funding to supplement other sources of evaluator funding; (iv) exploring the feasibility and benefits of licensing qualified independent evaluators to assess the adherence of artificial intelligence models to standards reflecting best practices for the prevention of personal injury, property damage and other harms that do not meet the definition of catastrophic risk, and reporting its findings and any recommendations regarding such licensing to the joint committee on advanced information technology, the internet and cybersecurity and the joint committee on economic development; and (v) providing resources and funding for nascent organizations seeking to become third party evaluators.

(2) The attorney general may develop and publish a rating system for qualified third parties based on predefined criteria, including the rigor and quality of the evaluator's published reasoning and analysis, the thoroughness of the evaluator's methodology, the evaluator's track record of identifying material risks or deficiencies and stakeholder feedback, including from frontier developers, academic reviewers and the public.

Section 4. (a) Annually, the attorney general shall assess recent evidence and developments relevant to the purposes of this chapter and shall make recommendations about whether and how to update any of the following definitions for the purposes of this chapter to ensure that they accurately reflect technological developments, scientific literature, and widely accepted national and international standards:

(i) “Frontier model” so that it applies to foundation models at the frontier of artificial intelligence development.

(ii) “Frontier developer” so that it applies to developers of frontier models who are themselves at the frontier of artificial intelligence development; and

(iii) “Large frontier developer” so that it applies to well-resourced frontier developers.

(b) In making recommendations pursuant to this section, the attorney general shall take into account:

(i) similar thresholds used in international standards or federal law, guidance or regulations for the management of catastrophic risk;

(ii) input from stakeholders, including academics, industry, the open-source community and governmental entities;

(iii) the extent to which a person will be able to determine, before beginning to train or deploy a foundation model, whether that person will be subject to the definition as a frontier developer or as a large frontier developer with an aim toward allowing earlier determinations if feasible;

(iv) the complexity of determining whether a person or foundation model is covered, with an aim toward allowing simpler determinations if feasible; and

(v) the external verifiability of determining whether a person or foundation model is covered, with an aim toward definitions that are verifiable by parties other than the frontier developer; provided, however that the attorney general shall recommend alignment with a definition adopted in a federal law or regulation to the extent that it is consistent with the purposes of this chapter.

(c) The attorney general shall submit a report with the recommendations and information compiled pursuant to subsection (a) to the clerks of the senate and house of representatives.

(d) Annually, the attorney general shall produce a report with anonymized and aggregated information about reports from covered employees that have been reviewed by the attorney general since the preceding report. The attorney general shall not include information in a report pursuant to this subdivision that would compromise the trade secrets or cybersecurity of a frontier developer, confidentiality of a covered employee, public safety, or the national security of the United States or that would be prohibited by any federal or state law. The attorney general shall submit the report to the clerks of the senate and house of representatives and to the governor.

Section 5. (a) A large frontier developer that fails to publish or transmit a compliant document required to be published or transmitted under this chapter, makes a statement in violation of this chapter, fails to report an incident as required by this chapter, or fails to comply with its own frontier AI framework shall be subject to a civil penalty of not more than $1,000,000 for a first violation and not more than $3,000,000 for subsequent violations.

(b) A civil penalty described in this section may only be recovered in a civil action brought by the attorney general.

Section 6. The loss of value of equity shall not constitute damage to or loss of property for the purposes of this chapter.

Section 7. (a) A frontier developer shall not make, adopt, enforce, or enter into a rule, regulation, policy or contract that prevents a covered employee from disclosing or retaliates against a covered employee for disclosing, information to the attorney general, a federal authority, a person with authority over the covered employee or another covered employee who has authority to investigate, discover or correct the reported issue, if the covered employee reasonably believes that the information discloses either: (i) the frontier developer's activities pose a specific and substantial danger to the public health or safety resulting from a catastrophic risk; or (ii) the frontier developer has violated this chapter.

(b) A frontier developer shall not: (i) enter into a contract that prevents a covered employee from making a disclosure protected under this chapter; or (ii) discriminate against any person that has made a disclosure under this chapter.

(c) A frontier developer shall provide a clear notice to all covered employees of their rights and responsibilities under this section, which may include but shall not be limited to: (i) permanently posting and displaying within any workplace maintained by the frontier developer a notice to all covered employees of their rights under this section, ensuring that any new covered employee, not later than 90 days after becoming a covered employee, receives equivalent notice and ensuring that any covered employee who works remotely periodically receives an equivalent notice; or (ii) at least once each year, providing written notice to each covered employee of the covered employee's rights under this section and ensuring that the notice is received and acknowledged by all of those covered employees.

(d)(1) A large frontier developer shall provide a reasonable internal process through which a covered employee may, anonymously or named, disclose information to the large frontier developer of the covered employee reasonably believes that the information indicates that the large frontier developer's activities present a specific and substantial danger to the public health or safety resulting from a catastrophic risk or that the large frontier developer violated this chapter, which shall include a monthly update to a person who makes a disclosure under this chapter on the status of the large frontier developer's investigation of such disclosure and the actions taken by the large frontier developer in response to such disclosure.

(2) Except as provided in subsection (b), the disclosures and responses of the process required by this subsection shall be shared with officers and directors of the large frontier developer at least once each quarter; provided, however, that if a covered employee has alleged wrongdoing by an officer or director of the large frontier developer in a disclosure or response, this paragraph shall not apply with respect to that officer or director.

(e) The court may award reasonable attorney's fees and court costs to a plaintiff who brings a successful action for a violation of this section.

(f) In a civil action brought pursuant to this section, once it has been demonstrated by a preponderance of the evidence that an activity proscribed by this section was a contributing factor in the alleged prohibited or adverse action against the covered employee, the frontier developer shall have the burden of proof to demonstrate by clear and convincing evidence that the alleged prohibited or adverse action would have occurred for legitimate, independent reasons even if the covered employee had not engaged in activities protected by this section.

(g)(1) In a civil action brought pursuant to this section, a covered employee may petition the superior court in any county wherein the violation in question is alleged to have occurred, or wherein the person resides or transacts business, for appropriate temporary or preliminary injunctive relief.

(2) Upon the filing of the petition for injunctive relief, the petitioner shall cause notice thereof to be served upon the frontier developer, and thereupon the court shall have jurisdiction to grant temporary injunctive relief as the court deems just and proper.

(3) In addition to any harm resulting directly from a violation of this section, the court shall consider the chilling effect on other covered employees asserting their rights under this section in determining whether temporary injunctive relief is just and proper.

(4) Appropriate injunctive relief shall be issued on a showing that reasonable cause exists to believe a violation has occurred.

(5) An order authorizing temporary injunctive relief shall remain in effect until an administrative or judicial determination or citation has been issued, or until the completion of a review pursuant to paragraph (1) of subsection (d), whichever is longer, or at a certain time set by the court. Thereafter, a preliminary or permanent injunction may be issued if it is shown to be just and proper. Any temporary injunctive relief shall not prohibit a frontier developer from disciplining or terminating a covered employee for conduct that is unrelated to the claim of the retaliation.

(h) Notwithstanding Massachusetts Rules of Civil Procedure, injunctive relief granted pursuant to this section shall not be stayed pending appeal.

(j)(1) This section shall not impair or limit the applicability of any other applicable law.

(2) The remedies provided by this section shall be cumulative to each other and the remedies or penalties available under all other general laws.

Section 8. The attorney general may promulgate, amend or rescind regulations for the implementation, administration and enforcement of this chapter.

CHAPTER 93N

USE OF CHATBOTS BY COMMERCIAL ENTITIES

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:-

“Chatbot”, an automated program designed to simulate conversation with human users whether through the use of generative artificial intelligence or other similar technology; provided, however, that the program may use audio, visual or textual methods, or a combination thereof, to communicate with human users.

Section 2. Any commercial entity deploying a chatbot shall clearly and conspicuously disclose to the person with whom the chatbot interacts that the person is interacting with a chatbot and not a human.

Section 3. In addition to any other remedies that may be available, a violation of this chapter shall be deemed to be an unfair method of competition and an unfair or deceptive act or practice in the conduct of trade or commerce in violation of section 2 of chapter 93A.

SECTION 165. Section 32H of chapter 94C of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in lines 34 and 35, the words “18 years of age or older” and inserting in place thereof the following words:- who has attained the age of criminal majority.

SECTION 166. Said section 32H of said chapter 94C, as so appearing, is hereby further amended by striking out, in line 36, the figure “18” and inserting in place thereof the following words:- the age of criminal majority.

SECTION 167. Section 32M of said chapter 94C is hereby amended by striking out, in line 1, as so appearing, the word “eighteen” and inserting in place thereof the following words:- criminal majority.

SECTION 168. Said section 32M of said chapter 94C is hereby amended by striking out, in line 6, as so appearing, the figure “18” and inserting in place thereof the following words:- criminal majority.

SECTION 169. Section 36 of said chapter 94C, as so appearing, is hereby amended by striking out, in line 6 and 7, the words “his eighteenth birthday” and inserting in place thereof the following words:- the age of criminal majority.

SECTION 170. Subsection (a) of section 25C1/2 of chapter 111 of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

(5) An acute care hospital that plans to establish or add: (i) acute psychiatric service beds including, but not limited to, inpatient, community based acute treatment, intensive community based acute treatment, partial hospitalization program and crisis stabilization services; or (ii) acute inpatient substance use disorder treatment service beds.

SECTION 171. The General Laws are hereby amended by inserting after chapter 110H the following chapter:-

CHAPTER 110I.

FINANCIAL EXPLOITATION OF VULNERABLE ADULTS UNDER BROKER-DEALER RELATIONSHIP

Section 1. As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Agent", as defined in section 401 of said chapter 110A.

"Broker-Dealer", as defined in said section 401 of said chapter 110A.

"Eligible adult", a person 60 years of age or older or a person with a disability, as defined in section 1 of chapter 19C.

"Financial exploitation", (i) the wrongful or unauthorized taking, withholding, appropriation or use of money, assets or property of an eligible adult; or (ii) any act or omission taken by a person, including through the use of a power of attorney, guardianship or conservatorship of an eligible adult, to: (A) obtain control, through deception, intimidation unethical or dishonest conduct or undue influence, over the eligible adult's money, assets or property to deprive the eligible adult of the ownership, use, benefit or possession of their money, assets or property; or (B) convert money, assets or property of the eligible adult to deprive such eligible adult of the ownership, use, benefit or possession of their money, assets or property.

"Financial institution", a: (i) bank, trust company, co-operative bank or savings bank, if organized or exists under the laws of the commonwealth or any other state or may transact business in the commonwealth, national bank, federal savings bank or federal savings and loan association; or (ii) credit union that is organized or exists under the laws of the commonwealth or any other state or federal credit union that may transact business in the commonwealth, as defined in section 1 of chapter 171.

"Investment adviser", as defined pursuant to said section 401 of said chapter 110A.

"Investment adviser representative", as defined pursuant to said section 401 of said chapter 110A.

"Qualified investment individual", (i) any agent, broker-dealer, investment adviser, investment-adviser representative, broker-dealer or person who serves in a compliance, investor protection or legal capacity for a broker-dealer or investment adviser; and (ii) employees eligible for immunity in accordance with 12 U.S.C. § 3423.

"Relevant agency", (i) the state secretary; (ii) the commission for the protection of persons with disabilities established in section 2 of chapter 19C, if the eligible adult is under the age of 60; (iii) the executive office of aging and independence, if the eligible adult is 60 years or older; or (iv) any third-party contractor designated by the state secretary, the commission for the protection of persons with disabilities or the office of aging and independence.

Section 2. If a qualified investment individual reasonably believes that the financial exploitation of an eligible adult may have occurred, may have been attempted or is being attempted, the qualified investment individual shall promptly notify the relevant agency.

Section 3. A qualified investment individual who, in good faith, and exercising reasonable care, did not materially aid the alleged financial exploitation and makes a disclosure of information pursuant to section 2 shall be immune from administrative or civil liability that might otherwise arise from such disclosure or for any failure to notify the customer of the disclosure.

Section 4. A qualified investment individual who, in good faith and exercising reasonable care, believes that financial exploitation of an eligible adult may have occurred, may have been attempted or is being attempted, may disclose to any third party previously designated by the eligible adult or reasonably associated with the adult; provided, however, that a qualified investment individual shall not notify any designated third party that is suspected of the financial exploitation or other abuse of the eligible adult; provided, however, that a qualified individual or financial institution shall not notify any designated third party that is suspected of the financial exploitation or other abuse of the eligible adult.

Section 5. A qualified investment individual who, in good faith, exercising reasonable care, complies with section 4 and does not materially aid the alleged financial exploitation shall be immune from any administrative or civil liability that might otherwise arise from such disclosure.

Section 6. A financial institution may delay or stop a disbursement or transaction from an account of an eligible adult or an account on which an eligible adult is a beneficiary if a qualified investment individual: (i) has reasonable cause to believe that, after initiating an internal review of the requested disbursement or transaction and the suspected financial exploitation, that the requested disbursement or transaction may result in the financial exploitation of the eligible adult; (ii) provides written notification and reasoning of the delay to all parties authorized to transact business on the account not more than 5 business days after the delayed disbursement or transaction; provided however, that such notice is not required to such party that is reasonably believed to have engaged in suspected or attempted financial exploitation of the eligible adult; (iii) provides notification of such delay to the relevant agencies not more than 5 business days after the delayed disbursement or transaction; and (iv) continues their internal review of the suspected or attempted financial exploitation of the eligible adult, as necessary, and provides status updates, a statement of finding and final disposition of an investigation upon request to the agencies and to qualified individuals.

Section 7. The authorization of any delay or stoppage of a disbursement or transaction pursuant to section 6 shall expire upon: (i) the determination by the financial institution or qualified investment individual that the disbursement or transaction will not result in the financial exploitation of the eligible adult; or (ii) 21 days from the date the financial institution or qualified investment individual delayed disbursement of the funds or a transaction, unless a relevant agency requests that the financial institution extend the delay, in which case the delay shall expire no more than 30 business days after the date on which the financial institution first delayed disbursement of the funds or a transaction, whichever occurs first.

A court of competent jurisdiction may enter an order extending the delay of a disbursement of funds or transaction pursuant to this section, or may order other protective relief, upon the petition of the secretary of the commonwealth or relevant agency.

Section 8. A court of competent jurisdiction may order a financial institution, or qualified investment individual to provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to a relevant agency or law enforcement pursuant to an investigation. Such records may include historical records and records pertaining to the most recent disbursement or transactions related to the suspected or attempted financial exploitation of an eligible adult; provided, however, that such records made available to agencies pursuant to this section shall not be considered public records as defined in chapter 66 and clause Twenty-sixth of section 7 of chapter 4.

Section 9. A financial institution or qualified investment individual who, in good faith, exercising reasonable care, complies with this chapter and did not materially aid the alleged financial exploitation, shall be immune from any administrative or civil liability that might otherwise arise from such action.

Section 10. Nothing in section 9 shall limit or shield, in any manner, a qualified individual from any administrative or civil liability, for materially aiding the financial exploitation of an eligible adult.

Section 11. Nothing in this chapter shall limit or otherwise impede the authority of the secretary of the commonwealth from accessing or examining the books and records of a financial institution as otherwise provided by law or conducting any lawful investigation into potential violations of chapter 110A.

SECTION 172. Chapter 111 of the General Laws is hereby amended by adding the following 2 sections:-

Section 250. The commissioner of public health shall promulgate regulations for the annual health inspection of food trucks. The commissioner shall prescribe rules and regulations relative to inspection schedules, documentation of inspections, standards for acceptable cleanliness and the costs of such inspections.

Section 251. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:-

"AED", as defined in section 12V1/2 of chapter 112.

"Facility", a public stadium, sports center or gymnasium used for an athletic or sporting event.

(b) Subject to appropriation, a facility shall have at least 1 AED on the premises during any athletic or sporting events taking place at the facility. The operator of such facility shall make a good faith effort to identify readily available volunteers to serve as AED providers who are present at such facility during such athletic or sporting events.

(c) The department of public health shall develop and implement a public information campaign to promote awareness of public access to AEDs and the importance of early access to defibrillation including, but not limited to: (i) educating the general public on AEDs; (ii) establishing online resources with AED training opportunities; and (iii) performing targeting outreach to populations who may lack access to information concerning AEDs.

(d) A placard shall be installed at every facility entryway with a map of the location of any AED at such facility.

(e) The department of public health shall promulgate regulations to implement this section.

SECTION 173. Section 75 of chapter 112 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, the board, upon the recommendation of the executive director or their designee, shall waive any requirement to complete an exam exclusively verifying proficiency in English if the applicant: (i) previously passed an English proficiency examination at any time; (ii) has obtained one or more nursing degrees in the United States, if the applicant was originally trained outside of the United States; or (iii) demonstrates English proficiency through another method deemed acceptable by the board. Nothing in this paragraph shall be construed to impede the board's authority to establish or conduct examinations which test the applicant's fitness to practice or to promulgate rules, regulations or guidelines pursuant to section 79. The board may not waive requirements for an exam verifying proficiency in English for applicants seeking licensure via the nurse licensure compact under chapter 112A.

SECTION 174. Section 222 of said chapter 112, as so appearing, is hereby amended by adding the following subsection:-

(e) Notwithstanding clauses (iii) and (iv) of subsection (d), an applicant shall be eligible for licensure as a home inspector without meeting the requirements of said clause (iii) or said clause (iv) of said subsection (d) if the applicant: (i) is a professional engineer licensed pursuant to sections 81D to 81T, inclusive; and (ii) has performed not less than 50 home inspections under the supervision of a licensed home inspector.

SECTION 175. The General Laws are hereby amended by inserting after chapter 112A the following 3 chapters:-

CHAPTER 112B.

PSYCHOLOGY INTERJURISDICTIONAL COMPACT ACT

Section 1. This act shall be known and may be cited as the Psychology Interjurisdictional Compact Act.

Section 2. The governor of the commonwealth of Massachusetts, on behalf of this state, is hereby authorized to execute a compact in substantially the following form with any 1 or more of the states of the United States and the General Court hereby signifies in advance its approval and ratification of the compact.

Section 3. (a) Whereas, states license psychologists, in order to protect the public through verification of education, training and experience and ensure accountability for professional practice; and

Whereas, this compact is intended to regulate the day-to-day practice of telepsychology by psychologists across state boundaries in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this compact is intended to regulate the temporary in-person, face-to-face practice of psychology by psychologists across state boundaries for 30 days within a calendar year in the performance of their psychological practice as assigned by an appropriate authority; and

Whereas, this compact is intended to authorize state psychology regulatory authorities to afford legal recognition, in a manner consistent with the terms of the compact, to psychologists licensed in another state; and

Whereas, this compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of psychologists and that such state regulation will best protect public health and safety; and

Whereas, this compact does not apply when a psychologist is licensed in both the home state and receiving states; and

Whereas, this compact does not apply to permanent in-person, face-to-face practice, it does allow for authorization of temporary psychological practice.

(b) Consistent with these principles, this compact is designed to achieve the following purposes and objectives: (i) increase public access to professional psychological services by allowing for telepsychological practice across state lines as well as temporary in-person, face-to-face services into a state which the psychologist is not licensed to practice psychology; (ii) enhance the states' ability to protect the public's health and safety, especially client, patient safety; (iii) encourage the cooperation of compact states in the areas of psychology licensure and regulation; (iv) facilitate the exchange of information between compact states regarding psychologist licensure, adverse actions and disciplinary history; (v) promote compliance with the laws governing psychological practice in each compact state; and (vi) invest all compact states with the authority to hold licensed psychologists accountable through the mutual recognition of compact state licenses.

Section 4. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:-

“Adverse action”, any action taken by a state psychology regulatory authority which finds a violation of a statute or regulation that is identified by the state psychology regulatory authority as discipline and is a matter of public record.

“Association of state and provincial psychology boards”, the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

“Authority to practice interjurisdictional telepsychology”, a licensed psychologist’s authority to practice telepsychology, within the limits authorized under this compact, in another compact state.

“Bylaws”, bylaws established by the psychology interjurisdictional compact commission pursuant to section 12 for its governance or for directing and controlling its actions and conduct.

“Client or patient”, the recipient of psychological services, whether psychological services are delivered in the context of healthcare, corporate, supervision or consulting services.

“Commissioner”, the voting representative appointed by each state psychology regulatory authority pursuant to section 12.

“Compact state”, a state that has enacted this compact legislation and which has not withdrawn pursuant to subsection (c) of section 15 or been terminated pursuant to subsection (b) of section 14.

"Coordinated licensure information system" or "coordinated database", an integrated process for collecting, storing and sharing information on psychologists' licensure and enforcement activities related to psychology licensure laws, which is administered by the recognized membership organization composed of state and provincial psychology regulatory authorities.

"Confidentiality", the principle that data or information is not made available or disclosed to unauthorized persons or processes.

"Day", any part of a day in which psychological work is performed.

"Distant state", the compact state where a psychologist is physically present (not through the use of telecommunications technologies), to provide temporary in-person, face-to-face psychological services.

"E.Passport", a certificate issued by the Association of State and Provincial Psychology Boards that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

"Executive board", a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

"Home state", a compact state where a psychologist is licensed to practice psychology. If the psychologist is licensed in more than 1 compact state and is practicing under the Authorization to Practice Interjurisdictional Telepsychology, the home state is the compact state where the psychologist is physically present when the telepsychological services are delivered. If the psychologist is licensed in more than 1 compact state and is practicing under the temporary authorization to practice, the home state is any compact state where the psychologist is licensed.

