

**JOINT COMMITTEE ON THE JUDICIARY
BILL SUMMARY**

BILL NO. H1742

TITLE: An Act to clarify the charitable purposes of certain organizations

SPONSOR: Rep. Christopher Hendricks

COSPONSORS: None

HEARING DATE: July 29, 2025

PRIOR HISTORY: H1544 (2023-2024)
H1639 (2021-2022)
H3331 (2019-2020)

SENATE BILL: None

REPORTING DEADLINE: September 27, 2025 (subject extensions, in accordance with House Rule 27)

CURRENT LAW: Section 85K of Chapter 231 limits the tort liability of certain charitable organizations and the directors, officers or trustees of educational institutions. It limits the liability of charitable corporations, trusts and organizations to \$20,000 for any cause of action stemming from an act committed in the course of an activity done to directly accomplish the charitable purpose of the corporation, trust or association. Liability for medical malpractice claims against nonprofit organizations providing health care is limited to \$1000,000. This cap on charitable liability does not apply if the action was committed in the course of activities primarily commercial in character despite them being done to obtain revenue to be used for charitable purposes. The section further limits the liability of volunteer directors, officers and trustees of non-profit educational institutions acting in good faith and within the scope of official functions and duties to damages or injuries unless caused by willful or wanton misconduct. None of the liability limits in this section apply to any motor vehicle case.

SUMMARY: Amends c. 231 s. 85K so a corporation, trust, or association must either derive more than 50% of its income from charitable gifts to be able to claim the above tort liability limits. It also removes the increased limit of \$100,000 for medical malpractice claims against healthcare nonprofit organization.