

**HOUSE . . . . . No. 1794**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**William N. Brownsberger**

*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 passage of the accompanying bill:

**An Act to prohibit restrictive employment covenants**

PETITION OF:

| NAME:                   | DISTRICT/ADDRESS: |
|-------------------------|-------------------|
| William N. Brownsberger | 24th Middlesex    |
| Patricia D. Jehlen      | Second Middlesex  |
| Ruth B. Balser          | 12th Middlesex    |
| Cory Atkins             | 14th Middlesex    |
| Jennifer Benson         | 37th Middlesex    |
| Kate Hogan              | 3rd Middlesex     |
| Tom Sannicandro         | 7th Middlesex     |
| Carl M. Sciortino, Jr.  | 34th Middlesex    |
| Theodore C. Speliotis   | 13th Essex        |
| Ellen Story             | 3rd Hampshire     |
| Alice K. Wolf           | 25th Middlesex    |
| Paul Kujawski           | 8th Worcester     |
| Barbara A. L'Italien    | 18th Essex        |
| Denise Provost          | 27th Middlesex    |
| Jennifer M. Callahan    | 18th Worcester    |
| Anne M. Gobi            | 5th Worcester     |
| Kenneth J. Donnelly     | Fourth Middlesex  |
| Linda Dean Campbell     | 15th Essex        |
| Steven J. D'Amico       | 4th Bristol       |

|                     |                 |
|---------------------|-----------------|
| Elizabeth A. Malia  | 11th Suffolk    |
| Susan C. Fargo      | Third Middlesex |
| Jonathan Hecht      | 29th Middlesex  |
| Richard J. Ross     | 9th Norfolk     |
| Kevin Aguiar        | 7th Bristol     |
| Alice Hanlon Peisch | 14th Norfolk    |
| Thomas M. Stanley   | 9th Middlesex   |

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT TO PROHIBIT RESTRICTIVE EMPLOYMENT COVENANTS .

*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. Section 19 of Chapter 149 of the General Laws of Massachusetts is hereby amended by  
2 inserting at the end the following new paragraphs:

3 Any written or oral contract or agreement arising out of an employment relationship that prohibits,  
4 impairs, restrains, restricts, or places any condition on, a person's ability to seek, engage in or accept any  
5 type of employment or independent contractor work, for any period of time after an employment  
6 relationship has ended, shall be void and unenforceable with respect to that restriction. This section shall  
7 not render void or unenforceable the remainder of the contract or agreement.

8 For the purposes of this section, chapter 149, section 148B shall control the definition of employment.

9 Whoever violates the provisions of this section shall be liable for reasonable attorneys fees and costs  
10 associated with litigation of an affected employee or individual.

11 This section shall be construed liberally for the accomplishment of its purposes, and no other provision of  
12 the General Laws shall be construed in a manner that would limit its coverage. Nothing in this section  
13 shall preempt tort or contract claims, or other statutory claims, based upon an employer's use, or  
14 attempted use of an unlawful contract or agreement to interfere with subsequent employment or  
15 contractor work.

16 This section shall apply to all contracts and agreements generated after the effective date of this act.

17 Section 2. Section 42A of Chapter 93 of the General Laws of Massachusetts is hereby amended by  
18 striking the words "in violation of the terms of such agreement" where they first appear.