“Identity history summary”, a summary of information retained by the Federal Bureau of Investigation, or other designee with similar authority, in connection with arrests and, in some instances, federal employment, naturalization or military service.

“In-person, face-to-face”, interactions in which the psychologist and the client are in the same physical space and which does not include interactions that may occur through the use of telecommunication technologies.

“Interjurisdictional practice certificate” or “IPC”, a certificate issued by the Association of State and Provincial Psychology Boards that grants temporary authority to practice based on notification to the State Psychology Regulatory Authority of intention to practice temporarily, and verification of one's qualifications for such practice.

“License”, authorization by a state psychology regulatory authority to engage in the independent practice of psychology, which would be unlawful without the authorization.

“Noncompact state”, any state which is not at the time a compact state.

“Psychologist”, an individual licensed for the independent practice of psychology.

“Psychology interjurisdictional compact” or “PSYPACT”, an agreement among member states, established and governed by the PSYPACT commission, to facilitate the practice of telepsychology and the temporary in-person, face-to-face practice of psychology across state boundaries.

"Psychology interjurisdictional compact commission" or "commission", the national administration of which all compact states are members.

"Receiving state", a compact state where the client is physically located when the telepsychological services are delivered.

"Rule", a written statement by the Psychology Interjurisdictional Compact Commission promulgated pursuant to section 13 of the compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural or practice requirement of the commission and has the force and effect of statutory law in a compact state, and includes the amendment, repeal or suspension of an existing rule.

"Significant investigatory information", investigative information that a state psychology regulatory authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proven true, would indicate more than a violation of state statute or ethics code that would be considered more substantial than minor infraction; or investigative information that indicates that the psychologist represents an immediate threat to public health and safety regardless of whether the psychologist has been notified or had an opportunity to respond.

"State", a state, commonwealth, territory, or possession of the United States and the District of Columbia.

"State psychology regulatory authority", the board, office or other agency with the legislative mandate to license and regulate the practice of psychology.

“Telepsychology”, the provision of psychological services using telecommunication technologies.

“Temporary authorization to practice”, a licensed psychologist's authority to conduct temporary in- person, face-to-face practice, within the limits authorized under this compact, in another compact state.

“Temporary in-person, face-to-face practice”, where a psychologist is physically present (not through the use of telecommunications technologies), in the distant state to provide for the practice of psychology for 30 days within a calendar year and based on notification to the distant state.

Section 5. (a) The home state shall be a compact state where a psychologist is licensed to practice psychology.

(b) A psychologist may hold 1 or more compact state licenses at a time. If the psychologist is licensed in more than 1 compact state, the home state is the compact state where the psychologist is physically present when the services are delivered as authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(c) Any compact state may require a psychologist not previously licensed in a compact state to obtain and retain a license to be authorized to practice in the compact state under circumstances not authorized by the authority to practice interjurisdictional telepsychology under the terms of this compact.

(d) Any compact state may require a psychologist to obtain and retain a license to be authorized to practice in a compact state under circumstances not authorized under a temporary authorization to practice under the terms of this compact.

(e) A home state's license authorizes a psychologist to practice in a receiving state under the authority to practice interjurisdictional telepsychology only if the compact state: (i) currently requires the psychologist to hold an active E.Passport; (ii) has a mechanism in place for receiving and investigating complaints about licensed individuals; (iii) notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual; (iv) requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than 10 years after activation of the compact; and (v) complies with the bylaws and rules of the commission.

(f) A home state’s license grants temporary authorization to practice to a psychologist in a distant state only if the compact state: (i) currently requires the psychologist to hold an active IPC; (ii) has a mechanism in place for receiving and investigating complaints about licensed individuals; (iii) notifies the commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding a licensed individual; (iv) requires an identity history summary of all applicants at initial licensure, including the use of the results of fingerprints or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation, or other designee with similar authority, no later than 10 years after activation of the compact; and (v) complies with the bylaws and rules of the commission.

Section 6. (a) Compact states shall recognize the right of a psychologist, licensed in a compact state pursuant to section 5, to practice telepsychology in other compact states in which the psychologist is not licensed, under the authority to practice interjurisdictional telepsychology as provided in the compact.

(b) To exercise the authority to practice interjurisdictional telepsychology under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

(i) hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded: (A) regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees, or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or (B) a foreign college or university deemed to be equivalent to (i)(A) above by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services or by a recognized foreign credential evaluation service; and

(ii) hold a graduate degree in psychology that meets the following criteria: (1) the program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists; (2) the psychology program must stand as a recognizable, coherent, organizational entity within the institution; (3) there must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines; (4) the program must consist of an integrated, organized sequence of study; (5) there must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities; (6) the designated director of the program must be a psychologist and a member of the core faculty; (7) the program must have an identifiable body of students who are matriculated in that program for a degree; (8) the program must include supervised practicum, internship or field training appropriate to the practice of psychology; (9) the curriculum shall encompass a minimum of 3 academic years of full-time graduate study for doctoral degree and a minimum of 1 academic year of full-time graduate study for master's degree; and (10) the program includes an acceptable residency as defined by the Rules of the Commission;

(iii) possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(iv) have no history of adverse action that violate the rules of the commission;

(v) have no criminal record history reported on an identity history summary that violates the rules of the commission;

(vi) possess a current, active E.Passport;

(vii) provide attestations in regard to areas of intended practice, conformity with: (1) standards of practice, competence in telepsychology technology; (2) criminal background requirements; and (3) knowledge and adherence to legal requirements in the home and receiving states, and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(viii) meet other criteria as defined by the rules of the commission.

(c) The home state maintains authority over the license of any psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology.

(d) A psychologist practicing into a receiving state under the authority to practice interjurisdictional telepsychology will be subject to the receiving state’s scope of practice. A receiving state may, in accordance with that state's due process law, limit or revoke a psychologist's authority to practice interjurisdictional telepsychology in the receiving state and may take any other necessary actions under the receiving state’s applicable law to protect the health and safety of the receiving state’s citizens. If a receiving state takes action, the state shall promptly notify the home state and the commission.

(e) If a psychologist's license in any home state, another compact state, or any authority to practice interjurisdictional telepsychology in any receiving state, is restricted, suspended or otherwise limited, the E.Passport shall be revoked and therefore the psychologist shall not be eligible to practice telepsychology in a compact state under authority to practice interjurisdictional telepsychology.

Section 7. (a) Compact states shall also recognize the right of a psychologist, licensed in a compact state pursuant to section 5, to practice temporarily in other compact states in which the psychologist is not licensed, as provided in the compact.

(b) To exercise the temporary authorization to practice under the terms and provisions of this compact, a psychologist licensed to practice in a compact state must:

(i) hold a graduate degree in psychology from an institute of higher education that was, at the time the degree was awarded: (1) regionally accredited by an accrediting body recognized by the United States Department of Education to grant graduate degrees or authorized by Provincial Statute or Royal Charter to grant doctoral degrees; or (2) a foreign college or university deemed to be equivalent to (i)(1) above by a foreign credential evaluation service that is a member of the

National Association of Credential Evaluation Services or by a recognized foreign credential evaluation service; and

(ii) hold a graduate degree in psychology that meets the following criteria: (1) the program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogs and brochures its intent to educate and train professional psychologists; (2) the psychology program must stand as a recognizable, coherent, organizational entity within the institution; (3) there must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines; (4) the program must consist of an integrated, organized sequence of study; (5) there must be an identifiable psychology faculty sufficient in size and breadth to carry out its responsibilities; (6) the designated director of the program must be a psychologist and a member of the core faculty; (7) the program must have an identifiable body of students who are matriculated in that program for a degree; (8) the program must include supervised practicum, internship or field training appropriate to the practice of psychology; (9) the curriculum shall encompass a minimum of 3 academic years of full-time graduate study for doctoral degrees and a minimum of 1 academic year of full-time graduate study for master's degree; and (10) the program includes an acceptable residency as defined by the rules of the commission;

(iii) possess a current, full and unrestricted license to practice psychology in a home state which is a compact state;

(iv) have no history of adverse action that violate the rules of the commission;

(v) have no criminal record history that violates the rules of the commission;

(vi) possess a current, active IPC;

(vii) provide attestations in regard to areas of intended practice and work experience and provide a release of information to allow for primary source verification in a manner specified by the commission; and

(viii) meet other criteria as defined by the rules of the commission.

(c) A psychologist practicing into a distant state under the temporary authorization to practice shall practice within the scope of practice authorized by the distant state.

(d) A psychologist practicing into a distant state under the temporary authorization to practice will be subject to the distant state's authority and law. A distant state may, in accordance with that state's due process law, limit or revoke a psychologist's temporary authorization to practice in the distant state and may take any other necessary actions under the distant state's applicable law to protect the health and safety of the distant state's citizens. If a distant state takes action, the distant state shall promptly notify the home state and the commission.

(e) If a psychologist's license in any home state, another compact state or any temporary authorization to practice in any distant state, is restricted, suspended or otherwise limited, the IPC shall be revoked and therefore the psychologist shall not be eligible to practice in a compact state under the temporary authorization to practice.

Section 8. A psychologist may practice in a receiving state under authority to practice interjurisdictional telepsychology only in the performance of the scope of practice for psychology as assigned by an appropriate state psychology regulatory authority, as defined in the rules of the commission, and under the following circumstances: (a) the psychologist initiates a client contact in a home state by way of telecommunications technologies with a client in a receiving state; and (b) other conditions regarding telepsychology as determined by rules promulgated by the commission.

Section 9. (a) A home state shall have the power to impose adverse action against a psychologist's license issued by the home state. A distant state shall have the power to take adverse action on a psychologist’s temporary authorization to practice within that distant state.

(b) A receiving state may take adverse action on a psychologist's authority to practice interjurisdictional telepsychology within that receiving state. A home state may take adverse action against a psychologist based on an adverse action taken by a distant state regarding temporary in-person, face-to-face practice.

(c) If a home state takes adverse action against a psychologist’s license, that psychologist’s authority to practice interjurisdictional telepsychology is terminated and the E.Passport is revoked and such psychologist's temporary authorization to practice is terminated and the IPC is revoked. All home state disciplinary orders which impose adverse action shall be reported to the commission in accordance with the rules promulgated by the commission. A compact state shall report adverse actions in accordance with the rules of the commission. In the event discipline is reported on a psychologist, the psychologist will not be eligible for telepsychology or temporary in-person, face-to-face practice in accordance with the rules of the commission. Other actions may be imposed as determined by the rules promulgated by the commission.

(d) A home state’s psychology regulatory authority shall investigate and take appropriate action, with respect to reported inappropriate conduct engaged in, by a licensee which occurred in a receiving state as it would if such conduct had occurred by a licensee within the home state; provided, however, that the home state's law shall control in determining any adverse action against such psychologist's license.

(e) A distant state's psychology regulatory authority shall investigate and take appropriate action with respect to reported inappropriate conduct engaged in by a psychologist practicing under temporary authorization to practice which occurred in that distant state as it would if such conduct had occurred by a licensee within the home state; provided, however, that such distant state's law shall control in determining any adverse action against a psychologist's temporary authorization to practice.

(f) Nothing in this compact shall override a compact state's decision that a psychologist's participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the compact state's law. Compact states must require psychologists who enter any alternative programs to not provide telepsychology services under the authority to practice interjurisdictional telepsychology or provide temporary psychological services under the temporary authorization to practice in any other compact state during the term of the alternative program.

(g) No other judicial or administrative remedies shall be available to a psychologist in the event a compact state imposes an adverse action pursuant to subsection (c).

Section 10. (a) In addition to any other powers granted under state law, a compact state's psychology regulatory authority shall have the authority under this compact to: (i) issue subpoenas, for both hearings and investigations, which require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a compact state's psychology regulatory authority for the attendance and testimony of witnesses, or the production of evidence from another compact state shall be enforced in the latter state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state psychology regulatory authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and (ii) issue cease and desist or injunctive relief orders to revoke a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice;

(b) During the course of any investigation, a psychologist may not change his or her home state licensure. A home state psychology regulatory authority is authorized to complete any pending investigations of a psychologist and to take any actions appropriate under its law. The home state psychology regulatory authority shall promptly report the conclusions of such investigations to the commission. Once an investigation has been completed, and pending the outcome of said investigation, the psychologist may change his or her home state licensure. The commission shall promptly notify the new home state of any such decisions as provided in the rules of the commission. All information provided to the commission or distributed by compact states pursuant to the psychologist shall be confidential, filed under seal and used for investigatory or disciplinary matters. The commission may create additional rules for mandated or discretionary sharing of information by compact states.

Section 11. (a) The commission shall provide for the development and maintenance of a coordinated licensure information system and reporting system containing licensure and disciplinary action information on all psychologists to whom this compact is applicable in all compact states as defined by the rules of the commission.

(b) Notwithstanding any other provision of state law to the contrary, a compact state shall submit a uniform data set to the coordinated database on all licensees as required by the rules of the commission, including: (i) identifying information; (ii) licensure data; (iii) significant investigatory information; (iv) adverse actions against a psychologist's license; (v) an indicator that a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice is revoked; (vi) non-confidential information related to alternative program participation information; (vii) any denial of application for licensure and the reasons for such denial; and (viii) other information which may facilitate the administration of this compact, as determined by the rules of the commission.

(c) The coordinated database administrator shall promptly notify all compact states of any adverse action taken against, or significant investigative information on, any licensee in a compact state.

(d) Compact states reporting information to the coordinated database may designate information that may not be shared with the public without the express permission of the compact state reporting the information.

(e) Any information submitted to the coordinated database that is subsequently required to be expunged by the law of the compact state reporting the information shall be removed from the coordinated database.

Section 12. (a) The compact states hereby create and establish a joint public agency known as the Psychology Interjurisdictional Compact Commission. The commission is a body politic and an instrumentality of the compact states. Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) The commission shall consist of 1 voting representative appointed by each compact state who shall serve as that state's commissioner. The state psychology regulatory authority shall appoint its delegate. This delegate shall be empowered to act on behalf of the compact state. This delegate shall be limited to: (i) executive director, executive secretary or similar executive; (ii) current member of the state psychology regulatory authority of a compact state; or (iii) designee empowered with the appropriate delegate authority to act on behalf of the compact state.

(c) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed. Any vacancy occurring in the commission shall be filled in accordance with the laws of the compact state in which the vacancy exists. Each commissioner shall be entitled to 1 vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(d) The commission shall meet not less than 1 time during each calendar year. Additional meetings shall be held as set forth in the bylaws. All meetings shall be open to the public and public notice of meetings shall be given in the same manner as required under the rulemaking provisions pursuant section 13.

(e) The commission may convene in a closed, non-public meeting if the commission must discuss: (i) non-compliance of a compact state with its obligations under the compact; (ii) the employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures; (iii) current, threatened or reasonably anticipated litigation against the commission; (iv) negotiation of contracts for the purchase or sale of goods, services or real estate; (v) accusation against any person of a crime or formally censuring any person; (vi) disclosure of trade secrets or commercial or financial information which is privileged or confidential; (vii) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; (viii) disclosure of investigatory records compiled for law enforcement purposes; (ix) disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility for investigation or determination of compliance issues pursuant to the compact; or (x) matters specifically exempted from disclosure by federal and state statute.

(f) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission’s legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes which fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, of any person participating in the meeting, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(g) The commission shall, by a majority vote of the commissioners, prescribe bylaws and rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including, but not limited to: (1) establishing the fiscal year of the commission; (2) providing reasonable standards and procedures: (A) for the establishment and meetings of other committees; and (B) governing any general or specific delegation of any authority or function of the commission; (3) providing reasonable procedures for calling and conducting meetings of the commission, ensuring reasonable advance notice of all meetings and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals of such proceedings, and proprietary information, including trade secrets. The commission may meet in closed session only after a majority of the commissioners vote to close a meeting to the public in whole or in part. As soon as practicable, the commission must make public a copy of the vote to close the meeting revealing the vote of each commissioner with no proxy votes allowed; (4) establishing the titles, duties and authority and reasonable procedures for the election of the officers of the commission; (5) providing reasonable standards and procedures for the establishment of the personnel policies and programs of the commission. Notwithstanding any civil service or other similar law of any compact state, the bylaws shall exclusively govern the personnel policies and programs of the commission; (6) promulgating a code of ethics to address permissible and prohibited activities of commission members and employees; (7) providing a mechanism for concluding the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment or reserving of all of its debts and obligations; (8) publishing its bylaws in a convenient form and file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the compact states; (9) maintaining its financial records in accordance with the bylaws; and (10) meeting and taking such actions as are consistent with the provisions of this compact and the bylaws.

(h) The commission shall have the following powers and authority: (1) to promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. Such rules shall have the force and effect of law and shall be binding in all compact states; (2) to bring and prosecute legal proceedings or actions in the name of the commission; provided, however, that the standing of any state psychology regulatory authority or other regulatory body responsible for psychology licensure to sue or be sued under applicable law shall not be affected; (3) to purchase and maintain insurance and bonds; (4) to borrow, accept or contract for services of personnel, including, but not limited to, employees of a compact state; (5) to hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters; (6) to accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided, however, that at all times the commission shall strive to avoid any appearance of impropriety or conflict of interest; (7) to lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided, however, that at all times the commission shall strive to avoid any appearance of impropriety; (8) to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed; (9) to establish a budget and make expenditures; (10) to borrow money; (11) to appoint committees, including advisory committees comprised of members, state regulators, state legislators or their representatives and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws; (12) to provide and receive information from, and to cooperate with, law enforcement agencies; (13) to adopt and use an official seal; and (14) to perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of psychology licensure, temporary in-person, face-to-face practice and telepsychology practice.

(i) The elected officers shall serve as the executive board, which shall have the power to act on behalf of the commission according to the terms of this compact. The executive board shall be comprised of: 5 voting members who are elected from the current membership of the commission by the commission; and 1 ex-officio, non-voting member from the recognized membership organization composed of state and provincial psychology regulatory authorities. The ex-officio member must have served as staff or member on a state psychology regulatory authority and will be selected by its respective organization. The commission may remove any member of the executive board in accordance with the bylaws. The executive board shall meet not less than annually.

(j) The executive board shall have the following duties and responsibilities: (i) recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact states such as annual dues, and any other applicable fees; (ii) ensure compact administration services are appropriately provided, contractual or otherwise; (iii) prepare and recommend the budget; (iv) maintain financial records on behalf of the commission; (v) monitor compact compliance of member states and provide compliance reports to the commission; (vi) establish additional committees as necessary; and (vii) other duties as provided in rules or bylaws.

(k) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities. The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services. The commission may levy on and collect an annual assessment from each compact state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission which shall promulgate a rule binding upon all compact states. The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same nor shall the commission pledge the credit of any of the compact states, except by and with the authority of the compact state. The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the commission shall be audited annually by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(l) (1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided, however, that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided, however, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

Section 13. (a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the compact states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compact state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 60 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking on the website of: (i) the commission; and (ii) each compact states' psychology regulatory authority or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include: (1) the proposed time, date and location of the meeting in which the rule will be considered and voted upon; (2) the text of the proposed rule or amendment and the reason for the proposed rule; (3) a request for comments on the proposed rule from any interested person; and (4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by: (i) not less than 25 persons who submit comments independently of each other; (ii) a governmental subdivision or agency; or (iii) a duly appointed person in an association that has having not less than 25 members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time and date of the scheduled public hearing. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(i) No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the commission from making a transcript or recording of the hearing if it so chooses.

(j) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(k) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(l) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(m) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(n) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing; provided, however, that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, but in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to: (1) meet an imminent threat to public health, safety or welfare; (2) prevent a loss of commission or compact state funds; (3) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or (4) protect public health and safety.

(o) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

Section 14. (a) The executive, legislative and judicial branches of state government in each compact state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a compact state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission. The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

(b) If the commission determines that a compact state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall: (i) provide written notice to the defaulting state and other compact states of the nature of the default, the proposed means of remedying the default or any other action to be taken by the commission; and (ii) provide remedial training and specific technical assistance regarding the default. If a state in default fails to remedy the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the compact states, and all rights, privileges and benefits conferred by this compact shall be terminated on the effective date of termination. A remedy of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(c) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be submitted by the commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the compact states. A compact state which has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations which extend beyond the effective date of termination.

(d) The commission shall not bear any costs incurred by the state which is found to be in default or which has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state. The defaulting state may appeal the action of the commission by petitioning the United States district court for the state or the federal district where the compact has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(e) Upon request by a compact state, the commission shall attempt to resolve disputes related to the compact which arise among compact states and between compact and non-compact states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes that arise before the commission.

(f) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(g) By majority vote, the commission may initiate legal action in the United States district court for the state of Georgia or the federal district where the compact has its principal offices against a compact state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(h) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

Section 15. (a) The compact shall come into effect on the date on which the compact is enacted into law in the seventh compact state. The provisions which become effective at that time shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state which joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule which has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any compact state may withdraw from this compact by enacting a statute repealing the same. A compact state's withdrawal shall not take effect until 6 months after enactment of the repealing statute. Withdrawal shall not affect the continuing requirement of the withdrawing state's psychology regulatory authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any psychology licensure agreement or other cooperative arrangement between a compact state and a non-compact state which does not conflict with the provisions of this compact.

