

HOUSE No. 4278

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 25, 2024.

The committee on Labor and Workforce Development to whom was referred the petition (accompanied by bill, House, No. 1948) of Lindsay N. Sabadosa and others for legislation to establish a paid pregnancy loss leave program for employers to provide paid leave to certain workers experiencing a pregnancy loss, reports recommending that the accompanying bill (House, No. 4278) ought to pass.

For the committee,

JOSH S. CUTLER.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act amending the Massachusetts Earned Sick Time Law to provide paid pregnancy loss leave.

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. Subsection (a) of section 148C of chapter 149 of the General Laws, as
2 appearing in the 2022 Official Edition, is hereby amended as follows:

3 By adding, after the definition of “Child” appearing at lines 4 through 6, the following: -

4 "Domestic partner", a person not less than 18 years of age who: (i) is dependent upon the
5 employee for support as shown by either unilateral dependence or mutual interdependence that is
6 evidenced by a nexus of factors including, but not limited to: (A) common ownership of real or
7 personal property; (B) common householding; (C) children in common; (D) signs of intent to
8 marry; (E) shared budgeting; and (F) the length of the personal relationship with the employee;
9 or (ii) has registered as the domestic partner of the employee with any registry of domestic
10 partnerships maintained by the employer of either party, or in any state, county, city, town or
11 village in the United States.

12 By striking out, in lines 7 and 11, the word “paid”.

13 By striking out, in lines 14 through 17, the entire definition of “Earned sick time”.

14 By adding, after the definition of “Employer” appearing at lines 24 through 31, the
15 following: -

16 “Family member”, the spouse, domestic partner, child, parent, or a grandchild,
17 grandparent or sibling of the employee, or any other individual related by blood or whose close
18 association with the employee is the equivalent of a family relationship. This definition shall not
19 include a person with whom the employee has no personal relationship.

20 By adding, after the word “parenthood” at line 38, the following: -

21 for the employee or employee’s spouse

22 And by striking out, at lines 38 through 39, the words “when the employee or employee’s
23 spouse was a child”

24 SECTION 2. Subsection (c) of section 148C of chapter 149 of the General Laws, as so
25 appearing, is hereby amended as follows:

26 In paragraph (1), by adding, after the word “employee’s” at line 48, the words “family
27 member”, and by striking out, at lines 48 and 49, the words “child, spouse, parent, or parent of a
28 spouse”.

29 In paragraph (3), by adding, after the word “employee’s” at line 56, the words “family
30 member”, and by striking out, at lines 56 through 57, the words “child, spouse, parent, or parent
31 of a spouse”.

32 In paragraph (4), by striking out, at lines 60-61, the words “for purposes of this section”,
33 and by adding, after the word “govern” at line 60, the words “and abuse committed against the
34 employee’s family member as defined in subsection (a) shall be considered domestic violence
35 for the purposes of this section”.

36 By adding, after paragraph (4), the following paragraphs: -

37 (5) be absent when the employee experiences any of the following: (i) pregnancy loss; (ii)
38 an unsuccessful round of intrauterine insemination or of an assisted reproductive technology
39 procedure; (iii) a failed adoption match or an adoption that is not finalized because it is contested
40 by another party; (iv) a failed surrogacy arrangement; or (v) a diagnosis or event that impacts
41 pregnancy or fertility.

42 (6) care for the employee’s spouse or domestic partner who experiences a circumstance
43 described in paragraph (5).

44 (7) grieve, attend funeral services or a memorial, or deal with financial and legal matters
45 that arise after the death of the employee’s family member, within 60 days of receiving notice of
46 the death.

47 SECTION 3. Subsection (d) of section 148C of chapter 149 of the General Laws, as so
48 appearing, is hereby amended as follows:

49 By striking out paragraph (1) in its entirety and substituting the following: -

50 (1) An employer shall provide 24 hours of earned sick time on the employee's first
51 workday of each calendar year, and a minimum of one additional hour of earned sick time for
52 every 30 hours worked.

53 By striking out, at line 72, the comma after the word “rate” and the words and
54 punctuation “or the use of earned sick time at an earlier date,”.

55 By striking out paragraph (4) in its entirety and substituting the following: -

56 (4) All employees employed by an employer of eleven or more employees shall be
57 entitled to earn and use up to 64 total hours of earned sick time from that employer as provided
58 in subsection (d) in a calendar year.

59 By striking out paragraph (6) in its entirety.

60 By striking out, in paragraph (7), the number 40 appearing at lines 104 and 105 and
61 substituting in its place the number 64.

62 By striking the number “7”, designating paragraph (7) at line 101 and replacing it with
63 the number “6”.

64 SECTION 4. Subsection (f) of section 148C of chapter 149 of the General Laws, as so
65 appearing, is hereby amended as follows:

66 By striking out, from line 122, the letter “n” appearing in parentheses and replacing it
67 with the letter “o”.

68 By adding, at line 131, immediately after the sentence ending with the word “violence”,
69 and before the sentence, at line 131, that begins with the word “The”, the following sentence: -

70 A written statement from the employee, health care provider, counselor, member of the
71 clergy, adoption or surrogacy agency, legal advocate or other knowledgeable professional who

72 has assisted the employee or employee's family member with circumstances under subsection
73 (c)(5), (6), and (7) shall be deemed acceptable documentation

74 SECTION 5. Subsection (k) of section 148C of chapter 149 of the General Laws, as so
75 appearing, is hereby amended as follows:

76 By striking out, as appearing in lines 173, 178 and 179, the word “paid”.

77 SECTION 6. Section 148C of chapter 149 of the General Laws, as so appearing, is
78 hereby amended as follows:

79 By adding, at line 180, the following subsection: -

80 (1)(1) There shall be established a refundable payroll tax credit known as the Earned Sick
81 Time tax credit to reimburse eligible employers for the cost of providing employees with earned
82 sick time.

83 (2) Employers of five or fewer employees shall be eligible for an Earned Sick Time tax
84 credit equal to 100 percent of the earned sick time wages paid by the employer under subsection
85 (d)(1). In determining the number of employees who are employed by an employer, all
86 employees performing work for compensation on a full-time, part-time, or temporary basis shall
87 be counted.

88 By striking out, at line 180, the letter “l” appearing in parentheses and replacing it with
89 the letter “m”.

90 By striking out, at line 184, the letter “m” appearing in parentheses and replacing it with
91 the letter “n”.

92 By striking out, at line 187, the letter “n” appearing in parentheses and replacing it with
93 the letter “o”.

94 By striking out, at line 192, the letter “o” appearing in parentheses and replacing it with
95 the letter “p”.

96 By striking out, at line 191, the subsection reference “(d)(4)” and replacing it with the
97 subsection reference “(l)”