

**SENATE . . . . . No. 943**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Mark C. Montigny***

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ban discriminatory admissions practices at higher education institutions.

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PETITION OF:

NAME:

*Mark C. Montigny*

DISTRICT/ADDRESS:

*Second Bristol and Plymouth*

**SENATE . . . . . No. 943**

By Mr. Montigny, a petition (accompanied by bill, Senate, No. 943) of Mark C. Montigny for legislation to ban discriminatory admissions practices at higher education institutions. Higher Education.

**The Commonwealth of Massachusetts**

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

An Act to ban discriminatory admissions practices at higher education institutions.

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

1 SECTION 1. Chapter 15A of the General Laws, as appearing in the 2022 Official  
2 Edition, is hereby amended by inserting after section 5A the following section:-

3 Section 5B. (a) For the purposes of this section, the following terms shall mean the  
4 following:

5 “Donor preference”, means a preference given to an applicant to an institution of higher  
6 education based solely upon the applicant’s familial relationship to a person who provides, or has  
7 provided, financial support to said institution.

8 “Legacy preference”, means a preference given to an applicant to an institution of higher  
9 education based solely upon the applicant’s familial relationship to an alum of said institution.

10 “Public institution of higher education”, a degree-granting institution of higher education  
11 established by section 5 of this chapter.

12 (b) A public institution of higher education shall not consider a donor preference or  
13 legacy preference when deciding whether to grant admission to an applicant. A public institution  
14 of higher education may ask applicants to provide information about familial relationships to  
15 donors and alumni for the sole purpose of data collection.

16 SECTION 3. Chapter 69 of the General Laws, as so appearing, is hereby amended by  
17 inserting after section 30A the following section:-

18 Section 30B. (a) For the purposes of this section, the following terms shall mean the  
19 following:

20 “Donor preference”, means a preference given to an applicant to an institution of higher  
21 education based solely upon the applicant’s familial relationship to a person who provides, or has  
22 provided, financial support to said institution.

23 “Legacy preference”, means a preference given to an applicant to an institution of higher  
24 education based solely upon the applicant’s familial relationship to an alum of said institution.

25 “Net investment income”, means income as defined by 26 U.S.C.§4968.

26 (b) A degree-granting institution of higher education located within the commonwealth  
27 authorized to grant degrees by the board of higher education shall not consider a donor  
28 preference or legacy preference when deciding whether to grant admission to an applicant. A  
29 degree-granting institution of higher education may ask applicants to provide information about  
30 familial relationships to donors and alumni for the sole purpose of data collection.

31 (c) A violation of this section shall be punished by a fine equal to the following:

32 (i) 1.4 percent of the net investment income of such institution for the taxable year for a  
33 first offense;

34 (ii) 2.8 percent of the net investment income of such institution for the taxable year for a  
35 second offense; and

36 (iii) 2.8 percent of the net investment income of such institution for the taxable year for a  
37 third or subsequent offense, plus the commissioner of the department of revenue shall revoke the  
38 certificate of exemption issued pursuant to subsection (e) of section 6 of chapter 64H and shall  
39 not issue or renew said certificate for a period of not less than 5 years.

40 (d) Fines collected pursuant to this section shall be deposited into the Education and  
41 Transportation Trust Fund under section 2BBBBBB of chapter 29.

42 SECTION 4. This act shall take effect beginning with admissions decisions for the 2026-  
43 2027 academic year.