(e) This compact may be amended by the compact states. No amendment to this compact shall become effective and binding upon any compact state until it is enacted into the law of all compact states.

Section 16. This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any state member thereto, the compact shall remain in full force and effect as to the remaining compact states.

Section 17. The compact administrator who represents the commonwealth, as provided in the compact, shall not be entitled to any additional compensation for executing their duties and responsibilities as compact administrator but shall be entitled to reimbursement for reasonable expenses actually incurred in connection with his duties and responsibilities as compact administrator in the same manner as for expenses incurred in connection with other duties and responsibilities of his office or employment.

Section 18. The executive director of the board of registration of psychologists or the board executive director's designee, shall be the administrator of the psychology interjurisdictional compact for the commonwealth.

Section 19. The board of registration of psychologists may promulgate regulations as necessary to implement the provisions of this chapter.

Section 20. The board of registration of psychologists may recover from a psychologist the costs of investigation and disposition of cases resulting in any adverse disciplinary action taken against a psychologist's authority to practice interjurisdictional telepsychology or temporary authorization to practice. Funds collected pursuant to this section shall be deposited in the Quality in Health Professions Trust Fund established pursuant to section 35X of chapter 10.

Section 21. The board of registration of psychologists may take disciplinary action against a psychologist practicing in the commonwealth under the authority to practice interjurisdictional telepsychology or temporary authorization to practice under a license issued by a member state. The board’s disciplinary action may be based on disciplinary action against the psychologist’s license taken by that licensee’s home state.

Section 22. In reporting information to the coordinated licensure information system under section 11 of this chapter related to the Psychology Interjurisdictional Compact Act, the board of registration of psychologists may disclose personally identifiable information about the psychologist, including social security number.

Section 23. This psychology interjurisdictional compact shall be subject to the applicable laws and regulations of the commonwealth, including chapters 13, 30A and 112 of the General Laws.

CHAPTER 112C.

SOCIAL WORK LICENSURE COMPACT

Section 1. The purpose of this compact is to facilitate interstate practice of regulated social workers by improving public access to competent social work services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure. This compact is designed to achieve the following objectives:

(a) increase public access to social work services;

(b) reduce overly burdensome and duplicative requirements associated with holding multiple licenses;

(c) enhance the member states’ ability to protect the public’s health and safety;

(d) encourage the cooperation of member states in regulating multistate practice;

(e) promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple states by providing for the mutual recognition of other member state licenses;

(f) support military families;

(g) facilitate the exchange of licensure and disciplinary information among member states;

(h) authorize all member states to hold a regulated social worker accountable for abiding by a member state's laws, regulations and applicable professional standards in the member state in which the client is located at the time care is rendered; and

(i) allow for the use of telehealth to facilitate increased access to regulated social work services.

Section 2. As used in this chapter, unless the context requires otherwise, the following words shall have the following meanings:

(a) "Active military member", any individual with full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve.

(b) "Adverse action", any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing authority or other authority against a regulated social worker, including actions against an individual's license or multistate authorization to practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice or any other encumbrance on licensure affecting a regulated social worker's authorization to practice, including issuance of a cease and desist action.

(c) “Alternative program”, a non-disciplinary monitoring or practice remediation process approved by a licensing authority to address practitioners with an impairment.

(d) “Charter member states”, member states who have enacted legislation to adopt this compact where such legislation predates the effective date of this compact as described in section 14.

(e) “Compact Commission” or “Commission”, the government agency whose membership consists of all states that have enacted this compact, which is known as the Social Work Licensure Compact Commission, as described in section 10, and which shall operate as an instrumentality of the member states.

(f) “Current significant investigative information”, (1) investigative information that a licensing authority, after a preliminary inquiry that includes notification and an opportunity for the regulated social worker to respond has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the commission; or (2) investigative information that indicates that the regulated social worker represents an immediate threat to public health and safety, as may be defined by the commission, regardless of whether the regulated social worker has been notified and has had an opportunity to respond.

(g) “Data system”, a repository of information about licensees, including, continuing education, examination, licensure, current significant investigative information, disqualifying event, multistate licenses and adverse action information or other information as required by the commission.

(h) “Disqualifying event”, any adverse action or incident which results in an encumbrance that disqualifies or makes the licensee ineligible to either obtain, retain or renew a multistate license.

(i) “Domicile”, the jurisdiction in which the licensee resides and intends to remain indefinitely.

(j) “Encumbrance”, a revocation or suspension of, or any limitation on, the full and unrestricted practice of social work licensed and regulated by a licensing authority.

(k) “Executive committee”, a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the compact and commission.

(l) “Home state”, the member state that is the licensee’s primary domicile.

(m) “Impairment”, a condition or conditions that may impair a practitioner’s ability to engage in full and unrestricted practice as a regulated social worker without some type of intervention and may include alcohol and drug dependence, mental health impairment and neurological or physical impairments.

(n) “Licensee(s)”, an individual who currently holds a license from a state to practice as a regulated social worker.

(o) “Licensing authority”, the board or agency of a member state, or equivalent, that is responsible for the licensing and regulation of regulated social workers.

(p) “Member state”, a state, commonwealth, district or territory of the United States of America that has enacted this compact.

(q) “Multistate authorization to practice”, a legally authorized privilege to practice, which is equivalent to a license, associated with a multistate license permitting the practice of social work in a remote state.

(r) “Multistate license”, a license to practice as a regulated social worker issued by a home state licensing authority that authorizes the regulated social worker to practice in all member states under multistate authorization to practice.

(s) “Qualifying national exam”, a national licensing examination approved by the commission.

(t) “Regulated social worker”, any clinical, master’s or bachelor’s social worker licensed by a member state regardless of the title used by that member state.

(u) “Remote state”, a member state other than the licensee’s home state.

(v) “Rule(s)” or “Rule(s) of the commission”, a regulation or regulations duly promulgated by the commission, as authorized by the compact, that has the force of law.

(w) “Single state license”, a social work license issued by any state that authorizes practice only within the issuing state and does not include multistate authorization to practice in any member state.

(x) “Social work” or “Social work services”, the application of social work theory, knowledge, methods, ethics and the professional use of self to restore or enhance social, psychosocial or biopsychosocial functioning of individuals, couples, families, groups, organizations and communities through the care and services provided by a regulated social worker as set forth in the member state's statutes and regulations in the state where the services are being provided.

(y) "State", any state, commonwealth, district or territory of the United States of America that regulates the practice of social work.

(z) "Unencumbered license", a license that authorizes a regulated social worker to engage in the full and unrestricted practice of social work.

Section 3. (a) To be eligible to participate in the compact, a potential member state must currently meet all of the following criteria:

(1) license and regulate the practice of social work at either the clinical, master's or bachelor's category;

(2) require applicants for licensure to graduate from a program that is:

(i) operated by a college or university recognized by the licensing authority;

(ii) accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either:

(A) the Council for Higher Education Accreditation, or its successor; or

(B) the United States Department of Education; and

(iii) corresponds to the licensure sought as outlined in section 4;

(3) require applicants for clinical licensure to complete a period of supervised practice; and

(4) have a mechanism in place for receiving, investigating and adjudicating complaints about licensees.

(b) To maintain membership in the compact a member state shall:

(1) require that applicants for a multistate license pass a qualifying national exam for the corresponding category of multistate license sought as outlined in section 4;

(2) participate fully in the commission's data system, including using the commission's unique identifier as defined in rules;

(3) notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of current significant investigative information regarding a licensee;

(4) implement procedures for considering the criminal history records of applicants for a multistate license. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

(5) comply with the rules of the commission;

(6) require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable home state laws;

(7) authorize a licensee holding a multistate license in any member state to practice in accordance with the terms of the compact and rules of the commission; and

(8) designate a delegate to participate in the commission meetings.

(c) A member state meeting the requirements of subsections (a) and (b) of section 3 of this compact shall designate the categories of social work licensure that are eligible for issuance of a multistate license for applicants in such member state. To the extent that any member state does not meet the requirements for participation in the compact at any particular category of social work licensure, such member state may choose, but is not obligated to, issue a multistate license to applicants that otherwise meet the requirements of section 4 for issuance of a multistate license in such category or categories of licensure.

(d) The home state may charge a fee for granting the multistate license.

Section 4. (a) To be eligible for a multistate license under the terms and provisions of the compact, an applicant, regardless of category, must:

(1) hold or be eligible for an active, unencumbered license in the home state;

(2) pay any applicable fees, including any state fee, for the multistate license;

(3) submit, in connection with an application for a multistate license, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

(4) notify the home state of any adverse action, encumbrance or restriction on any professional license taken by any member state or non-member state within 30 days from the date the action is taken;

(5) meet any continuing competence requirements established by the home state; and

(6) abide by the laws, regulations and applicable standards in the member state where the client is located at the time care is rendered.

(b) An applicant for a clinical-category multistate license must meet all of the following requirements:

(1) fulfill a competency requirement, which shall be satisfied by either:

(i) passage of a clinical-category qualifying national exam; or

(ii) licensure of the applicant in their home state at the clinical category, beginning prior to such time as a qualifying national exam was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the commission; or

(iii) the substantial equivalency of the foregoing competency requirements which the commission may determine by rule;

(2) attain at least a master's degree in social work from a program that is:

(i) operated by a college or university recognized by the licensing authority; and

(ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

(A) the Council for Higher Education Accreditation or its successor; or

(B) the United States Department of Education; and

(3) fulfill a practice requirement, which shall be satisfied by demonstrating completion of either:

(i) a period of postgraduate supervised clinical practice equal to a minimum of 3,000 hours; or

(ii) a minimum of 2 years of full-time postgraduate supervised clinical practice; or

(iii) the substantial equivalency of the foregoing practice requirements which the commission may determine by rule.

(c) An applicant for a master's-category multistate license must meet all of the following requirements:

(1) fulfill a competency requirement, which shall be satisfied by either:

(i) passage of a masters-category qualifying national exam;

(ii) licensure of the applicant in their home state at the master's category, beginning prior to such time as a qualifying national exam was required by the home state at the master's category and accompanied by a continuous period of social work licensure thereafter, all of which may be further governed by the rules of the commission; or

(iii) the substantial equivalency of the foregoing competency requirements which the commission may determine by rule; and

(2) attain at least a master's degree in social work from a program that is:

(i) operated by a college or university recognized by the licensing authority; and

(ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

(A) the Council for Higher Education Accreditation or its successor; or

(B) the United States Department of Education.

(d) An applicant for a bachelor's-category multistate license must meet all of the following requirements:

(1) fulfill a competency requirement, which shall be satisfied by either:

(i) passage of a bachelor's-category qualifying national exam;

(ii) licensure of the applicant in their home state at the bachelor's category, beginning prior to such time as a qualifying national exam was required by the home state and accompanied by a period of continuous social work licensure thereafter, all of which may be further governed by the rules of the commission; or

(iii) the substantial equivalency of the foregoing competency requirements which the commission may determine by rule; and

(2) attain at least a bachelor's degree in social work from a program that is:

(i) operated by a college or university recognized by the licensing authority; and

(ii) accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

(A) the Council for Higher Education Accreditation or its successor; or

(B) the United States Department of Education.

(e) The multistate license for a regulated social worker is subject to the renewal requirements of the home state. The regulated social worker must maintain compliance with the requirements of subsection (a) of section 4 to be eligible to renew a multistate license.

(f) The regulated social worker's services in a remote state are subject to that member state's regulatory authority. A remote state may, in accordance with due process and that member state's laws, remove a regulated social worker's multistate authorization to practice in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens.

(g) If a multistate license is encumbered, the regulated social worker's multistate authorization to practice shall be deactivated in all remote states until the multistate license is no longer encumbered.

(h) If a multistate authorization to practice is encumbered in a remote state, the regulated social worker's multistate authorization to practice may be deactivated in that state until the multistate authorization to practice is no longer encumbered.

Section 5. (a) Upon receipt of an application for multistate license, the home state licensing authority shall determine the applicant's eligibility for a multistate license in accordance with section 4 of this compact.

(b) If such applicant is eligible pursuant to section 4 of this compact, the home state licensing authority shall issue a multistate license that authorizes the applicant or regulated social worker to practice in all member states under a multistate authorization to practice.

(c) Upon issuance of a multistate license, the home state licensing authority shall designate whether the regulated social worker holds a multistate license in the bachelors, masters or clinical category of social work.

(d) A multistate license issued by a home state to a resident in that state shall be recognized by all compact member states as authorizing social work practice under a multistate authorization to practice corresponding to each category of licensure regulated in each member state.

Section 6. (a) Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict or in any way reduce the ability of a member state to enact and enforce laws, regulations or other rules related to the practice of social work in that state, where those laws, regulations or other rules are not inconsistent with the provisions of this compact.

(b) Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

(c) Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict or in any way reduce the ability of a member state to take adverse action against a licensee's single state license to practice social work in that state.

(d) Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict or in any way reduce the ability of a remote state to take adverse action against a licensee's multistate authorization to practice in that state.

(e) Nothing in this compact, nor any rule of the commission, shall be construed to limit, restrict or in any way reduce the ability of a licensee's home state to take adverse action against a licensee's multistate license based upon information provided by a remote state.

Section 7. (a) A licensee can hold a multistate license, issued by their home state, in only 1 member state at any given time.

(b) If a licensee changes their home state by moving between 2 member states:

(1) the licensee shall immediately apply for the reissuance of their multistate license in their new home state. The licensee shall pay all applicable fees and notify the prior home state in accordance with the rules of the commission.

(2) upon receipt of an application to reissue a multistate license, the new home state shall verify that the multistate license is active, unencumbered and eligible for reissuance under the terms of the compact and the rules of the commission. The multistate license issued by the prior home state will be deactivated and all member states notified in accordance with the applicable rules adopted by the commission.

(3) prior to the reissuance of the multistate license, the new home state shall conduct procedures for considering the criminal history records of the licensee. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

(4) if required for initial licensure, the new home state may require completion of jurisprudence requirements in the new home state.

(5) notwithstanding any other provision of this compact, if a licensee does not meet the requirements set forth in this compact for the reissuance of a multistate license by the new home state, then the licensee shall be subject to the new home state requirements for the issuance of a single state license in that state.

(c) If a licensee changes their primary state of residence by moving from a member state to a non-member state, or from a non-member state to a member state, then the licensee shall be subject to the state requirements for the issuance of a single state license in the new home state.

(d) Nothing in this compact shall interfere with a licensee's ability to hold a single state license in multiple states; provided, however, that for the purposes of this compact, a licensee shall have only 1 home state, and only 1 multistate license.

(e) Nothing in this compact shall interfere with the requirements established by a member state for the issuance of a single state license.

Section 8. (a) An active military member or their spouse shall designate a home state where the individual has a multistate license. The individual may retain their home state designation during the period the service member is on active duty.

Section 9. (a) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:

(1) take adverse action against a regulated social worker's multistate authorization to practice only within that member state and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing authority in a member state for the attendance and testimony of

witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing licensing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state in which the witnesses or evidence are located.

(2) only the home state shall have the power to take adverse action against a regulated social worker's multistate license.

(b) For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

(c) The home state shall complete any pending investigations of a regulated social worker who changes their home state during the course of the investigations. The home state shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the data system shall promptly notify the new home state of any adverse actions.

(d) A member state, if otherwise permitted by state law, may recover from the affected regulated social worker the costs of investigations and dispositions of cases resulting from any adverse action taken against that regulated social worker.

(e) A member state may take adverse action based on the factual findings of another member state; provided, that the member state follows its own procedures for taking the adverse action.

(f) (1) In addition to the authority granted to a member state by its respective social work practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

(g) If adverse action is taken by the home state against the multistate license of a regulated social worker, the regulated social worker's multistate authorization to practice in all other member states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against the license of a regulated social worker shall include a statement that the regulated social worker's multistate authorization to practice is deactivated in all member states until all conditions of the decision, order or agreement are satisfied.

(h) If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state and all other member states of any adverse actions by remote states.

(i) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

(j) Nothing in this compact shall authorize a member state to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another member state for lawful actions within that member state.

(k) Nothing in this compact shall authorize a member state to impose discipline against a regulated social worker who holds a multistate authorization to practice for lawful actions within another member state.

Section 10. (a) The compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the compact known as the social work licensure compact commission. The commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The commission shall come into existence on or after the effective date of the compact as set forth in section 14.

(b) (1) Each member state shall have and be limited to 1 delegate selected by that member state’s state licensing authority.

(2) The delegate shall be either:

(i) a current member of the state licensing authority at the time of appointment, who is a regulated social worker or public member of the state licensing authority; or

(ii) an administrator of the state licensing authority or their designee.

(3) The commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

(4) The commission may recommend removal or suspension of any delegate from office.

(5) A member state’s state licensing authority shall fill any vacancy of its delegate occurring on the commission within 60 days of the vacancy.

(6) Each delegate shall be entitled to 1 vote on all matters before the commission requiring a vote by commission delegates.

(7) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference or other means of communication.

(8) The commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The commission may meet by telecommunication, video conference or other similar electronic means.

(c) The commission shall have the following powers:

(1) establish the fiscal year of the commission;

(2) establish code of conduct and conflict of interest policies;

(3) establish and amend rules and bylaws;

(4) maintain its financial records in accordance with the bylaws;

(5) meet and take such actions as are consistent with the provisions of this compact, the commission's rules and the bylaws;

(6) initiate and conclude legal proceedings or actions in the name of the commission; provided, that the standing of any state licensing board to sue or be sued under applicable law shall not be affected;

(7) maintain and certify records and information provided to a member state as the authenticated business records of the commission and designate an agent to do so on the commission's behalf;

(8) purchase and maintain insurance and bonds;

(9) borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state;

(10) conduct an annual financial review;

(11) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters;

(12) assess and collect fees;

(13) accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials and services and receive, utilize and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;

(14) lease, purchase, retain, own, hold, improve or use any property, real, personal or mixed, or any undivided interest therein;

(15) sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal, or mixed;

(16) establish a budget and make expenditures;

(17) borrow money;

(18) appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

(19) provide and receive information from, and cooperate with, law enforcement agencies;

(20) establish and elect an executive committee, including a chair and a vice chair;

(21) determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact; and

(22) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact.

(d)(1) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact. The powers, duties and responsibilities of the executive committee shall include:

(i) oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its rules and bylaws and other such duties as deemed necessary;

(ii) recommend to the commission changes to the rules or bylaws, changes to this compact legislation, fees charged to compact member states, fees charged to licensees and other fees;

(iii) ensure compact administration services are appropriately provided, including by contract;

(iv) prepare and recommend the budget;

(v) maintain financial records on behalf of the commission;

(vi) monitor compact compliance of member states and provide compliance reports to the commission;

(vii) establish additional committees as necessary;

(viii) exercise the powers and duties of the commission during the interim between commission meetings, except for adopting or amending rules, adopting or amending bylaws and exercising any other powers and duties expressly reserved to the commission by rule or bylaw; and

(ix) other duties as provided in the rules or bylaws of the commission.

(2) The executive committee shall be composed of up to 11 members:

(i) the chair and vice chair of the commission shall be voting members of the executive committee; and

(ii) the commission shall elect 5 voting members from the current membership of the commission.

(iii) up to 4 ex-officio, nonvoting members from 4 recognized national social work organizations.

(iv) the ex-officio members will be selected by their respective organizations.

(3) The commission may remove any member of the executive committee as provided in the commission's bylaws.

(4) The executive committee shall meet at least annually.

(i) Executive committee meetings shall be open to the public, except that the executive committee may meet in a closed, nonpublic meeting as provided in paragraph (2) of subsection (f) below.

(ii) The executive committee shall give 7 days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the commission.

(iii) The executive committee may hold a special meeting in accordance with clause (ii) or paragraph (1) of subsection (f) below.

(e) The commission shall adopt and provide to the member states an annual report.

(f)(1) All meetings shall be open to the public, except that the commission may meet in a closed, non-public meeting as provided in paragraph (2) of subsection (f).

(i) Public notice for all meetings of the full commission of meetings shall be given in the same manner as required under the rulemaking provisions in section 12, except that the commission may hold a special meeting as provided in clause (ii) of paragraph (1) of subsection (f).

(ii) The commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the commission's website, and other means as provided in the commission's rules. The commission's legal counsel shall certify that the commission's need to meet qualifies as an emergency.

(2) The commission or the executive committee or other committees of the commission may convene in a closed, non-public meeting for the commission or executive committee or other committees of the commission to receive legal advice or to discuss:

(i) non-compliance of a member state with its obligations under the compact;

(ii) the employment, compensation, discipline or other matters, practices or procedures related to specific employees;

(iii) current or threatened discipline of a licensee by the commission or by a member state's licensing authority;

(iv) current, threatened, or reasonably anticipated litigation;

(v) negotiation of contracts for the purchase, lease or sale of goods, services or real estate;

(vi) accusing any person of a crime or formally censuring any person;

(vii) trade secrets or commercial or financial information that is privileged or confidential;

(viii) information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

(ix) investigative records compiled for law enforcement purposes;

(x) information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact;

(xi) matters specifically exempted from disclosure by federal or member state law; or

(xii) other matters as promulgated by the commission by rule.

(3) If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

(4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the commission or order of a court of competent jurisdiction.

(g)(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources as provided in paragraph (13) of subsection (c).

