

By Mrs. Pines of Newton, petitiu of Lois G. Pines for legislation to prohibit discrimination in certain business enterprises. Commerce and Labor.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT RELATIVE TO DISCRIMINATION IN BUSINESS.

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 4 of chapter 151B is hereby amended by
2 adding after paragraph 1A the following: —

3 1B. (1) For any business enterprise or person acting on behalf
4 of or in the interest of a business enterprise to coerce by economic
5 means, or to attempt to coerce by economic means, another
6 person, where an object of such coercion is to cause such other
7 person to fail to do business with, to fail to employ, to subject to
8 economic loss or injury, or otherwise to discriminate against, any
9 person, by reason of: —

10 (a) the religion, race, national origin, or sex of such person, or
11 of any officer, director, employee, or creditor of, or any owner of
12 any interest in, such person; or

13 (b) direct or indirect support for any foreign government, or
14 dealing with or in, any foreign country by such person, or by any
15 officer, director, employee, or creditor of, or any owner of any
16 interest in, such person, when such support or dealing is not in
17 violation of the laws of the United States;

18 (2) For any person to fail to do business with, to fail to employ,
19 to subject to economic loss or injury, or otherwise to discriminate
20 against, any person, by reason of, or in order to avoid, being
21 coerced in a manner which is unlawful under subsection (1), or
22 would be unlawful under subsection (1) except for the fact that
23 the coercion is exerted by a foreign government or by a business
24 enterprise not subject to the jurisdiction of the United States.

25 No contract or other agreement entered into or sought to be
26 enforced in this commonwealth shall be valid if it contains any

27 provision which discriminates against any person in such manner
28 as described in this subsection. Such provisions are declared to be
29 void as being against public policy.

30 Any person aggrieved by a violation of subsection (1), in a civil
31 action may recover threefold actual damages, reasonable
32 attorney's fees, and other litigation costs reasonably incurred, and
33 obtain other appropriate relief.

34 The Attorney General may institute an action in rem or in
35 personam, to collect a civil penalty against any person who
36 violates subsection (a). The penalty shall not exceed fifty
37 thousand dollars if imposed upon an individual, or shall not
38 exceed five hundred thousand dollars if imposed upon any person
39 other than an individual.

40 Any person aggrieved by a violation of subsection (2), in a civil
41 action instituted in an appropriate United States district court
42 without regard to the amount in controversy, may recover
43 damages and obtain other appropriate relief.

1 SECTION 2. Chapter 272 is hereby amended by adding after
2 section 98C the following: —

3 *Section 98D. Discrimination in business.*

4 Whoever willfully violates subsection 1B (1) of Section 4 of
5 Chapter 151B, shall be fined not to exceed one hundred thousand
6 dollars, or imprisoned not to exceed three years, or both if an
7 individual, or fined not to exceed one million dollars if any
8 person other than an individual.

9 Whoever willfully violates subsection 1B (2) of Section 4 of
10 Chapter 151B shall be fined not to exceed fifty thousand dollars if
11 an individual, or not to exceed five hundred thousand dollars if
12 any person other than an individual.