

July 29, 2025

Representative Michael Day, Chair
Joint Committee on the Judiciary
State House, Room 413-A
Boston, MA 02133

Senator Lydia Edwards, Chair
Joint Committee on the Judiciary
State House, Room 136
Boston, MA 02133

Dear Chair Day and Chair Edwards,

On behalf of the Greater Boston Chamber of Commerce and our over 1,200 members, I write to offer testimony in strong opposition to H.1982/S.1038, *An Act relative to the protection of small businesses and workers*. The Chamber values and appreciates commonsense consumer protection policies in the Commonwealth that allow employers to operate and do business in Massachusetts while ensuring consumers have recourse against bad actors. However, this bill undermines the fundamental principles of capitalism and attempts to regulate businesses economywide through a litigation strategy instead of allowing for regular market competition and its benefits to consumers. The result would be endless litigation against small, medium, and large employers for common business practices – particularly targeting Massachusetts-based businesses. We therefore urge the Committee to give H.1982 and S.1038 an unfavorable report.

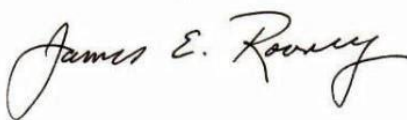
Despite the proposed Act's title, this bill would harm businesses of all sizes by dramatically altering the regulation of public and private markets, empowering courts to pick winners and losers in the competitive marketplace instead of consumers and negating the benefits that competition provides to everyday residents. Adopting this legislation would make the Commonwealth a significant outlier in its policy approach to regulating the provision of everyday goods and services economy-wide, becoming the first state to adopt this novel approach and reshaping the conduct of business. This would primarily hurt Massachusetts-based businesses. With no carve-out for small businesses or regard for differences in industry or profession, all employers could be subject to lawsuits by competitors if they succeed in markets geographically, in specialty, product development, distribution, or expertise. Your local grocery store may be subject to a lawsuit due to its "dominant position" in your neighborhood – a term that is undefined, but is likely encompassed in the vague examples outlined in statute.

The bill also raises significant constitutional concerns related to federal preemption, the right to contract, and the constraint in interstate commerce, and likely prohibits a wide array of everyday transactions such as exclusive supplier contracts, licensing requirements, and the confidentiality of trade secrets and other proprietary information.

In addition to the foundational problems with this approach, this bill also contains numerous broad, ambiguous, undefined terms, imposes a dramatically excessive fine, civil, and criminal penalty structure, and upends several areas of public policy and regulation, such as wage laws and noncompetition agreements. By including a private right of action, a wave of litigation would ensue amongst competitors, costing them millions of dollars instead of dedicating those resources to new hires.

For these reasons and more, we urge the Committee to issue an unfavorable report of H.1982 and S.1038. Thank you for your consideration.

Sincerely,



James E. Rooney
President and CEO