(3) The commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the commission shall promulgate by rule.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the financial review and accounting procedures established under its bylaws; provided, however, that all receipts and disbursements of funds handled by the commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the commission.

(h)(1) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided, however, that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the commission shall not in any way compromise or limit the immunity granted hereunder.

(2) The commission shall defend any member, officer, executive director, employee and representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or as determined by the commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, however, that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error or omission did not result from that person’s intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee and representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities, provided that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

(4) Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

(5) Nothing in this compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

(6) Nothing in this compact shall be construed to be a waiver of sovereign immunity by the member states or by the commission.

Section 11. (a) The commission shall provide for the development, maintenance, operation and utilization of a coordinated data system.

(b) The commission shall assign each applicant for a multistate license a unique identifier, as determined by the rules of the commission.

(c) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

(1) identifying information;

(2) licensure data;

(3) adverse actions against a license and information related thereto;

(4) non-confidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under member state law;

(5) any denial of application for licensure and the reason(s) for such denial;

(6) the presence of current significant investigative information; and

(7) other information that may facilitate the administration of this compact or the protection of the public, as determined by the rules of the commission.

(d) The records and information provided to a member state pursuant to this compact or through the data system, when certified by the commission or an agent thereof, shall constitute the authenticated business records of the commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a member state.

(e) Current significant investigative information pertaining to a licensee in any member state will only be available to other member states.

(1) It is the responsibility of the member states to report any adverse action against a licensee and to monitor the database to determine whether adverse action has been taken against a licensee. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(f) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(g) Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.

Section 12. (a) The commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the compact, or the powers granted hereunder, or based upon another applicable standard of review.

(b) The rules of the commission shall have the force of law in each member state; provided, however that where the rules of the commission conflict with the laws of the member state that establish the member state's laws, regulations and applicable standards that govern the practice of social work as held by a court of competent jurisdiction, the rules of the commission shall be ineffective in that state to the extent of the conflict.

(c) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding on the day following adoption or the date specified in the rule or amendment, whichever is later.

(d) If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(e) Rules shall be adopted at a regular or special meeting of the commission.

(f) Prior to adoption of a proposed rule, the commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions and arguments.

(g) Prior to adoption of a proposed rule by the commission, and at least 30 days in advance of the meeting at which the commission will hold a public hearing on the proposed rule, the commission shall provide a notice of proposed rulemaking:

(1) on the website of the commission or other publicly accessible platform;

(2) to persons who have requested notice of the commission's notices of proposed rulemaking; and

(3) in such other way(s) as the commission may by rule specify.

(h) The notice of proposed rulemaking shall include:

(1) the time, date and location of the public hearing at which the commission will hear public comments on the proposed rule and, if different, the time, date and location of the meeting where the commission will consider and vote on the proposed rule;

(2) if the hearing is held via telecommunication, video conference or other electronic means, the commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

(3) the text of the proposed rule and the reason therefor;

(4) a request for comments on the proposed rule from any interested person; and

(5) the manner in which interested persons may submit written comments.

(i) All hearings will be recorded. A copy of the recording and all written comments and documents received by the commission in response to the proposed rule shall be available to the public.

(j) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(k) The commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule.

(1) The commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

(2) The commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

(3) The commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection (l), the effective date of the rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the rule.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

(1) meet an imminent threat to public health, safety, or welfare;

(2) prevent a loss of commission or member state funds;

(3) meet a deadline for the promulgation of a rule that is established by federal law or rule; or

(4) protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

(n) No member state's rulemaking requirements shall apply under this compact.

Section 13. (a)(1) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to implement the compact.

(2) Except as otherwise provided in this compact, venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or

propriety of venue in any action against a licensee for professional malpractice, misconduct or any such similar matter.

(3) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or order void as to the commission, this compact or promulgated rules.

(b)(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the commission may take, and shall offer training and specific technical assistance regarding the default.

(2) The commission shall provide a copy of the notice of default to the other member states.

(c) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(d) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state’s legislature, the defaulting state’s state licensing authority and each of the member states’ state licensing authority.

(e) A state that has been terminated is responsible for all assessments, obligations and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(f) Upon the termination of a state’s membership from this compact, that state shall immediately provide notice to all licensees within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 6 months after the date of said notice of termination.

(g) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(h) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney’s fees.

(i)(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(j)(1) By majority vote as provided by rule, the commission may initiate legal action against a member state in default in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees. The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or the defaulting member state's law.

(2) A member state may initiate legal action against the commission in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices to enforce compliance with the provisions of the compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) No person other than a member state shall enforce this compact against the commission.

Section 14. (a) The compact shall come into effect on the date on which the compact statute is enacted into law in the seventh member state.

(1) On or after the effective date of the compact, the commission shall convene and review the enactment of each of the first seven member states ("charter member states") to determine if the statute enacted by each such charter member state is materially different than the model compact statute.

(i) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled to the default process set forth in section 13.

(ii) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission shall remain in existence and the compact shall remain in effect even if the number of member states should be less than 7.

(2) Member states enacting the compact subsequent to the 7 initial charter member states shall be subject to the process set forth in paragraph (21) of subsection (c) of section 10 to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

(3) All actions taken for the benefit of the commission or in furtherance of the purposes of the administration of the compact prior to the effective date of the compact or the commission coming into existence shall be considered to be actions of the commission unless specifically repudiated by the commission.

(4) Any state that joins the compact subsequent to the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(b) Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

(3) Upon the enactment of a statute withdrawing from this compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

(c) Nothing contained in this compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

(d) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

Section 15. (a) This compact and the commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the compact. Provisions of the compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the commission's rulemaking authority solely for those purposes.

(b) The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, a state seeking participation in the compact, or of the United States, or the applicability thereof to any government, agency, person or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this compact and the applicability thereof to any other government, agency, person or circumstance shall not be affected thereby.

(c) Notwithstanding subsection (b) of this section, the commission may deny a state's participation in the compact or, in accordance with the requirements of subsection (b) of section 13, terminate a member state's participation in the compact, if it determines that a constitutional requirement of a member state is a material departure from the compact. Otherwise, if this compact shall be held to be contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

Section 16. (a) A licensee providing services in a remote state under a multistate authorization to practice shall adhere to the laws and regulations, including laws, regulations and applicable standards, of the remote state where the client is located at the time care is rendered.

(b) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the compact.

(c) Any laws, statutes, regulations or other legal requirements in a member state in conflict with the compact are superseded to the extent of the conflict.

(d) All permissible agreements between the commission and the member states are binding in accordance with their terms.

CHAPTER 112D.

PHYSICAL THERAPY LICENSURE COMPACT

Section 1. The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the client is located at the time of the client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives: (a) increase public access to physical therapy services by providing for the mutual recognition of other member state licenses; (b) enhance the states’ ability to protect the public’s health and safety; (c) encourage the cooperation of member states in regulating multi-state physical therapy practice; (d) support spouses of relocating military members; (e) enhance the exchange of licensure, investigative and disciplinary information between member states; and (f) allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state’s practice standards.

Section 2. As used in this chapter, the following words shall have the following meanings unless the context requires otherwise:

"Active-Duty Military", full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.

"Adverse Action", disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance or a combination of both.

"Alternative Program", a non-disciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes, but is not limited to, substance abuse issues.

"Compact privilege", the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the client is located at the time of the patient/client encounter.

"Continuing competence", a requirement, as a condition of license renewal, to provide evidence of participation in or completion of, educational and professional activities relevant to practice or area of work.

"Data system", a repository of information about licensees, including examination, licensure, investigative, compact privilege and adverse action.

"Encumbered license", a license that a physical therapy licensing board has limited in any way.

"Executive Board", a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

“Home state”, the member state that is the licensee’s primary state of residence.

“Investigative information” information, records and documents received or generated by a physical therapy licensing board pursuant to an investigation.

“Jurisprudence Requirement”, the assessment of an individual’s knowledge of the laws and rules governing the practice of physical therapy in a state.

“Licensee”, an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.

“Member state”, a state that has enacted the compact.

“Party state”, any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.

“Physical therapist”, an individual who is licensed by a state to practice physical therapy.

“Physical therapist assistant”, an individual who is licensed by a state and who assists the physical therapist in selected components of physical therapy.

“Physical therapy”, the care and services provided by or under the direction and supervision of a licensed physical therapist.

“Physical Therapy Compact Commission” or “Commission”, the national administrative body whose membership consists of all states that have enacted the compact.

“Physical therapy licensing board” or “licensing board”, the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

"Remote State", a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

"Rule", a regulation, principle or directive promulgated by the commission that has the force of law.

"State", any state, commonwealth, district or territory of the United States that regulates the practice of physical therapy.

Section 3. (a) To participate in the compact, a state must: (i) participate fully in the commission's data system, including using the commission's unique identifier as defined in rules; (ii) have a mechanism in place for receiving and investigating complaints about licensees; (iii) notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee; (iv) fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with section 3; (v) comply with the rules of the commission; (vi) utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and (vii) have continuing competence requirements as a condition for license renewal.

(b) Upon adoption of this statute, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. §534 and 42 U.S.C. §14616.

(c) A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

(d) Member states may charge a fee for granting a compact privilege

Section 4. (a) To exercise the compact privilege under the terms and provisions of the compact, the licensee shall: (i) hold a license in the home state; (ii) have no encumbrance on any state license; (iii) be eligible for a compact privilege in any member state in accordance with subsections (d), (g) and (h); (iv) not received any adverse action against any license or compact privilege within the previous 2 years; (v) notify the commission that the licensee is seeking the compact privilege within a remote state or states; (vi) pay any applicable fees, including any state fee, for the compact privilege; (vii) meet any jurisprudence requirements established by the remote state or states in which the licensee is seeking a compact privilege; and (viii) report to the commission adverse action taken by any non-member state within 30 days from the date the adverse action is taken.

(b) The compact privilege is valid until the expiration date of the home state license. The licensee must comply with the requirements of this section to maintain the compact privilege in the remote state.

(c) A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

(d) A licensee providing physical therapy in a remote state is subject to that state’s regulatory authority. A remote state may, in accordance with due process and that state’s laws, remove a licensee’s compact privilege in the remote state for a specific period of time, impose fines, or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

(e) If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur: (1) the home state license is no longer encumbered; and (2) 2 years have elapsed from the date of the adverse action.

(f) Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of subsection (a) to obtain a compact privilege in any remote state.

(g) If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur: (A) the specific period of time for which the compact privilege was removed has ended; (B) all fines have been paid; and (C) 2 years have elapsed from the date of the adverse action. Once the requirements of this paragraph have been met, the license must meet the requirements in subsection (a) to obtain a compact privilege in a remote state.

Section 5. A licensee who is active-duty military or is the spouse of an individual who is active-duty military may designate one of the following as the home state: (a) home of record; (b) permanent change of station; or (c) state of current residence if it is different than the permanent change of station state or home of record.

Section 6. (a) A home state: (i) shall have exclusive power to impose adverse action against a license issued by the home state; and (ii) may take adverse action based on the investigative information of a remote state, so long as the home state follows its own procedures for imposing adverse action.

(b) Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain non-public if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

(c) Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

(d) A remote state shall have the authority to: (A) take adverse actions as set forth in subsection (d) of section 4 against a licensee's compact privilege in the state; (B) issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses or evidence are located; and (C) if otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

(e) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees. Member states shall share any investigative, litigation or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

Section 7. (a) The compact member states hereby create and establish a joint public agency known as the Physical Therapy Compact Commission. The Commission is an instrumentality of the compact states. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(b) Each member state shall have and be limited to 1 delegate selected by that member state’s licensing board. Such delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member or the board administrator. A delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Each delegate shall be entitled to 1 vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission and delegates shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(c) The member state board shall fill any vacancy occurring in the commission.

(d) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(e) The commission shall have the following powers and duties: (i) establish the fiscal year of the commission; (ii) establish bylaws; (iii) maintain its financial records in accordance with the bylaws; (iv) meet and take such actions as are consistent with the provisions of this compact and the bylaws; (v) promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states; (vi) bring and prosecute legal proceedings or actions in the name of the commission; provided, that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected; (vii) purchase and maintain insurance and bonds; (viii) borrow, accept or contract for services of personnel, including, but not limited to, employees of a member state; (ix) hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel and other related personnel matters; (x) accept all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize and dispose of the same; provided, that at all times the commission shall avoid any appearance of impropriety or conflict of interest; (xi) lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided, that at all times the commission shall avoid any appearance of impropriety; (xii) sell convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of any property real, personal or mixed; (xiii) establish a budget and make expenditures; (xiv) borrow money; (xv) appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws; (xvi) provide and receive information from, and cooperate with, law enforcement agencies; (xvii) establish and elect an executive board; and (xviii) perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

(f) The executive board shall have the power to act on behalf of the commission according to the terms of this compact. The Executive Board shall be composed of: (A) 7 voting members who are elected by the commission from the current membership of the commission; (B) 1 ex-officio, nonvoting member from the recognized national physical therapy professional association; and (C) 1 ex-officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards. The ex-officio members will be selected by their respective organizations. The commission may remove any member of the Executive Board as provided in bylaws. The executive board shall meet at least annually.

(g) The executive board shall have the following duties and responsibilities: (1) recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues and any commission compact fee charged to licensees for the compact privilege; (2) ensure compact administration services are appropriately provided, contractual or otherwise; (3) prepare and recommend the budget; (4) maintain financial records on behalf of the commission; (5) monitor compact compliance of member states and provide compliance reports to the commission; (6) establish additional committees as necessary; and (7) other duties as provided in rules or bylaws.

(h) All meetings shall be open to the public and public notice of meetings shall be given in the same manner as required under the rulemaking provisions pursuant to section 9.

(i) The commission or the executive board or other committees of the commission may convene in a closed, non-public meeting if the commission or executive board or other committees of the Commission must discuss: (i) non-compliance of a member state with its obligations under the compact; (ii) the employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures; (iii) current, threatened or reasonably anticipated litigation; (iv) negotiation of contracts for the purchase, lease or sale of goods, services or real estate; (v) accusing any person of a crime or formally censuring any person; (vi) disclosure of trade secrets or commercial or financial information that is privileged or confidential; (vii) disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy; (viii) disclosure of investigative records compiled for law enforcement purposes; (ix) disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or (x) matters specifically exempted from disclosure by federal or member state statute. If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(j) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization and ongoing activities.

(k) The commission may accept any and all appropriate revenue sources, donations and grants of money, equipment, supplies, materials and services.

(l) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(m) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(n) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws; provided, however, that all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(o) The members, officers, executive director, employees and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided, that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury or liability caused by the intentional or willful or wanton misconduct of that person.

(p) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided, that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error or omission did not result from that person's intentional or willful or wanton misconduct.

(q) The commission shall indemnify and hold harmless any member, officer, executive director, employee or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error or omission that occurred within the scope of commission employment, duties or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided, that the actual or alleged act, error or omission did not result from the intentional or willful or wanton misconduct of that person.

Section 8. (a) The Commission shall provide for the development, maintenance and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

(b) Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including: (i) identifying information; (ii) licensure data; (iii) adverse actions against a license or compact privilege; (iv) non-confidential information related to alternative program participation; (v) any denial of application for licensure, and the reason or reasons for such denial; and (vi) other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(c) Investigative information pertaining to a licensee in any member state will only be available to other party states.

(d) The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

(e) Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

(f) Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

Section 9. (a) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(b) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within 4 years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

(c) Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

(d) Prior to promulgation and adoption of a final rule or rules by the commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking on the website of: (i) the commission or other publicly accessible platform; and (ii) each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

(e) The notice of proposed rulemaking shall include: (1) the proposed time, date and location of the meeting in which the rule will be considered and voted upon; (2) the text of the proposed rule or amendment and the reason for the proposed rule; (3) a request for comments on the proposed rule from any interested person; and (4) the manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

(f) Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions and arguments, which shall be made available to the public.

(g) The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by: (A) at least 25 persons; (B) a state or federal governmental subdivision or agency; or (C) an association having at 25 members.

(h) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing. All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than 5 business days before the scheduled date of the hearing. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings shall be recorded. A copy of the recording will be made available on request. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.

(i) Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

(j) If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

(k) The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

(l) Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment or hearing; provided, that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to: (i) meet an imminent threat to public health, safety or welfare; (ii) prevent a loss of commission or member state funds; (iii) meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or (iv) protect public health and safety.

(m) The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

Section 10. (a) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission. The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact or promulgated rules.

(b)(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall: (i) provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default or any other action to be taken by the commission; and (ii) provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges and benefits conferred by this compact may be terminated on the effective date

of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature and each of the member states.

(4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(c) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and non-member states. The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

(d) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(e) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.

(f) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

Section 11. (a) The compact shall come into effect on the date on which the compact statute is enacted into law in the 10th member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

(b) Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

(c) Any member state may withdraw from this compact by enacting a statute repealing the same. A member state's withdrawal shall not take effect until 6 months after enactment of the repealing statute. Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

(d) Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this compact.

(e) This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

Section 12. This compact shall be construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

SECTION 176. Section 52 of chapter 119 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in line 5," the words "and 18 years of age" and inserting in place thereof the following words:- years of age and the age of criminal majority.

SECTION 177. Said section 52 of said chapter 119, as so appearing, is hereby further amended by striking out, in line 19, the figure "18" and inserting in place thereof the following words:- the age of criminal majority.

SECTION 178. Section 54 of said chapter 119, as so appearing, is hereby amended by striking out, in line 2, the words "and 18 years of age" and inserting in place thereof the following words:- years of age and the age of criminal majority.

SECTION 179. Said section 54 of said chapter 119, as so appearing, is hereby further amended by striking out, in line 21, the figure "18" and inserting in place thereof the following words:- the age of criminal majority.

SECTION 180. Section 54B of said chapter 119, as so appearing, is hereby amended by striking out, in lines 2 and 24, the words "or 29D" and inserting in place thereof, in each instance, the following words:- ", 29D or 29E".

SECTION 181. Section 58 of said chapter 119, as so appearing, is hereby amended by striking out, in lines 8 to 12, inclusive, the words "may be imposed until such child reaches age eighteen or age nineteen in the case of a child whose case is disposed of after he has attained his eighteenth birthday or age 20 in the case of a child whose case is disposed of after he attains his nineteenth birthday" and inserting in place thereof the following words:- may, in the case of an offense that occurred prior to the child's eighteenth birthday, be imposed until such child reaches age 18, or age 19 in the case of a child whose case is disposed of after the child has attained the child's eighteenth, or age 20 in the case of a child whose case is disposed of after the child attains the child's nineteenth birthday; provided, however, that in the case of an offense that occurred on or after the child's eighteenth birthday, such probation may be imposed until such child reaches age 19, or age 20 in the case of a child whose case is disposed of after the child has attained the child's nineteenth birthday, or age 21 in the case of a child whose case is disposed of after the child attains the child's twentieth`.

SECTION 182. Said section 58 of said chapter 119, as so appearing, is hereby further amended by inserting after the word "eighteen", in lines 26 and 27, the following words:- in a case where the offense occurred prior to the child's eighteenth birthday.

SECTION 183. The second paragraph of said section 58 of said chapter 119, as so appearing, is hereby amended by adding the following sentence:- In a case where the offense occurred on or after the child's eighteenth birthday, the probationary or commitment period shall not be for a period longer than until such child attains the age of 19.

SECTION 184. Said section 58 of said chapter 119, as so appearing, is hereby further amended by striking out, in lines 78 and 79, the words "the Massachusetts Correctional Institution, Cedar Junction, prior to his eighteenth birthday" and inserting in place thereof the following words:- any prison owned, operated, administered or subject to the control of the department of correction prior to the youthful offender's nineteenth birthday.

SECTION 185. Said section 58 of said chapter 119, as so appearing, is hereby further amended by striking out, in lines 97 to 99, inclusive, the words "his eighteenth birthday or his nineteenth birthday in the case of a child whose case is disposed of after he has attained his eighteenth" and inserting in place thereof the following words:- their nineteenth birthday or their twentieth birthday in the case of a child whose case is disposed of after they have attained their nineteenth.

SECTION 186. Section 60A of said chapter 119, as so appearing, is hereby amended by striking out, in line 17, the words “and eighteenth birthdays” and inserting in place thereof the following words:- birthday and the age of G.

SECTION 187. Said section 60A of said chapter 119, as so appearing, is hereby further amended by striking out, in line 20, the words, “been age 18 or older” and inserting in place thereof the following words:- attained the age of criminal majority.

SECTION 188. Said section 60A of said chapter 119, as so appearing, is hereby further amended by striking out, in line 22, the words “were age 18 or older” and inserting in place thereof the following words:- had attained the age of criminal majority.

SECTION 189. Section 63A of said chapter 119, as so appearing, is hereby amended by striking out, in line 1, the words “is 19 years of age or older” and inserting in place thereof the following words:- has attained the age of criminal majority.

SECTION 190. Said section 63A of said chapter 119, as so appearing, is hereby further amended by striking out, in line 2, the figure “18” and inserting in place thereof the following words:- criminal majority.

SECTION 191. Section 65 of said chapter 119, as so appearing, is hereby amended by striking out, in line 2, the words “18 years of age” and inserting in place thereof the following words:- “the age of criminal majority”.

