

**SENATE . . . . . No. 2451**

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The Commonwealth of Massachusetts

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Senate, July 21, 2016.

BILL #: S992

BILL STATUS: Favorable with Amendment

DISSENTERS:

Donnelly, Kenneth J.

ACCOMPANIED BILLS:

None

For the committee,

KAREN E. SPILKA

# SENATE . . . . . No. 2451

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SENATE, Saturday, July 23, 2016 - The committee on Ways and Means, to whom was referred the Senate Bill relative to the creative economy,-- reports, recommending that the same ought to pass with an amendment substituting a new draft with the same title (Senate, No. 2451).

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## The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act relative to the creative economy.

*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 148B of chapter 149 of the General Laws, as appearing in the 2014  
2 Official Edition, is hereby amended by inserting after subsection (a) the following subsection:-  
3           (a<sup>1/2</sup>) Notwithstanding subsection (a), an individual who is an artist, freelance writer,  
4 editor, proofreader or indexer in the publishing industry shall be considered to be an employee  
5 under this chapter and chapter 151 unless the individual: (i) freely and voluntarily identifies,  
6 markets or promotes oneself as a freelancer, as self-employed, as a sole proprietor or as an  
7 independent business; (ii) controls and regularly negotiates the use of the individual's intellectual  
8 property; and (iii) meets the federal standards for being an independent contractor including, but  
9 not limited to, standards developed by the United States Internal Revenue Service or Department  
10 of Labor.

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