SECTION 192. Section 66 of said chapter 119, as so appearing, is hereby amended by striking out, in lines 3 and 5, the words “18 years of age” and inserting in place thereof, in each instance, the following words:- the age of criminal majority.

SECTION 193. Section 67 of said chapter 119, as so appearing, is hereby amended by striking out in, in lines 1, 17 and 29, the words “and 18 years of age” and inserting in place thereof, in each instance, the following words:- years of age and the age of criminal majority.

SECTION 194. Section 68 of said chapter 119, as so appearing, is hereby amended by striking out, in line 2, the figure “18” and inserting in place thereof the following words:- criminal majority.

SECTION 195. Said section 68 of said chapter 119, as so appearing, is hereby further amended by striking out, in line 34, the words “ and 18 years of age” and inserting in place thereof the following words:- years of age and the age of criminal majority.

SECTION 196. Section 68A of said chapter 119, as so appearing, is hereby amended by striking out, in line 1, the words “and 18 years of age” and inserting in place thereof the following words:- years of age and the age of criminal majority.

SECTION 197. Section 70 of said chapter 119, as so appearing, is hereby amended by striking out, in line 2, the words “18 years of age” and inserting in place thereof the following words:- the age of criminal majority.

SECTION 198. Section 72 of said chapter 119, as so appearing, is hereby amended by striking out, in line 2 and 3, the words “their eighteenth birthday” and inserting in place thereof the following words:- the age of criminal majority.

SECTION 199. Said section 72 of said chapter 119, as so appearing, is hereby further amended by striking out, in line 9, the word “his twentieth” and inserting in place thereof the following words:- their twenty-first.

SECTION 200. Said section 72 of said chapter 119, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

If a child commits an offense prior to attaining the age of criminal majority and is not apprehended until between such child's attainment of the age of criminal majority and the subsequent birthday, the court shall deal with such child in the same manner as if the child has not attained the age of criminal majority and all provisions and rights applicable to a child under the age of 18 shall apply to such child.

SECTION 201. Said section 72 of said chapter 119, as so appearing, is hereby further amended by striking out, in line 18, the words "their eighteenth birthday" and inserting in place thereof the following words:- the age of criminal majority.

SECTION 202. Section 72A of said chapter 119, as so appearing, is hereby amended by striking out, in line 2 and 3, the words "his eighteenth birthday, and is not apprehended until after his nineteenth " and inserting in place thereof the following words:- attaining the age of criminal majority and is not apprehended until after their subsequent .

SECTION 203. Section 72B of said chapter 119, as so appearing, is hereby amended by striking out, in lines 2 and 3, 7 and 8, and 31, the words "his eighteenth birthday" and inserting in place thereof, in each instance, the following words:- attaining the age of criminal majority.

SECTION 204. Said section 72B of said chapter 119, as so appearing, is hereby further amended by striking out, in line 25, the words "his eighteenth birthday" and inserting in place thereof the following words:- the age of criminal majority.

SECTION 205. Section 74 of said chapter 119, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “his eighteenth birthday” and inserting in place thereof the following words:-attaining the age of criminal majority.

SECTION 206. Said section 74 of said chapter 119, as so appearing, is hereby further amended by striking out, in line 10, the words “and 18 years of age” and inserting in place thereof the following words:- years of age and +the age of criminal majority.

SECTION 207. Said section 74 of said chapter 119, as so appearing, is hereby further amended by striking out, in line 14, the figure “18” and inserting in place thereof the following words:- criminal majority.

SECTION 208. Section 84 of said chapter 119, as so appearing, is hereby amended by striking out, in line 12 and 13, the words “eighteen (or nineteen) years of age” and inserting in place thereof the following words:- the age of criminal majority (or 1 year older).

SECTION 209. Section 89 of said chapter 119, as so appearing, is hereby amended by striking out, in line 25, the figure “18” and inserting in place thereof the following words:- criminal majority.

SECTION 210. Section 15 of chapter 120 of the General Laws, as so appearing, is hereby amended by striking out in lines 3 and 4, the figure “18” and inserting in place thereof, in each instance, the following words:- the age of criminal majority.

SECTION 211. Section 21 of said chapter 120, as so appearing, is hereby amended by striking out, in lines 7, 9 and 10, the word “conviction” and inserting in place thereof, in each instance, the following word:- adjudication.

SECTION 212. Said section 21 of said chapter 120, as so appearing, is hereby further amended by striking out, in line 17, the words “and 18 years of age” and inserting in place thereof the following words:- years of age and the age of criminal majority.

SECTION 213. Section 3 of chapter 121C of the General Laws, as so appearing, is hereby amended by striking out, in line 55, the word “MOBD” and inserting in place thereof the following words:- the secretary.

SECTION 214. Section 4 of said chapter 121C, as so appearing, is hereby amended by striking out, in line 9, the words “, MOBD and to the director,” and inserting in place thereof the following words:- and secretary.

SECTION 215. Section 5 of said chapter 121C, as so appearing, is hereby amended by striking out, in line 21, the words “MOBD and” and inserting in place thereof the following word:- the.

SECTION 216. Said section 5 of said chapter 121C, as so appearing, is hereby further amended by striking out, in lines 67 and 68, the words “MOBD and the director” and inserting in place thereof the following words:- the secretary.

SECTION 217. Said section 5 of said chapter 121C, as so appearing, is hereby further amended by striking out, in lines 81 and 82, the words “MOBD and director” and inserting in place thereof the following words:- the secretary.

SECTION 218. Section 6 of said chapter 121C, as so appearing, is hereby amended by striking out, in line 28, the words “MOBD and director” and inserting in place thereof the following words:- the secretary.

SECTION 219. Said section 6 of said chapter 121C, as so appearing, is hereby further amended by striking out, in lines 44 and 45, the words "department of housing and community development" and inserting in place thereof the following words:- secretary.

SECTION 220. Section 10 of said chapter 121C, as so appearing, is hereby amended by striking out, in line 5, the words "MOBD and the director" and inserting in place thereof the following words:- the secretary.

SECTION 221. Section 12 of chapter 138 of the General Laws, as so appearing, is hereby amended by striking out, in lines 119 to 121, inclusive, the words "and irrespective of any limitation of number of licenses contained in section seventeen".

SECTION 222. Said section 12 of said chapter 138, as so appearing, is hereby further amended by adding the following 3 paragraphs:-

All new licenses issued under this section in response to an application filed on or after January 1, 2027, pursuant to the municipal plan as required by section 17, shall be nontransferable and no licensing authority shall approve the transfer of such license.

If a license issued pursuant to this section is cancelled, revoked or no longer in use by the license holder, the license shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority.

If a license holder closes or terminates the license holder's business or sells or transfers the license holder's business, the license holder shall return the license physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority.

SECTION 223. Said chapter 138 is hereby further amended by inserting after section 12D the following new section:

Section 12E. (a) Notwithstanding section 12 or any other general or special law to the contrary, the holder of a restricted airport license as defined in section 17 may, subject to the approval of the Massachusetts Port Authority, sell alcoholic beverages to be drunk on the premises at any time that the airport is open for operations.

(b) Notwithstanding any general or special law to the contrary, the Massachusetts Port Authority may designate 1 or more areas within a passenger terminal, as defined in section 17, in which alcoholic beverages sold by a licensee may be consumed off the licensed premises; provided, however, that the Massachusetts Port Authority shall immediately notify the commission of any area so designated. A licensee operating within the approved area may, subject to the approval of the Massachusetts Port Authority, sell alcoholic beverages for consumption off the licensed premises; provided, however, that alcoholic beverages sold pursuant to this subsection shall not be carried or consumed outside of the designated area.

(c) This section shall not be construed to permit a licensed establishment to sell any type or category of alcohol beyond the type or category of alcohol that the licensed establishment is permitted to sell under the license issued to it by the local licensing authority pursuant to this chapter.

SECTION 224. The first paragraph of section 14 of said chapter 138, as appearing in the 2024 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:- Special licenses for the sale of all alcoholic beverages or wine and malt beverages only may be issued, as determined by the municipality, by the local licensing authorities to the responsible manager of any indoor or outdoor activity or enterprise or to the responsible manager of any nonprofit organization conducting any indoor or outdoor activity or enterprise.

SECTION 225. Section 16A of said chapter 138, as so appearing, is hereby amended by striking out, in line 12, the word “so” and inserting in place thereof the following words:- as determined by a municipality to be.

SECTION 226. Said section 16A of said chapter 138, as so appearing, is hereby further amended by striking out, in lines 15 and 16, the words “, to the extent that the same are issuable under section seventeen”.

SECTION 227. Said section 16A of said chapter 138, as so appearing, is hereby further amended by striking out, in line 19, the words “for the purposes of section seventeen”.

SECTION 228. Section 17 of said chapter 138, as so appearing, is hereby amended by striking out the first 8 paragraphs and inserting in place thereof the following 3 paragraphs:-

A city or town shall determine the number of all alcoholic beverage or wines and malt beverage licenses to be issued by its local licensing authority under sections 12, 14 and 15F, including the number of seasonal licenses; provided, however, that for licenses issued under section 15, cities and towns may grant 1 such license for each population unit of 5,000 or any additional fraction thereof but may, regardless of population, grant at least 2 licenses under said section 15; provided further, that nothing in this section shall limit the city of Boston from granting at least 250 licenses for the sale of all alcoholic beverages under said section 15.

A city or town shall adopt and may amend a plan that is approved by the mayor and city council or select board, which shall determine the process for granting additional licenses; provided, however, that prior to adopting or amending the plan: (i) at least 1 public hearing regarding the plan shall be conducted by the city council, select board or legislative body of the city or town; and (ii) the city or town shall notify the alcoholic beverages control commission of the public hearing.

The mayor and city council or select board of a city or town shall hold a public hearing regarding a license application within 30 days of the date the application is filed.

SECTION 229. Sections 17A to 17C, inclusive, of said chapter 138 are hereby repealed.

SECTION 230. Section 29 of said chapter 138, as appearing in the 2024 Official Edition, is hereby amended by striking out, in lines 22 to 24, inclusive, the words "; but a license issued to a registered pharmacist under said section shall be included in computing the number of licenses that may be granted in any city or town as provided in section seventeen".

SECTION 231. Said chapter 138 is hereby further amended by inserting after section 33B the following 3 sections:-

Section 33C. In a city or town that accepts this section in the manner provided in section 4 of chapter 4, an establishment holding a license to sell alcohol to be drunk on the premises shall be permitted to sell alcoholic beverages or alcohol at a discounted price, in a manner as approved by the city or town.

Section 33D. In a city or town that accepts this section in the manner provided in section 4 of chapter 4, a common victualler duly licensed under chapter 140 or any person duly licensed under section 12, section 19, section 19C or section 19D to sell all alcoholic beverages or only wines and malt beverages may discount any alcoholic beverages during a specified time period subject to ordinance, by-law, or other limitations of the city and town and; provided, however, that: (i) the prices of alcoholic beverages shall not be changed during the time period during which they are discounted; (ii) alcoholic beverages shall not be discounted between the hours of 10 p.m. and the licensed establishment's closing hour; and (iii) notice of the discount of the alcoholic beverages during the time period specified shall be posted on the licensed premises and on the licensee's publicly available website not less than 3 days prior to the specified time. Authorized persons may advertise events permitted under this statute consistent with local approval.

Section 33E. (a) For the purposes of this section, "licensed establishment" shall mean an establishment holding a license for the sale of alcoholic beverages, whether all alcoholic beverages or wines and malt beverages only, to be drunk on the premises pursuant to this chapter.

(b) In a city or town that accepts this section in the manner provided in section 4 of chapter 4, a local licensing authority may designate areas in that city or town in which alcoholic beverages are permitted to be consumed in public spaces, subject to such restrictions as the city or town may deem appropriate; provided, however, that the local licensing authority shall immediately notify the commission about any areas designated for public consumption of alcoholic beverages after so designating. Alcohol consumed within a designated district shall be limited to alcoholic beverages sold by participating licensed establishments located within the designated district.

(c) A local licensing authority in a city or town may allow a licensed establishment to sell alcoholic beverages for off-premises consumption in districts designated pursuant to this section. Only licensed establishments located within a district designated pursuant to this section may sell alcoholic beverages to be consumed off premises within the district.

(d) This section shall not be construed to permit a licensed establishment to sell any type or category of alcohol beyond the type or category of alcohol that the licensed establishment is permitted to sell under the license issued to it by the local licensing authority pursuant to this chapter.

SECTION 232. Section 185A of chapter 140 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out subsection (a) and inserting in place thereof the following 2 subsections:-

(a) For the purposes of this section and sections 185B to 185G, inclusive, the following term shall have the following meaning unless the context clearly requires otherwise:-

"Live event", a musical performance, sporting event, theatrical production, comedy show or other entertainment event performed in person to an in-person audience in an arena, concert venue or other fixed location including, but not limited to, an event licensed under sections 181 and 182 or chapter 128A; provided, however, that "live event" shall not include: (i) a musical performance, sporting event, theatrical production, comedy show or other entertainment event performed in an arena, concert venue or other fixed location with a capacity of not more than 1,000 attendees; (ii) the broadcast or transmission of such an entertainment event attended exclusively via television, internet or other remote means; or (iii) in-person attendance at an entertainment event that consists of entertainment, whether live or recorded, that is observed by an audience solely via broadcast or transmission or by the playing of a recording, including, but not limited to, a showing of a film in a movie theater.

(a1/2) No person shall engage in the business of selling tickets or the business of reselling or facilitating a mechanism for 2 or more parties to participate in the resale of any ticket of admission to a live event, whether such business is conducted on or off the premises on which such ticket is to be used, without being licensed by the commissioner of occupational licensure.

SECTION 233. Said section 185A of said chapter 140, as so appearing, is hereby further amended by striking out, in line 12, the words "until the first day of January next after its date" and inserting in place thereof the following words:- for 2 years following its date of issuance.

SECTION 234. Subsection (b) of said section 185A of said chapter 140, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- The sale of a ticket, entitling the holder of said ticket to admission to any such live event upon payment either of nothing or a sum less than that demanded of the public generally shall be deemed to be a resale pursuant to subsection (a½).

SECTION 235. Section 185B of said chapter 140, as so appearing, is hereby amended by striking out subsection (a) and inserting in place thereof the following subsection:-

(a) The fee for each license granted under section 185A and for each renewal thereof shall be determined by the secretary of administration and finance under section 3B of chapter 7 for the filing thereof.

SECTION 236. Section 185D of said chapter 140, as so appearing, is hereby amended by striking out, in lines 3 and 4, the words “theatrical exhibition, public show or public amusement or exhibition” and inserting in place thereof the following words:- live event.

SECTION 237. Said section 185D of said chapter 140, as so appearing, is hereby further amended by striking out, in lines 10 to 12, inclusive, the words “theatrical exhibition, public show or public amusement or exhibition of any description” and inserting in place thereof the following words:- live event.

SECTION 238. Said section 185D of said chapter 140, as so appearing, is hereby further amended by inserting after the word “stated”, in line 27, the following words:- as a per cent and.

SECTION 239. Said chapter 140 is hereby further amended by striking out section 185G, as so appearing, and inserting in place thereof the following section:-

Section 185G. (a) Section 182A shall not apply to tickets or other evidences of entry to theatrical exhibitions, public shows or public amusements or exhibitions, all the proceeds of the sale or resale of which inure exclusively to the benefit of religious, educational or charitable institutions, societies or organizations or civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare or to associations of veterans of any wars of the United States, or to tickets or other evidences of entry to agricultural fairs, none of the profits of the sale or resale of which are distributed to stockholders or members of the association conducting the same.

(b) Sections 185A to 185F, inclusive, shall not apply to tickets to live events, all the proceeds of the sale or resale of which inure exclusively to the benefit of religious, educational or charitable institutions, societies or organizations or civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare or to associations of veterans of any wars of the United States, or to tickets to agricultural fairs, none of the profits of the sale or resale of which are distributed to stockholders or members of the association conducting the same.

SECTION 240. Said chapter 140 is hereby further amended by adding the following section:-

Section 207. (a) For purposes of this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Entertainer”, an individual, group or entity that performs at a live event.

“Live event”, a musical performance, sporting event, theatrical production, comedy show or other entertainment event performed in person to an in-person audience in an arena, concert venue, festival or other location where a performance takes place, including, but not limited to, an event licensed under sections 181 and 182 or chapter 140; provided, however, that “live event” shall not include: (i) the broadcast or transmission of such an entertainment event attended exclusively via television, internet or other remote means; or (ii) in-person attendance at an entertainment event that consists of entertainment, whether live or recorded, that is observed by an audience solely via broadcast or transmission or by the playing of a recording, including, but not limited to, a showing of a film in a movie theater.

“Original ticket price”, the price at which a ticket is first sold to the public as disclosed pursuant to section 185D, inclusive of a service charge, fee or surcharge but excluding taxes.

"Speculative ticket", a ticket to a live event that is not in the actual or constructive possession of a ticket business at the time of listing, sale or advertisement, including, but not limited to, tickets not owned by the ticket business or under contract to be transferred to the ticket business at the time of sale.

"Ticket business", a person or entity engaged in advertising, selling, reselling or facilitating a mechanism for parties to participate in the sale or resale of any ticket to a live event.

(b) A ticket business shall not sell or resell, offer for sale or resale or market or advertise for sale or resale a speculative ticket. This subsection shall not be construed to limit the sale of tickets for contingent future events, such as playoff games or upgrade opportunities offered directly to buyers on the primary market by venues or teams.

(c) A ticket business shall not resell, offer to resell or market or advertise the resale of any ticket for a price, exclusive of a service charge, fee or surcharge, greater than 110 per cent of the original ticket price; provided, however, that this subsection shall not apply to: (i) tickets for sporting events; or (ii) tickets sold under a written contract with explicit permission from the entertainer and venue allowing for the resale of tickets at a price, exclusive of a service charge, fee or surcharge, greater than 110 per cent of the original ticket price. Whenever applicable under this subsection, a ticket business shall disclose to consumers that the resale price of the ticket is limited to 110 per cent of the original ticket price.

(d) A ticket business shall neither state nor imply that its exchange, website or reselling platform is affiliated with or endorsed by a venue, team or entertainer, including by using swords including, but not limited to, "official" in promotional materials, social media promotions, search engine optimization, paid advertising or website addresses, unless the ticket business has the express written consent of the venue, team or entertainer.

(e) If a ticket business provides or makes available information about the number or percentage of available tickets for a live event, such information shall not be presented in a manner that is false or misleading as to the availability of tickets for sale by the ticket business or on the platforms of other ticket businesses.

(f) The office of consumer affairs and business regulation, in consultation with the commissioner of occupational licensure, shall promulgate regulations to implement this section.

(g) A violation of this section shall constitute an unfair or deceptive act or practice under section 2 of chapter 93A.

SECTION 241. Section 100 of chapter 143 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in lines 9 and 10, the words “other than the specialized stretch energy code” and inserting in place thereof the following words:- other than the current and future specialized stretch energy codes.

SECTION 242. Section 52E of chapter 149 of the General Laws, as so appearing, is hereby amended by inserting after the definition of “Abusive behavior” the following 2 definitions:-

“Client employer”, a business entity that obtains or is provided workers to perform labor or services within its usual course of business from a third party, including, but not limited to, a staffing agency as defined in section 159C.

“Contract worker”, an individual who performs labor or services for a client employer but is not considered an employee under section 148B, including individuals who are contracted for work by client employers.

SECTION 243. Said section 52E of said chapter 149, as so appearing, is hereby further amended by striking out, in line 36, the words “shall permit an employee” and inserting in place thereof the following words:- or a client employer shall permit an employee or a contract worker.

SECTION 244. Said chapter 149 is hereby further amended by inserting after section 29C the following section:-

Section 29C1/2. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Service provider”, a person providing services under a snow removal and ice control services contract.

“Service receiver”, a person receiving services under a snow removal and ice control services contract.

“Snow removal and ice control services contract”, a contract or agreement for the performance of: (i) plowing, shoveling or other removal of snow or other mixed precipitation from a surface; (ii) de-icing services; or (iii) a service incidental to an activity described in clauses (i) or (ii), including operating or otherwise moving snow removal or de-icing equipment or materials.

(b) A provision in or in connection with a snow removal and ice control services contract shall be void and against public policy if it requires, or has the effect of requiring: (i) a service provider to indemnify or hold harmless a service receiver from tort liability for damages resulting from the negligent acts or omissions of the service receiver or the service receiver's agents or employees; or (ii) a service receiver to indemnify or hold harmless a service provider from tort liability for damages resulting from the negligent acts or omissions of the service provider or the service provider's agents or employees.

SECTION 245. Section 2 of chapter 150A of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out subsections (2) and (3) and inserting in place thereof the following 2 subsections:-

(2) The word "employer" shall include a person having at least 1 employee in their service or otherwise acting as or in the interest of an employer, directly or indirectly, and shall include, but not be limited to, a health care facility, a nonprofit institution or a vendor who contracts with or receives funds from the commonwealth or its political subdivisions, or both, to provide social, protective, legal, medical, custodial, rehabilitative, respite, nutritional, employment, educational, training and other similar services to the commonwealth or its political subdivisions; provided, however, that “employer” shall not include the commonwealth or a political subdivision thereof, except in the case of a health care facility; and provided further, that no person shall by a special contract with an employee or by any other means exempt themselves from this chapter.

(3) Except as otherwise provided in section 3A, the word "employee" shall include any employee and not be limited to the employees of a particular employer, unless this chapter

explicitly states otherwise, and shall include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment; provided, however, that “employee” shall include, but not be limited to, an employee of a health care facility or nonprofit institution, except members of religious orders, or an employee of vendors who contract with or receive funds from the commonwealth or its political subdivisions to provide social, protective, legal, medical, custodial, rehabilitative, respite, nutritional, employment, educational, training and other similar services to the commonwealth or its political subdivisions; and provided further, that “employee” shall not include an individual employed as an agricultural worker, except as provided in section 5A, in the domestic service of a family or person at their home or by their parent or spouse.

SECTION 246. Said section 2 of said chapter 150A, as so appearing, is hereby further amended by striking out subsection (8) and inserting in place thereof the following 2 subsections:-

(8) The word "department" shall mean the department of labor relations established in section 9O of chapter 23.

(8 1/2) The word “board” shall mean the commonwealth employment relations board established in section 9R of said chapter 23.

SECTION 247. Section 3 of said chapter 150A, as so appearing, is hereby amended by inserting after the word “of”, in line 7, the second time it appears, the following word:- agency

SECTION 248. Said section 3 of said chapter 150A, as so appearing, is hereby further amended by inserting after the word “representative”, in line 8, the following words:- in lieu of membership dues.

SECTION 249. Section 4 of said chapter 150A, as so appearing, is hereby amended by inserting after the word “therein”, in line 20, the following words:- , or in lieu of membership, payment of an agency service fee constituting the full cost of representation on a pro rata basis.

SECTION 250. Said section 4 of said chapter 150A, as so appearing, is hereby further amended by inserting after the word “therein”, in line 33, the following words:- , or in lieu of membership, payment of an agency service fee constituting the full cost of representation on a pro rata basis.

SECTION 251. Clause (A) of paragraph (6) of said section 4 of said chapter 150A, as so appearing, is hereby amended by inserting after subclause (2) the following subclause:-

(3) Has refused, in lieu of membership, an agency service fee constituting the full cost of representation on a pro rata basis in the bargaining unit by the exclusive representative.

SECTION 252. Said paragraph (6) of said section 4 of said chapter 150A, as so appearing, is hereby further amended by striking out clause (B) and inserting in place thereof the following clause:-

(B) Such employee shall have exhausted the remedies available to the employee under the labor organization’s constitution and by-laws and sections 6A and 6B.

SECTION 253. Section 4C of said chapter 150A, as so appearing, is hereby amended by striking out, in line 4, the words “nurse or nonprofessional”.

SECTION 254. Said section 4C of said chapter 150A, as so appearing, is hereby further amended by striking out paragraph (2).

SECTION 255. Section 5 of said chapter 150A, as so appearing, is hereby amended by striking out, in line 24, the word “commission” and inserting in place thereof the following word:- department;

SECTION 256. Said section 5 of said chapter 150A, as so appearing, is hereby further amended by striking out, in lines 27, 30 and 33, the word “commission” and inserting in place thereof, in each instance, the following word:- board.

SECTION 257. Subsection (c) of said section 5 of said chapter 150A, as so appearing, is hereby amended by striking out the last sentence.

SECTION 258. Said section 5 of said chapter 150A, as so appearing, is hereby further amended by inserting after subsection (c) the following subsection:–

(c1/2) Notwithstanding any other provision of this section or any other general or special law to the contrary, if the National Labor Relations Act is repealed or amended so that it no longer applies to an employer, employee, bargaining unit, industry or trade in the commonwealth, this section shall apply to such employer, employee, bargaining unit, industry or trade. If a court of competent jurisdiction, by an order or judgment in effect and not stayed, enjoins the enforcement of the National Labor Relations Act, holds said act or any provision thereof invalid or unenforceable or holds that said act does not preempt regulation by the commonwealth of the labor-management relations of an employer, employee, bargaining unit, industry or trade in the commonwealth, this section shall apply to such employer, employee, bargaining unit, industry or trade. If an act of Congress expressly authorizes the commonwealth to regulate the labor-management relations of an employer, employee, bargaining unit, industry or trade in the commonwealth, this chapter shall apply to such employer, employee, bargaining unit, industry or trade. Application of this chapter pursuant to this section shall commence on the date on which the applicable repeal, amendment, order, judgment or act of Congress takes effect and shall extend only to the extent that such application is not preempted by federal law. A collective bargaining agreement in effect immediately before such date shall remain in effect according to its terms and be enforceable under this chapter.

Notwithstanding any other provision of this section or any other general or special law to the contrary, in the event that the National Labor Relations Board, in its discretion under 29 U.S.C. § 164(c)(1), declines to assert jurisdiction over any labor dispute involving a class or category of employers, the department shall, pursuant to 29 U.S.C. § 164(c)(2), assert jurisdiction over the same. In the event that the National Labor Relations Board seeks to cede jurisdiction to the commonwealth to prevent any person from engaging in any unfair labor practice, pursuant to 29 U.S.C. § 160(a), the department shall agree to accept such jurisdiction. In the event that the National Labor Relations Board or a court of law determines that a class or category of employers is not subject to the National Labor Relations Act, the department shall assert jurisdiction over such class or category of employers.

For purposes of this section, the transition date applicable to a bargaining unit shall be the date on which this chapter first applies to the employer of such unit pursuant to the preceding paragraphs. The department shall, upon application filed not later than 12 months after the transition date and without an election, certify as the exclusive bargaining representative of such unit any labor organization that, immediately before the transition date, was certified by the National Labor Relations Board as the exclusive representative of such unit, or was recognized in writing by the employer as such representative, where such certification or recognition remained in effect immediately before the transition date.

The board, or by designation, the department, shall establish rules and procedures for the prompt verification of evidence of a certification formerly granted by the National Labor Relations Board, which shall include the procedure for petitioning the department and provide that, absent exceptional cause, the verification procedure shall last not longer than 30 days after the petition is filed with the department. All existing terms and conditions of employment between a formerly National Labor Relations Board-certified exclusive bargaining representative and an employer shall remain in full force and effect through the department's verification process.

Notwithstanding any other provision of this section, when no other labor organization has been and currently is lawfully recognized as the exclusive representative of the employees in an appropriate bargaining unit, the commission shall certify to the parties, in writing, and the employer shall recognize as the exclusive representative for the purposes of collective bargaining of all employees in the bargaining unit, a labor organization which has received a written majority authorization. Whenever a labor organization proffers evidence that it has received a written majority authorization for a bargaining unit within a class or category of employers which, as a result of the events described in this section was, but is no longer, subject to jurisdiction under the National Labor Relations Act either:

(i) the labor organization and the employer shall agree upon a neutral to conduct a confidential inspection of the evidence of a written majority authorization; provided, however, that if within 10 days the labor organization and the employer do not agree upon a neutral, the commission shall act as the neutral. The neutral shall verify the labor organization’s majority support within the bargaining unit and report the results of its inspection in writing to the parties and, if the verification was conducted by an agreed neutral, to the commission, which shall in turn certify the results to the parties in writing; or

(ii) within 7 days after receiving a copy of the labor organization’s petition for written majority authorization, an employer may file a petition with the department requesting an election by secret ballot to determine whether the labor organization shall be the exclusive bargaining representative for all employees in the bargaining unit.

SECTION 259. Said chapter 150A is hereby further amended by striking out section 6A, as so appearing, and inserting in place thereof the following section:-

Section 6A. An employee who is required as a condition of employment to be a member in good standing of a labor organization may file with the department a charge alleging that: (i) although eligible for membership, the employee has been unfairly denied admission to, or unfairly suspended or expelled from membership in, such organization for reasons other than malfeasance in office or non-payment of regular initiation fees, dues or assessments; and (ii) the labor organization has requested, or is about to request, their employer to discipline against the employee because of the employee’s failure to maintain membership in good standing in such organization; provided, however, that such charge shall be filed not more than 15 days after notice of such request has been given to the employee by the labor organization. Upon filing of such charge, the department may issue and cause to be served upon the labor organization a complaint stating the charge in that respect and containing a notice of hearing. The notice shall be given and the subsequent proceedings shall be conducted in the manner provided in section 6.

If upon reviewing all the evidence the department determines that the employee was unfairly denied admission to membership in such organization or that such discipline: (i) was imposed by the labor organization in violation of its constitution and by-laws;

(ii) was imposed without a fair trial, including an adequate hearing and opportunity to defend; (iii) was not warranted by the offense, if any, committed by the employee against the labor organization;(iv) is not consistent with the established public policy of the commonwealth; or(v) was requested, or about to be requested, by the labor organization, notwithstanding the employee's payment in full of all applicable agency service fees in lieu of membership,then the department shall state its determinations and issue and cause to be served on the labor organization an order requiring it to either to admit or restore the employee to membership in good standing together with full voting rights or refrain from seeking to bring about any discipline against the employee in their employment because the employee is not a member in good standing and return to the employee such union dues and assessments as may have been collected from the employee during the period of the employee's suspension or expulsion from the union; provided, however, that if the department does make such a determination after hearing, it shall enter an order dismissing the charge filed by the employee.

Nothing contained in this section or in section 4 shall require a labor organization as a condition of making or enforcing a contract requiring membership therein as a condition of employment to accord to non-participants in an insurance plan the right to vote on questions pertaining thereto or to grant local organizations voting rights in a convention proportionate to their membership.

SECTION 260. Section 8 of said chapter 150A, as so appearing, is hereby amended by striking out, in line 2, the word "commission" and inserting in place thereof the following word:- department;.

SECTION 261. Said section 8 of said chapter 150A, as so appearing, is hereby further amended by striking out, in line 3, the words "or agencies".

SECTION 262. Said chapter 150A of the General Laws is hereby further amended by striking out section 9A, as so appearing, and inserting in place thereof the following section:-

Section 9A. A labor organization shall, before engaging in any strike, picketing or other concerted refusal to work at any health care institution, not less than 10 days prior to such action, notify the institution in writing and the director of the department of that intention. The notice shall state the date and time that such action will commence. The notice, once given, may be extended by the written agreement of both parties.

SECTION 263. Section 10 of said chapter 150A, as so appearing, is hereby amended by striking out, in line 11, the word "commission" and inserting in place thereof the following word:- department.

SECTION 264. Said chapter 150A is hereby further amended by inserting after section 10 the following section:-

Section 10A. The board, or by its designation, the department, may establish rules or regulations as it deems appropriate to effectuate the policies of this chapter.

SECTION 265. Section 12 of chapter 156C of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following 3 subsections:-

(d) The fee for the filing of the certificate of organization required by subsection (a) shall be $100. The fee for the filing of the annual report required by subsection (c) shall be $200 for the first annual report; $300 for the second annual report; $400 for the third annual report; and $500 for the fourth annual report and for each annual report filed thereafter. Such fees shall be paid to the state secretary at the time the certificate of organization or the annual report is filed.

(e) Notwithstanding the fees set forth in` subsection (d), if a limited liability company (i) is established for the purpose of holding title to real property; (ii) owns assets in excess of $1,000,000; or (iii) is expected to own assets in excess of $1,000,000 within the subsequent 12 month period, then the fee for the filing of the certificate of organization required by subsection (a) shall be $500; and the fee for the filing of each annual report required by subsection (c) shall be $500 beginning with the annual report that includes an affirmative attestation of any of the conditions set forth in clauses (i) to (iii). Such fees shall be paid to the state secretary at the time the certificate of organization or the annual report is filed.

(f) The person filing the certificate of organization or annual report shall attest at the time of filing as to whether the limited liability company: (i) is established for the sole purpose of holding title to real property; (ii) owns assets in excess of $1,000,000; or (iii) is expected to own assets in excess of $1,000,000 within the subsequent 12-month period. A person who makes an inaccurate attestation shall be subject to a civil penalty of $10,000 for each such inaccurate attestation. Such certification shall be the basis for determining eligibility under subsection (e).

SECTION 266. Said chapter 156C is hereby further amended by adding the following section:-

Section 73. Upon credible suspicion that a document submitted to the state secretary may be fraudulent, the state secretary shall initiate an inquiry into the validity of the document. If the inquiry concludes that a document is fraudulent, the state secretary shall remove such document from the public record.

SECTION 267. Section 134 of chapter 164 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in lines 103 and 104, the words "Massachusetts Renewable Energy Trust Fund, established pursuant to section 9" and inserting in place thereof the following words:- Climatetech Investment Fund established in section 15.

SECTION 268. The General Laws are hereby further amended by inserting after chapter 167D the following chapter:-

CHAPTER 167D 1/2.

FINANCIAL EXPLOITATION OF VULNERABLE ADULTS

Section 1. As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Commissioner", the commissioner of banks.

"Eligible adult", (i) a person 60 years of age or older; or (ii) a person with a disability, as defined in section 1 of chapter 19C.

"Financial exploitation", (i) the wrongful or unauthorized taking, withholding, appropriation or use of money, assets or property of an eligible adult; or (ii) any act or omission taken by a person, including through the use of a power of attorney, guardianship or conservatorship of an eligible adult, to: (A) obtain control, through deception, intimidation unethical or dishonest conduct or undue influence, over the eligible adult's money, assets or property to deprive the eligible adult of the ownership, use, benefit or possession of their money, assets or property; or (B) convert money, assets or property of the eligible adult to deprive such eligible adult of the ownership, use, benefit or possession of their money, assets or property.

"Financial institution", a (i) bank, trust company, co-operative bank or savings bank, if organized or exists under the laws of the commonwealth or any other state or may transact business in the commonwealth, national bank, federal savings bank or federal savings and loan association; or (ii) credit union that is organized or exists under the laws of the commonwealth or any other state or federal credit union that may transact business in the commonwealth, as defined in section 1 of chapter 171.

"Qualified individual", an (i) agent, employee or person who serves in a compliance or legal capacity for a financial institution; or (ii) employee eligible for immunity in accordance with 12 U.S.C. § 3423.

"Relevant agency" (i) the commission for the protection of persons with disabilities established in section 2 of chapter 19C, if the eligible adult is under the age of 60; (ii) the executive office of aging and independence, if the eligible adult is 60 years or older; or (iii) a third-party contractor designated by the office of aging and independence.

Section 2. If a financial institution or qualified individual reasonably believes that the financial exploitation of an eligible adult may have occurred, may have been attempted or is being attempted, the financial institution or qualified individual shall promptly notify the relevant agency.

Section 3. A qualified investment individual who, in good faith and exercising reasonable care, believes that financial exploitation of an eligible adult may have occurred, may have been attempted or is being attempted, may disclose to any third party previously designated by the eligible adult or reasonably associated with the adult; provided, however, that a qualified investment individual shall not notify any designated third party that is suspected of the financial exploitation or other abuse of the eligible adult; provided, however, that a qualified individual or financial institution shall not notify any designated third party that is suspected of the financial exploitation or other abuse of the eligible adult.

Section 4. A qualified individual or financial institution who, in good faith, is exercising reasonable care, complies with section 3 and did not materially aid the alleged financial exploitation shall be immune from any administrative or civil liability that might otherwise arise from such action.

Section 5. A financial institution may delay or stop a disbursement from, or a transaction in connection with, an account of an eligible adult or an account on which an eligible adult is a beneficiary if any qualified individual has reasonable cause to believe that, after initiating an internal review of the requested disbursement or transaction and documenting the suspected financial exploitation, the requested disbursement or transaction may result in the financial exploitation of the eligible adult and the financial institution or qualified individual: (i) provides written or oral notification of the delay or stoppage and the reason for such delay or stoppage to all parties authorized to transact business on the account not more than 5 business days after the requested disbursement or transaction, unless any such party is reasonably believed to have engaged in suspected or attempted financial exploitation of the eligible adult; (ii) provides notification of such delay or stoppage to the relevant agency not more than 5 business days after the requested disbursement or transaction; (iii) continues their internal review of the suspected or attempted financial exploitation of the eligible adult, as necessary; (iv) provides status updates, a statement of finding and final disposition of an investigation upon request to the relevant agency and qualified individuals; and (v) reports the investigation's results to the relevant agency not more than 10 business days after the day the financial institution or qualified individual first delayed disbursement of the funds or the transaction.

The relevant agency may retain a digital or other record of each notice and report received under clauses (i), (ii) and (iv) respectively, of this section. A financial institution may provide a copy to the commissioner for recording purposes.

Section 6. The authorization of any delay or stoppage of a disbursement or transaction pursuant to section 5 shall expire upon the sooner of the determination by the financial institution that the disbursement or transaction will not result in the financial exploitation of the eligible adult or 21 business days after the date on which the financial institution delayed or stopped disbursement of the funds or a transaction. A relevant agency may request that the financial institution extend the delay, in which case the delay shall expire not more than 30 business days after the date on which the financial institution first delayed or stopped disbursement of the funds or a transaction.

A court of competent jurisdiction may enter an order extending the delay or stoppage of a disbursement of funds or transaction pursuant to this section or may order other protective relief upon the petition of a relevant agency.

Section 7. A court of competent jurisdiction may order a financial institution or qualified individual to provide access to or copies of records that are relevant to the suspected or attempted financial exploitation of an eligible adult to a relevant agency or law enforcement pursuant to an open investigation. Such records may include, but not be limited to, historical records and records pertaining to the most recent disbursement or transactions related to the suspected or attempted financial exploitation of an eligible adult; provided, however, that such records made available to the agencies shall not be considered public records pursuant to section 7 of chapter 4 or chapter 66.

Section 8. A financial institution or qualified individual which, in good faith, exercising reasonable care, complies with this chapter and did not materially aid the alleged financial exploitation shall be immune from any administrative or civil liability that might otherwise arise from such action.

SECTION 269. The General Laws are hereby further amended by inserting after chapter 167J the following chapter:-

CHAPTER 167K

REGULATION OF VIRTUAL CURRENCY KIOSKS

Section 1. As used in this chapter, the following words shall have the following meanings unless the context clearly requires otherwise:

“Person”, an individual, firm, fiduciary, partnership, corporation, trust or association, however formed, or a club, trustee, agency or receiver.

“Virtual currency kiosk”, an electronic terminal acting as a mechanical agent of the virtual currency kiosk operator to enable the virtual currency kiosk operator to facilitate the exchange of virtual currency for money, bank credit or other virtual currency, including, but not limited to, by: (i) connecting directly to a separate virtual currency exchange that performs the actual virtual currency transmission; or (ii) drawing upon the virtual currency in the possession of the electronic terminal's operator.

“Virtual currency kiosk operator”, a person or entity that engages in virtual currency business activity via a money transmission kiosk located in the commonwealth or a person or entity that owns, operates or manages a money transmission kiosk located in the commonwealth through which virtual-currency business activity is offered or the owner or lessee of a premises who knowingly or intentionally permits the virtual currency kiosk to be operated on the premises.

Section 2. (a) A virtual currency kiosk operator may not operate a virtual currency kiosk in the commonwealth.

(b) A violation of subsection (a) shall constitute a violation of section 2 of chapter 93A and the attorney general may bring a civil action for injunctive or other equitable relief to enforce this section.

(c) If a court of competent jurisdiction finds that a person has knowingly or intentionally operated 1 or more virtual currency kiosks in the commonwealth in violation of this chapter, the court may, in addition to any other penalty imposed under chapter 93A, order that the person: (i) forfeit the amount of any charges that were collected by the person from users of the virtual currency kiosk during the period in which the person operated or knowingly leased premises to permit the operation of the virtual currency kiosk of kiosks in violation of this chapter; (ii) forfeit any virtual currency kiosk that is owned by the person and located in the commonwealth; and (iii) pay the reasonable costs of investigation and litigation of such violation, including reasonable attorneys' fees.

SECTION 270. Section 402 of chapter 203E of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by adding the following subsection:-

(d) Notwithstanding the foregoing, a settlor's power to create a trust may be exercised by: (1) an agent under a power of attorney to the extent expressly authorized by the power of attorney; or (2) a conservator as authorized by article 5 of chapter 190B.

SECTION 271. Section 2A of chapter 211D of the General Laws, as so appearing, is hereby amended by striking out, in line 106, the words "18 years of age" and inserting in place thereof the following words:- the age of criminal majority.

SECTION 272. Chapter 231 of the General Laws is hereby amended by inserting after section 85AA the following section:-

Section 85BB. (a) In all actions to recover damages for injury to the person or for the death of a person arising from an accident or collision between a vulnerable user, as defined in section 1 of chapter 90, and a motor vehicle, trailer, semi-trailer or semi-trailer unit classified as a class 3 or above by the federal highway administration, with a gross vehicle weight rating of 10,001 pounds or more, there shall be a rebuttable presumption that a defendant who owned or leased the vehicle was negligent, unless, at the time of the accident or collision, the vehicle was equipped with a lateral protective device, convex mirrors, crossover mirrors and backup cameras meeting any standards or specifications adopted by the Massachusetts Department of Transportation.

(b) This section shall be applied and interpreted so as not to conflict with federal statutes, regulations or agency determinations. In any case of conflict, federal law shall prevail.

(c) If any provision of this section is found to be unconstitutional or preempted by federal law, any remaining provisions shall remain in effect to the fullest extent consistent with federal law.

SECTION 273. Section 13 of chapter 250 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by striking out, in line 3. the figure “18” and inserting in place thereof the following words:- criminal majority.

SECTION 274. Section 2 of chapter 258E of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the figure “18” and inserting in place thereof the following words:-criminal majority.

SECTION 275. Section 15A of chapter 265 of the General Laws, as so appearing, is hereby amended by striking out, in line 24, the words “18 years of age or over” and inserting in place thereof the following words:- who has attained the age of criminal majority.

SECTION 276. Said section 15A of said chapter 265, as so appearing, is hereby amended by striking out, in line 46, the words “is 18 years of age or over” and inserting in place thereof the following words:- has attained the age of criminal majority.

SECTION 277. Section 15B of said chapter 265, as so appearing, is hereby amended by striking out, in line 24, the words “18 years of age or over” and inserting in place thereof the following words:- who has attained the age of criminal majority.

SECTION 278. Section 18 of said chapter 265, as so appearing, is hereby amended by striking out, in line 26 and 27, the words “18 years of age or over” and inserting in place thereof the following words:- who has attained the age of criminal majority.

SECTION 279. Section 18B of said chapter 265, as so appearing, is hereby amended by striking out, in line 41 and 42, the words “18 years of age or over” and inserting in place thereof the following words:- who has attained the age of criminal majority.

SECTION 280. Section 19 of said chapter 265, as so appearing, is hereby amended by striking out, in line 23 and 24, the words “18 years of age or over” and inserting in place thereof the following words:- who has attained the age of criminal majority.

SECTION 281. Section 39 of chapter 265 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by inserting after the word “origin”, in line 4, the following words:- , sex, gender.

SECTION 282. Section 43 of said chapter 265, as so appearing, is hereby amended by striking out, in lines 56 and 89, the words “18 years of age or over” and inserting in place thereof, in each instance, the following words:- who has attained the age of criminal majority.

SECTION 283. Section 59 of said chapter 265, as so appearing, is hereby amended by striking out, in line 19, the figure “18” and inserting in place thereof the following words:- criminal majority.

SECTION 284. Section 10 of chapter 269 of the General Laws is hereby amended by striking out, in line 53, as so appearing, the words "18 years of age or older" and inserting in place thereof the following words:- who has attained the age of criminal majority.

SECTION 285. Said section 10 of said chapter 269 is hereby further amended by striking out, in lines 265 and 266, as so appearing, the words "18 years of age or over" and inserting in place thereof the following words:- who has attained the age of criminal majority.

SECTION 286. Section 10E of said chapter 269, as so appearing, is hereby amended by striking out, in line 39 and 40, the words "18 years of age or over" and inserting in place thereof the following words:- who has attained the age of criminal majority.

SECTION 287. Said section 10E of said chapter 269, as so appearing, is hereby further amended by striking out, in line 41, the figure "and 18" and inserting in place thereof the following words:- years of age and the age of criminal majority.

SECTION 288. Section 10F of said chapter 269, as so appearing, is hereby amended by striking out, in lines 4 and 28, the words "18 years of age or over" and inserting in place thereof, in each instance, the following words:- who has attained the age of criminal majority.

SECTION 289. Said section 10F of said chapter 269, as so appearing, is hereby further amended by striking out, in line 32, the figure "18" and inserting in place thereof the following words:- criminal majority.

SECTION 290. Said section 10F of said chapter 269, as so appearing, is hereby further amended by striking out, in line 50, the words "17 years of age or over" and inserting in place thereof the following words:- who has attained the age of criminal majority.

SECTION 291. Section 10G of said chapter 269, as so appearing, is hereby amended by striking out, in lines 34 and 35, the words “18 years of age or over” and inserting in place thereof the following words:- who has attained the age of criminal majority.

SECTION 292. Said chapter 269 is hereby further amended by adding the following section:-

Section 20. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

“Disrupter technology”, a tool, device or system designed to disable, neutralize or dispose of an explosive device or incendiary device or suspected explosive or incendiary device.

“Robotic device”, a device capable of locomotion, navigation, movement or flight that operates at a distance from its operator or supervisor based on commands or in response to sensor data, or a combination of both, including, but not limited to, an uncrewed aerial vehicle.

“Weapon”, a device designed to threaten or cause death, incapacitation or physical injury to a person, including, but not limited to, firearms, chemical agents or irritants, kinetic impact projectiles, weaponized lasers and explosive devices; provided, however, that “weapon” shall not include disrupter technology for purposes of this section.

(b)(1) It shall be unlawful for any person to knowingly manufacture, modify, sell, transfer, possess or operate a robotic device equipped or mounted with a weapon. Whoever violates this subsection shall be punished by imprisonment in a state prison for not more than 5 years or in a house of correction for not more than 2 1/2 years.

(2) Whoever, after having been convicted of an offense under paragraph (1), commits a second offense under this subsection, shall be punished by imprisonment in a state prison for not more than 7 years, for a third such offense, by imprisonment in a state prison for not more than 10 years and for a fourth or subsequent such offense, by imprisonment in a state prison for not more than 15 years.

(c) It shall be unlawful for any person, whether or not acting under color of law, to knowingly use a robotic device to: (i) threaten to commit a crime; (ii) criminally harass another person in violation of section 43A of chapter 265; or (iii) physically restrain or attempt to physically restrain another person. Whoever violates this subsection shall be punished by imprisonment in a house of correction for not more than 2 1/2 years, by a fine of not more than $1,000 or by both such fine and imprisonment. Whoever, after having been convicted of an offense under this subsection, commits a second or subsequent offense under this subsection, shall be punished by imprisonment in a house of correction for not more than 2 1/2 years or in a state prison for not more than 10 years, by a fine of not more than $15,000 or by both such fine and imprisonment.

(d) This section shall not apply to:

(i) the United States department of defense or any of its departments, agencies or units;

(ii) the Massachusetts National Guard;

(iii) robotic devices within the scope of a defense industrial company's contract with the United States department of defense or within the scope of a waiver issued pursuant to subsection (e);

(iv) robotic devices within the scope of a waiver issued pursuant to subsection (e) solely for the development or testing of technology intended to detect, prevent or mitigate the unauthorized weaponization of robotic devices; and

(v) robotic devices within the scope of a waiver issued pursuant to subsection (e) solely for educational, research or entertainment purposes.

(e) (1) The secretary of public safety and security may issue waivers from the requirements of this section.

(2) A person seeking a waiver under clauses (iii) to (v), inclusive, of subsection (d) shall apply to secretary in a form prescribed by the secretary. Such application shall include, but not be limited to: (i) the name and address of the applicant and of each person who will manufacture, modify, sell, transfer, possess or operate a robotic device pursuant to the waiver; (ii) a description of each robotic device and each weapon to which the waiver will apply; (iii) the purpose for which the waiver is sought; and (iv) such other information as the secretary may require.

(3) The secretary shall not issue a waiver unless the secretary finds that: (i) the activity to be authorized is limited to a purpose described in clauses (iii) to (v), inclusive, of subsection (d); and (ii) the issuance of the waiver would not present an unreasonable risk to public safety.

(4) The secretary may suspend or revoke a waiver, after notice and an opportunity to be heard pursuant to chapter 30A, upon a finding that the holder of the waiver has violated this section, a term or condition of the waiver, or a regulation promulgated pursuant to this section. The secretary may summarily suspend a waiver pending a hearing, upon a finding that continued activity under the waiver presents an immediate threat to public safety.

(f) It shall not be a violation of this section for law enforcement agencies, as defined in section 1 of chapter 6E, or law enforcement officers as defined in said section 1 of said chapter 6E who are certified pursuant to section 4 of said chapter 6E, acting in the public performance of their duties, to possess or operate a robotic device equipped or mounted with a weapon or disrupter technology: (i) to destroy, defuse or dispose of explosives or incendiary devices or suspected explosives or incendiary devices; (ii) for the destruction of property when there is an imminent threat of death or serious bodily injury; or (iii) for development, evaluation, testing, education or training relating to the uses permitted by clauses (i) and (ii); provided, however, that the officer's certification under section said section 4 of said chapter 6E, is not suspended, limited or restricted.

(g) A law enforcement agency or law enforcement officer that possesses or operates a robotic device equipped or mounted with a weapon or disrupter technology for the purposes described under subsection (f) shall be required to obtain a warrant or other legally required judicial authorization prior to deploying such robotic device: (i) onto private property in any situation in which a warrant would be required if the entry onto that property were made by a law enforcement officer; or (ii) to conduct surveillance or location tracking in any situation in which a warrant or other legally required judicial authorization would be required if such surveillance or tracking were conducted by a law enforcement officer or by means of other technology; provided, however, that law enforcement agencies may deploy a robotic device equipped or mounted with a weapon or disrupter technology without a warrant or other judicial authorization in situations where entry on the private property could be otherwise made, or surveillance or location tracking could otherwise be conducted, by a law enforcement officer or a law enforcement agency without a warrant or judicial authorization.

(h) On a quarterly basis, each law enforcement agency shall document each time it uses a robotic device equipped or mounted with a weapon or disrupter technology in a report to the executive office of public safety and security. The report shall include: (i) the date and time of the use; (ii) the scope and objective of the use; (iii) whether the robotic device was equipped or mounted with a weapon, disrupter technology or both; (iv) the permitted reason for use; and (v) whether a warrant or other legally required judicial authorization was obtained prior to the use of such robotic device. Annually, not later than March 31, the executive office of public safety and security shall publish the quarterly reports on its website.

(i) The secretary of public safety and security shall promulgate regulations and issue rules to administer this section.

SECTION 293. Section 29B of chapter 272 of the General Laws, as appearing in the 2024 Official Edition, is hereby amended by adding the following subsection:-

(f) Whoever with lascivious intent disseminates child sexual abuse material, knowing the contents of such material or having sufficient facts in their possession to have knowledge of the contents thereof, or whoever has in their possession any such child sexual abuse material knowing the contents or having sufficient facts in their possession to have knowledge of the contents thereof, with the intent to disseminate the same, shall be punished by imprisonment in a state prison for not more than 10 years or by a fine of not less than $10,000 nor more than $50,000 or 3 times the monetary value of any economic gain derived from said dissemination, whichever is greater, or by both such fine and imprisonment.

SECTION 294. Section 29C of said chapter 272, as so appearing, is hereby amended by inserting after the word “possesses”, in line 1, the following words:- child sexual abuse material as defined in section 31, or.

SECTION 295. Section 29D of said chapter 272, as so appearing, is hereby amended by inserting after the figure “29C, in line 4, the following words:- or creates, adapts, modifies or generates child sexual abuse material in violation of section 29E.

SECTION 296. Said section 29D of said chapter 272, as so appearing, is hereby further amended by inserting after the figure “29C”, in line 26, the following figure:- , 29E.

SECTION 297. Said chapter 272 is hereby amended by inserting after section 29D the following section:

Section 29E. Whoever with lascivious intent knowingly creates, adapts, modifies or generates child sexual abuse material, or knowingly directs, instructs, prompts or otherwise causes any other person, computer program, model, artificial intelligence system or other technology to create, adapt, modify or generate child sexual abuse material, shall be punished by imprisonment in the house of correction for not more than 2 1/2 years, or by imprisonment in a state prison for not more than 5 years, or by a fine of not less than $10,000 nor more than $50,000, or by both such fine and imprisonment; provided, however, that if the child sexual abuse material depicts an identifiable minor, such person shall be punished by imprisonment in a state prison for not more than 10 years, or by a fine of not less than $10,000 nor more than $50,000, or by both such fine and imprisonment.

SECTION 298. Section 31 of said chapter 272, as appearing in the 2024 Official Edition, is hereby amended by striking out, in lines 1 to 3, inclusive, the words “twenty-eight, twenty-eight C, twenty-eight D, twenty-eight E, twenty-nine, twenty-nine A, twenty-nine B, thirty and thirty D" and inserting in place thereof the following words:- "28, 28C, 28D, 28E, 29, 29A, 29B, 29E, 30, 30D and 31".

SECTION 299. Said section 31 of said chapter 272, as so appearing, is hereby further amended by inserting before the definition of "Disseminate" the following definition:-

"Child sexual abuse material", any visual material: (i) the production of which involved the use of an actual minor engaged in sexual conduct; (ii) that is a digital image, computer image or computer-generated image that is, or is indistinguishable from, an authentic representation or reproduction of a minor: (A) engaged in sexual conduct or in a state of nudity; and (B) that is obscene; or (iii) that has been created, adapted, modified or generated to show or depict an identifiable minor in a state of nudity or engaged in sexual conduct.

SECTION 300. Said section 31 of said chapter 272, as so appearing, is hereby further amended by inserting after the definition of "harmful to minors" the following 2 definitions:-

"Identifiable minor", an actual person who: (i)(A) was a minor at the time the visual material was created, adapted, modified or generated; or (B) whose image as a minor was used in creating, adapting, modifying or generating the visual material; and (ii) is recognizable as an actual person by the person's face, likeness or other distinguishing characteristics; provided, however, that the term "identifiable minor" shall not be construed to require proof of the actual identity of the identifiable minor.

"Indistinguishable", when used with respect to visual material, means that the depiction is such that a reasonable person viewing the material would conclude that it depicts an actual minor engaged in sexual conduct; provided, however, that this definition shall not apply to depictions that are drawings, cartoons, sculptures or paintings.

SECTION 301. Section 87 of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out, in line 7, the figure “18” and inserting in place thereof the following words:- criminal majority.

SECTION 302. Said section 87 of said chapter 276, as so appearing, is hereby further amended by striking out, in lines 14 and 15, the words “was eighteen years of age or older” and inserting in place thereof the following words:- had attained the age of criminal majority.

SECTION 303. Section 89A of said chapter 276, as so appearing, is hereby amended by striking out, in line 3, the figure “18” and inserting in place thereof the following words:- criminal majority.

SECTION 304. Section 89B of said chapter 276, as so appearing, is hereby amended by striking out, in line 3, the words “are 18 to 24” and inserting in place thereof the following words:- have attained the age of criminal majority and are under 25.

SECTION 305. Section 100A of said chapter 276, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

Except as otherwise provided in this section, records of any criminal court appearances and dispositions related to a criminal offense or offenses in the commonwealth on file with the commissioner of probation shall be eligible for automatic sealing by the commissioner if: (i) the person's court appearance and court disposition records, including any period of incarceration or custody, for any misdemeanor record to be sealed occurred not less than 3 years prior to the sealing; (ii) the person's court appearance and court disposition records, including any period of incarceration or custody, for any felony record to be sealed occurred not less than 7 years prior to the sealing; (iii) the person has not been found guilty of any criminal offense in the commonwealth in the case of a misdemeanor, within 3 years prior to the sealing, and in the case of a felony, 7 years prior to the sealing; (iv) the person has not been convicted of any criminal offense in any other state, United States possession or in a court of federal jurisdiction, except for motor vehicle offenses in which the penalty does not exceed a fine of $50, and has not been imprisoned in any state or county in the case of a misdemeanor, within the preceding 3 years, and in the case of a felony, within the preceding 7 years; and (v) the person's record does not include convictions of offenses other than those to which this section applies. For records that are otherwise eligible pursuant to clauses (i) to (iii), inclusive, the commissioner shall conduct a criminal record check in other states and jurisdictions, which may include a review of the Federal Bureau of Investigation's Interstate Identification Index, to determine whether the record is eligible under clause (iv); provided, however, that such process shall be automated. This section shall not apply in the case of convictions for violations of sections 121 to 129D, 130 1/2 to 131C, inclusive, and 131F and 131F 1/2 of chapter 140 or for violations of chapter 268 or chapter 268A, except for convictions for resisting arrest.

Records that are eligible for sealing under this section shall be sealed automatically by the commissioner without requiring a petition, unless: (i) the record is of a sex offense, as defined by section 178C of chapter 6; (ii) the commissioner's criminal record check for records in other states and jurisdictions produces a result that makes it impossible for the automated sealing system to determine eligibility under clause (iv) of the first paragraph; or (iii) the record is of a decriminalized offense, the elements of which continue to be a crime under a different designation that is not otherwise eligible for sealing or the automatic sealing of which is not possible due to the nature of the elements of the offense. A person with a record that is eligible for sealing, but that is excluded from automatic sealing, may file a petition on a form furnished by the commissioner and signed under the penalties of perjury, requesting that the commissioner seal their records and the commissioner shall comply with the request, subject to this section; provided, however, that such petition shall include a statement by the petitioner that the petitioner has not been convicted of any criminal offense in any other state, United States possession or in a court of federal jurisdiction and has not been imprisoned in any state or county in the case of a misdemeanor, within the preceding 3 years, and in the case of a felony, within the preceding 7 years; and provided further, that sealing shall be automated without the requirement to file a petition when the commissioner's criminal record check for records in other states and jurisdictions produces a result that shows no records in other states or jurisdictions or shows only records that the automated sealing system can determine do not make the person ineligible for sealing, and the record is otherwise eligible for sealing. The commissioner shall implement an automated criminal background check process to conduct such checks in other states and jurisdictions that is as accurate as technologically feasible and limits the need for otherwise eligible persons to file a petition for record sealing.

SECTION 306. Said section 100A of said chapter 276, as so appearing, is hereby further amended by inserting after the word "files", in line 60, the following:- within 30 days of such notification.

SECTION 307. Said chapter 276 is hereby further amended by inserting after section 100A the following section:-

Section 100A 1/2. The commissioner of probation shall seal records subject to automated sealing under section 100A or 100B within 30 days of the time that the records became eligible for sealing. The commissioner of probation shall provide individuals at the time of an adjudication or other final disposition of their juvenile or criminal offense or offenses with a notice that the offenses may be sealed in the future by an automated process without the requirement for a petition to seal the records, a brief summary of the sealing law and a list of resources related to sealing of records. The clerk's office of any division of the trial court, the commissioner of probation or any other criminal justice agency, upon request of a person whose offense or offenses are sealed, or the person's legal representative, shall provide access to the sealed records to the person or the person's legal representative without said person or legal representative obtaining a court order or having to unseal the record. In the event that records of any offense eligible to be sealed under section 100A or 100B are not sealed due to an error, omission or lack of availability of a court record based on the age of said record, a person with such records shall not be precluded from seeking a sealing of such record, and the commissioner shall seal such records, if eligible for sealing, forthwith upon receipt of a request to seal said record on a form furnished by the commissioner and signed under the penalties of perjury.

SECTION 308. Section 100B of said chapter 276, as appearing in the 2024 Official Edition, is hereby amended by striking out the first 2 sentences and inserting in place thereof the following 5 sentences:- The commissioner of probation shall automatically, and without requiring a petition, seal records of juvenile offenses if: (i) any court appearance or disposition, including court supervision, probation, commitment or parole for the records to be sealed, terminated not less than 3 years earlier; (ii) said person has not been adjudicated delinquent or as a youthful offender, found guilty of any criminal offense in the commonwealth or been committed as a juvenile or imprisoned under sentence within the commonwealth in the preceding 3 years; and (iii) has not been adjudicated delinquent or as a youthful offender or found guilty of any criminal offense in any other state, United States possession or in a court of federal jurisdiction, except for motor vehicle offenses in which the penalty does not exceed a fine of $50, and has not been committed as a juvenile or imprisoned under sentence in any state or county within the preceding 3 years. For records that are otherwise eligible pursuant to clauses (i) and (ii), the commissioner shall conduct a criminal record check in other states and jurisdictions, which may include a review of the Federal Bureau of Investigation's Interstate Identification Index, to determine whether the record is eligible under clause (iii); provided, however, that such process shall be automated. If the commissioner's criminal record check for records in other states and jurisdictions produces a result that makes it impossible for the automated sealing system to determine eligibility under clause (iii), the record shall not be sealed automatically. A person with a record that is eligible for sealing under this section, but that is excluded from automatic sealing, may file a petition on a form furnished by the commissioner and signed under the penalties of perjury, requesting that the commissioner seal their records and the commissioner shall comply with the request; provided, however, that such form shall include a statement by the petitioner that the petitioner has not been adjudicated delinquent or found guilty of any criminal offense in any other state, United States possession or in a court of federal jurisdiction and has not been imprisoned under sentence or committed as a delinquent in any state or county within the preceding 3 years; and provided further, that sealing shall be automated without the requirement to file a petition when a person has no records in other states or jurisdictions or when the commissioner's criminal record check for records in other states and jurisdictions produces a result that shows no records in other states or jurisdictions or shows only records that the automated sealing system can determine do not make the person ineligible for sealing, and the record is otherwise eligible for sealing. The commissioner shall implement an automated criminal background check process to conduct such checks in other states and jurisdictions that is as accurate as technologically feasible and limits the need for otherwise eligible persons to file a petition for record sealing.

SECTION 309. Said section 100B of said chapter 276, as so appearing, is hereby further amended by inserting after the word "files", in line 28, the following:- within 30 days of such notification.

SECTION 310. Section 100D of said chapter 276, as so appearing, is hereby amended by striking out, in line 8, the figure "17" and inserting in place thereof the following words:- criminal majority.

SECTION 311. Section 100Q of said chapter 276, as so appearing, is hereby further amended by striking out the words "or section 100B" and inserting in place thereof the following:- , section 100B or section 100C.

SECTION 312. Section 6B of chapter 280 of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the words "18 years" and inserting in place thereof the following words:- criminal majority.

SECTION 313. Section 2 of chapter 498 of the acts of 1993 is hereby amended by striking out the definition of "Bank" or "Government land bank" and inserting in place thereof the following definition:-

“Bank” or “Government land bank”, the Massachusetts Development Finance Agency established in section 23G of the General Laws as successor to the Government Land Bank pursuant to section 23 of chapter 289 of the acts of 1998.

SECTION 314. Item 7066-8110 of section 2 of chapter 113 of the acts of 2018 is hereby amended by inserting after the word “Bedford”, inserted by section 275 of chapter 238 of the acts of 2024, the following words:- and for its renovation into an arts and culture community resource hub connecting downtown arts, commerce and entertainment to working waterfront venues and activities and funds shall be made available through June 30, 2031.

SECTION 315. Item 8000-2025 of section 2C of chapter 151 of the acts of 2020 is hereby amended by striking out the words “to automate” and inserting in place thereof the following words:- , which shall include the automation of.

SECTION 316. Item 1599-6080 of section 2A of chapter 268 of the acts of 2022 is hereby amended by adding the following words:- “and such funds shall be made available until June 30, 2028.

SECTION 317. Item 7002-1509 of section 2 of chapter 140 of the acts of 2024 is hereby amended by adding the following words:- or other similar visa programs.

SECTION 318. Item 7002-1522 of section 2 of chapter 238 of the acts of 2024 is hereby amended by striking out the words “technologies developed with the assistance of” and inserting in place thereof the following words:- technologies, with preference for companies receiving.

SECTION 319. Item 7002-1523 of said section 2 of said chapter 238 is hereby amended by striking out the words “proteins developed with the assistance of” and inserting in place thereof the following words:- proteins, with preference for companies receiving.

SECTION 320. Section 316 of chapter 238 of the acts of 2024 is hereby repealed.

SECTION 321. Section 320 of said chapter 238 is hereby repealed.

SECTION 322. Sections 324 of said chapter 238 is hereby repealed.

SECTION 323. Notwithstanding any general or special law to the contrary, the members serving on the advisory board on employee ownership appointed by the governor pursuant to subsection (a) of section 204 of chapter 6 of the General Laws on the effective date of this act shall continue to serve for the remainder of their remainder of their unexpired terms. Upon the expiration of the terms of such members, the governor shall appoint 2 members to serve for a term of 1 year, 3 members to serve for a term of 2 years, 3 members to serve for a term of 3 years and 3 members to serve for a term of 4 years. Upon the expiration of such terms, the governor shall appoint successor members to serve a term of 4 years.

SECTION 324. Notwithstanding any general or special law to the contrary, any unexpended funds held in the Massachusetts Alternative and Clean Energy Investment Trust Fund established in section 35FF of chapter 10 of the General Laws and the Renewable Energy Trust Fund established in section 9 of chapter 23J of the General Laws on the effective date of this act shall be transferred to the Climatetech Investment Fund established in section 15 of said chapter 23J.

SECTION 325. (a) Notwithstanding any general or special law to the contrary, if the economic assistance coordinating council awards less than the full amount of tax credits authorized by subsection (c) of section 3D of chapter 23A of the General Laws or if the Massachusetts Life Science Center awards less than the full amount of tax credits authorized by subsection (d) of section 5 of chapter 23I of the General Laws or if the Massachusetts Clean Energy Center awards less than the full amount of tax credits authorized by subsection (d) of section 16 of said chapter 23J, then in each case, the balance of any unallocated tax credits and the funds budgeted to finance that balance may be carried forward to the next calendar year with the approval of the secretary of administration and finance, in consultation with the secretary of economic development.

(b) Notwithstanding any general or special law to the contrary, the secretary of administration and finance, in consultation with the secretary of economic development, may reallocate some or all of the tax credits that are carried forward pursuant to subsection (a) among the tax credit programs established pursuant to section 3A of chapter 23A of the General Laws, section 5 of chapter 23I of the General Laws or section 16 of chapter 23J of the General Laws. Any credits carried forward or reallocated shall increase, for the calendar year in which the carry forward or reallocation occurs, the annual cap or limitation otherwise applicable to the receiving program by the amount of such credits carried forward or reallocated.

(c) Annually, not later than March 1, the secretary of administration and finance, in consultation with the secretary of economic development, shall submit a report to the house and senate committees on ways and means setting forth the amount of tax credits, if any, carried forward and reallocated pursuant to subsections (a) and (b) in the prior calendar year. The report shall state the adjusted cap applicable to each tax credit program for the upcoming calendar year.

SECTION 326. (a) As used in this section, the followings words shall have the following meanings unless the context clearly requires otherwise:

"Economic development rates", standardized utility tariffs and discounted rates offered by a distribution company designed to attract new businesses to the commonwealth and promote expansion by businesses already located in the commonwealth.

"Special contracts", discounted utility rates negotiated between distribution companies and large new businesses locating to the commonwealth or large new businesses expanding in the commonwealth.

(b) The department of public utilities shall initiate an investigation into electric distribution tariffs, rates, and interconnection requirements that support economic development by attracting new businesses to the commonwealth and promoting the expansion of existing businesses. The investigation shall be initiated more than 90 days after the effective date of this act.

(c) The department may consider rate design elements, tariff structures and customer eligibility frameworks, including but not limited to: (i) the establishment of separate customer classes or categories based on load characteristics; (ii) appropriate rate structures, including demand based or capacity based charges; (iii) potential economic development rates for qualifying new businesses; (iv) minimum demand requirements or other mechanisms to provide revenue certainty; (v) minimum terms of service, including provisions addressing load ramp up periods; (vi) exit fees, termination provisions or other forms of financial assurance; (vii) cost allocation methodologies; (viii) requirements for the use of special contracts; and (ix) mechanisms to ensure that proposed rates do not increase or shift costs to other ratepayers.

(d) The department shall ensure any rate structures developed pursuant to this section support economic development, maintain just and reasonable rates and avoid shifting costs to other customers.

(e) The department shall consult with the executive office of economic development to align regulatory frameworks with statewide economic development objectives. The executive office of economic development shall establish all necessary requirements and qualification criteria to ensure economic benefits for the commonwealth prior to the establishment of any economic development rates.

SECTION 327. Notwithstanding any general or special law to the contrary, the unexpended and unencumbered balances of the bond-funded authorizations in the following accounts shall cease to be available for expenditure 180 days after the effective date of this act:

7002-8013

7002-8016

7002-8017

7002-8022

7002-8035

7002-8037

7002-8038

7002-8041

7002-8049

SECTION 328. Notwithstanding any general or special law to the contrary, to meet the expenditures necessary in carrying out section 3A, the state treasurer shall, upon receipt of a request by the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, $325,100,000. All bonds issued by the commonwealth, as aforesaid, shall be designated on their face “An Act Relative to Massachusetts Winning Global Investment, Talent, and Innovation” and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court pursuant to section 3 of Article LXII of the Amendments to the Constitution All such bonds shall be payable not later than June 30, 2061. All interest and payments on account of principal on such obligations shall be payable from the General Fund. Bonds and interest thereon issued under the authority of this section shall, notwithstanding any other provision of this act, be general obligations of the commonwealth.

SECTION 329. Notwithstanding any general or special law to the contrary, the annual report required by subsection (g) of section 17 of chapter 23J of the General Laws shall be due not later than 1 year after the effective date of this act.

SECTION 330. Notwithstanding section 64 of chapter 90 of the General Laws or any other special or general law to the contrary, an electric bicycle purchased or acquired before the effective date of said section 64 of said chapter 90 may continue to be operated in the commonwealth without meeting the battery or electrical system safety standards required by subsections (b) and (c) of said section 64 of said chapter 90.

SECTION 331. (a) There shall be a working group on micromobility which shall consist of: the registrar of motor vehicles or a designee, who shall serve as chair; the administrator of highways in the Massachusetts Department of Transportation or a designee; the secretary of public safety and security or a designee; the commissioner of insurance or a designee; the commissioner of conservation and recreation or a designee; the commissioner of public health or a designee; 1 representative of the Massachusetts Municipal Association who shall appointed by the secretary of the of transportation; 2 persons to be appointed by the secretary of transportation, of whom 1 shall be a representative of the micromobility device industry and 1 shall be a representative of a citizen advocacy group 1 person who shall be a representative of the insurance industry who shall be appointed by the commissioner of insurance; and 2 persons to be appointed by the secretary of public safety and security, of whom 1 shall be a representative of the Fire Chiefs Association of Massachusetts and 1 hall be a representative of the Massachusetts Chiefs of Police Association.

(b) The working group shall develop recommendations for a regulatory scheme and legislation, if necessary, for the operation of micromobility devices as provided in the January 2026 special commission on micromobility report. The working group shall make recommendations for requirements for micromobility registration or an identification decal, licensure to operate, clarification of the roles of dealers and manufacturers, education, speed restrictions, signage, travel allowances, insurance requirements, fines and penalties and additional operation and safety standards and requirements for micromobility devices.

(c) The working group shall develop a standardized form to report crashes and incidents involving a motor vehicle, a vulnerable user as defined in section 1 of chapter 90 of the General Laws or any micromobility device as defined in said section 1 of said chapter 90. The standardized form shall be used by any municipal, county or state law enforcement official or emergency medical services provider who responds to a crash or incident involving a motor vehicle, a vulnerable user or a micromobility device. The corresponding report for each crash or incident shall be transmitted to the registrar of motor vehicles. The registrar of motor vehicles shall maintain a publicly accessible database of the standardized form reports; provided, however, that no personally identifying information shall be published in the database.

(d) Not later than December 31, 2027, the working group shall complete its work and issue a report of its findings, recommendations and any proposed legislation necessary to carry those recommendation into effect by filing the same with the clerks of the senate and house of representatives and the joint committee on transportation and publishing the same on its website.

SECTION 332. (a) There shall be a special commission to conduct a comprehensive study and provide recommendations regarding the use of territorial and other rating factors considered by insurance companies that may result in disparities when setting automobile insurance premiums.

(b) The commission shall consist of: the chairs of the joint committee on financial services, who shall serve as co-chairs; 2 members appointed by senate president, who shall be members of the Massachusetts Black and Latino caucus; 2 members appointed by the speaker of the house of representatives, who shall be members of the Massachusetts Black and Latino caucus; 1 member appointed by the minority leader of the senate; 1 member appointed by the minority leader of the house of representatives; the attorney general or a designee; the commissioner of insurance or a designee; the executive director of the Massachusetts Insurance

Federation, Inc.; the executive director of the National Consumer Law Center, Inc.; and a representative of the Consumer Federation of America.

(c) The commission shall investigate and study: (i) the use of zip code, garaging location and geographical area in setting automobile insurance rates or coverage decisions in the commonwealth; (ii) other factors that may be used in rating that are potentially discriminatory in nature; (iii) the impact on automobile insurance premiums when zip code, garaging location and geographical area are used in determining automobile insurance rates; (iv) how automobile insurance rates are currently calculated by insurance companies providing auto insurance in the commonwealth; (v) structural changes to the calculation of rates that would narrow disparities in auto insurance premiums by territory; and (vi) any other relevant information for the legislature's consideration.

(d) The commission shall submit a report of its findings and recommendations, including any proposed legislation, to the clerks of the senate and house of representatives not later than August 1, 2027.

SECTION 333. (a) The department of higher education, in collaboration with the executive office for administration and finance, shall study and report on adjunct faculty at public institutions of higher education which shall include, but not be limited to: (i) current data and practices for utilization of adjunct faculty; (ii) compensation and benefits available to adjunct faculty members and other professional staff at such public institutions of higher education including, but not limited to, benefits available through spouses and through other employment; (iii) best practices in employment and compensation of adjunct faculty in other states; (iv) recommendations for hiring full-time faculty and for achieving a balanced utilization of adjunct faculty; and (v) options to provide adjunct faculty members with benefits including, but not limited to, health insurance and retirement benefits that are available to other benefited public employees and projected costs for such options; provided, however, that such options shall include, but not be limited to, cost estimates, potential funding mechanisms and eligibility criteria.

(b) The department shall hold not less than 3 public hearings including, but not limited to, opportunities for participation by representatives of the University of Massachusetts, state universities, community colleges, adjunct faculty, faculty unions, students and campus administrators.

(c) Not later than September 1, 2028, the department shall file a report of its findings, recommendations and any proposed legislation necessary to carry those recommendations into effect with the clerks of the senate and house of representatives and the senate and house committees on ways and means and shall publish it on its website.

SECTION 334. (a) There shall be a special commission to study and develop a comprehensive framework for the creation of a municipal and public safety building authority, an independent state authority dedicated to assisting municipalities with the construction and rehabilitation of public safety and municipal buildings.

(b) The commission shall consist of: 3 members of the senate, 1 of whom shall be appointed by the minority leader; 3 members of the house of representatives, 1 of whom shall be appointed by the minority leader; the secretary of administration and finance or a designee; the director of rural affairs or a designee; 2 members appointed by the governor with demonstrated expertise in municipal finance, public facility planning or design or municipal infrastructure; the state treasurer or a designee; 3 representatives of Massachusetts Municipal Association, Inc. representing diverse geographic regions and forms of local government in the commonwealth; 1 representative of Massachusetts Taxpayers Foundation, Inc.; 1 representative of Massachusetts Chiefs of Police Association Incorporated; 1 representative of Fire Chiefs' Association of Massachusetts, Inc.; 1 representative of Massachusetts Federation of Building Officials, Inc.; and 1 representative of the New England Chapter of the American Public Works Association who shall be a resident of the commonwealth. The commission shall elect a chair by a majority vote of the members.

(c) The commission shall examine the need for an independent authority dedicated to assisting municipalities with the construction and rehabilitation of public safety and municipal buildings and related funding mechanisms, technical assistance, priority assessments and financial impacts. The commission shall review all aspects of municipal building infrastructure, including, but not limited to, city and town halls, public safety facilities, public works facilities, emergency operations centers, emergency communications facilities and other municipal buildings owned or operated by cities and towns. The commission shall examine:

(i) the current status of and mechanisms for funding municipal building infrastructure and whether the current funding mechanisms adequately meet the needs for municipal building infrastructure;

(ii) the need and feasibility of designing a governance and operational model for an independent municipal building authority modeled after successful state building programs, including, but not limited to, the Massachusetts School Building Authority established in chapter 70B of the General Laws;

(iii) sustainable, long-term revenue sources to support the long-term operations of the authority;

(iv) protocols for providing municipalities with technical assistance including, but not limited to, architectural, engineering, procurement, capital planning, project management, maintenance planning, facility assessment, sustainability and climate resilience planning, throughout all phases of public building projects;

(v) objective criteria for evaluating and prioritizing municipal projects based upon life safety, structural condition, code compliance, accessibility, climate resiliency, climate adaptation, deferred maintenance, operational efficiency, regional significance, public service impacts and overall community benefit;

(vi) cost-sharing formulas and grant and loan structures to ensure equitable access for all cities and towns; and

(vii) the feasibility of creating and maintaining a comprehensive statewide inventory of municipal and public safety buildings.

(d) Not later than September 1, 2028, the commission shall submit a report of its findings and recommendations, including any legislation necessary to implement those recommendations, to the clerks of the senate and house of representatives and the senate and house committees on ways and means.

SECTION 335. The executive office of housing and livable communities shall establish a pilot program with not more than 5 communities in which cities and towns may apply to participate to provide opportunities for tenants to collectively purchase their building when it is up for sale. A community interested in participating in the pilot program shall accept this section by a local vote under section 4 of chapter 4 of the General Laws and shall submit an application to the executive office. The executive office shall promulgate regulations and issue guidelines to implement the program within 180 days of the effective date of this act, which shall consider regional equity, address the assignability of rights to preserve the long-term affordability of the program, and be designed to help communities with high rates of displacement to encourage housing stability while maintaining polices to promote housing access and affordability. The pilot program shall be in place for not more than 5 years after its creation in a community that participates in the program. After each year and upon the conclusion of the community's 5-year pilot program under this section, the executive office shall produce a report indicating the effectiveness of the program including, but not limited to, the number of housing units purchased, number of evictions or other displacement avoided, any obstacles to sales and other recommendations to help housing stability and affordability. Annually, the executive office shall submit the report to the clerks of the senate and house of representatives and the joint committee on housing.

SECTION 336. Not less than 270 days after the effective date of this act, each electric company shall share with the board established in section 17 of chapter 23J the processes they plan to implement to address gridtech deployment barriers internal to the electric company. Such processes shall include procedures for addressing barriers identified by the board pursuant to subsection (g) of section 17 of chapter 23J. Such processes shall be as similar between the investor-owned electric companies as practicable.

SECTION 337. Not less than 270 days after the effective date of this act, the board established in section 17 of chapter 23J shall develop and vote to file with the department of public utilities a process for the department to review, on an expedited basis, requests for limited waivers of prior department orders that will alleviate gridtech deployment barriers. Such process shall be limited to reviewing waivers of prior department orders that are time-bound and finite in scope.

SECTION 338. Not later than 2 years after the effective date of this act, the department of youth services shall file a report with the clerks of the senate and house of representatives and the senate and house committees on ways and means detailing the impact of integrating 18 year olds into the care and custody of the department of youth services. The report shall include, but not limited to: (i) the number of 18 year olds in the custody of the department of youth services; and (ii) the offenses committed.

SECTION 339. Sections 63, 64 and 72 shall take effect for all municipalities upon the effective date of this act; provided, however, that in municipalities that adopted a zoning ordinance or by-law requiring some form of site plan review prior to the effective date of this act, the provisions of this section shall not be effective with respect to such zoning ordinance or by-law until the date that is one year after the effective date of this act.

SECTION 340. No plan by a city or town to change the number of licenses available under chapter 138 of the General Laws shall take effect prior to January 1, 2027. The number of licenses authorized under said chapter 138 for each city and town prior to January 1, 2027, shall remain unchanged unless changed by the mayor and city council or select board pursuant to a plan adopted under section 17 of said chapter 138.

SECTION 341. Not later than 1 year after the effective date of this act, the commissioner of public health shall promulgate regulations as required by section 250 of chapter 111 of the General Laws.

SECTION 342. Not later than January 1, 2028 the attorney general shall complete the first report required by subsection (a) of section 4 of chapter 93M of the General Laws.

SECTION 343. Not later than January 1, 2029 the attorney general shall complete the first report required by subsection (g) of section 3 and subsection (d) of section 4 of chapter 93M of the General Laws.

SECTION 344. Not later than September 1, 2027, the department of transportation shall promulgate regulations to establish the requirements, standards and processes for a city or town's participation in the automated road safety enforcement program established under chapter 90L of the General Laws. The regulations shall include, but not be limited to: (i) establishing standardized forms for notices of violations and written warnings; (ii) developing uniform signage and distance requirements for the purpose of complying with subsection (a) of section 5 of said chapter 90L; (iii) establishing guidance for the calibration and verification of automated road safety camera systems under subsection (b) of section 6 of said chapter 90L; and (iv) establishing provisions for protecting data collected by an automated road safety camera system from unauthorized access.

SECTION 345. Not more than 180 days after the effective date of this act or 180 days after the date on which a frontier developer first qualifies as a large frontier developer, whichever is later, a large frontier developer shall post its risk report required under subsection (c) of section 2 of chapter 93M of the General Laws.

SECTION 346. The requirement of an annual audit under subsection (a) of section 3A of chapter 93M of the General Laws shall take effect on January 1, 2027 or 180 days after the date on which a frontier developer first qualifies as a large frontier developer, whichever is later.

SECTION 347. The requirement for an independent evaluation of a developer's frontier models with respect to each category of catastrophic risk under subsection (b) of section 3A of chapter 93M of the General Laws shall take effect on January 1, 2027 or 180 days after the date on which a frontier developer first qualifies as a large frontier developer, whichever is later.

SECTION 348. Not later than 1 year after the effective date of this act, the attorney general shall develop the independent evaluation ecosystem plan required under subsection (d) of section 3A of chapter 93M of the General Laws.

SECTION 349. Section 9A 1/2 of chapter 40A of the General Laws shall not apply to an establishment licensed and in operation on the effective date of this act.

SECTION 350. Subsection (ii) of section 6 of chapter 62 of the General Laws, inserted by section 194 of said chapter 238 of the acts of 2024, shall take effect for taxable years beginning on or after January 1, 2027.

SECTION 351. Section 38UU of chapter 63 of the General Laws shall take effect for taxable years beginning on or after January 1, 2027.

SECTION 352. Sections 5, 158, 159 and 163 shall take effect on September 1, 2027.

SECTION 353. Sections 6, 7A, 56, 106 and 176 to 179, inclusive, 271, sections 273 to 279, inclusive, sections 282 to 291, inclusive, sections 301 to 305, inclusive, and section 312 shall take effect 1 year after the effective date of this act.

SECTION 354. Section 11 and sections 305 to 309, inclusive, shall take effect: (i) upon certification by the commissioner of probation to the governor and the general court that an automated sealing system is ready for implementation; or (ii) July 1, 2030, whichever comes first. Within 3 months of the effective date, the commissioner shall seal all records of past criminal and juvenile court appearances and dispositions and juvenile offenses on file with the commissioner that are eligible to be automatically sealed pursuant to sections 100A and 100B of chapter 276 of the General Laws.

SECTION 355. Sections 67, 69, 70, 71, 74, 75, 109, 120, 124, 106 and 265 and chapter 93M of the General Laws shall take effect on July 1, 2027.

SECTION 356. Section 123 shall apply to all taxable years beginning on or after January 1, 2022.

SECTION 357. Section 135 shall take effect on January 1, 2033.

SECTION 358. Sections 140 to 155, inclusive, 157 and sections 160 to 162, inclusive, shall take effect on January 1, 2028.

SECTION 349. Section 270 shall take effect as of July 8, 2012.