

By Mr. Barrus, a petition of the Massachusetts Merchants, Inc., by William L. Phipps, for legislation to regulate the use of the polygraph by employers against employees unless certain conditions are met. The Judiciary.

The Commonwealth of Massachusetts

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

AN ACT REGULATING THE USE OF THE POLYGRAPH.

*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 19B of chapter 149 is hereby amended to read as  
2 follows:—

3 Any employer who subjects any person employed by him or  
4 any person applying for employment to a lie detector test or  
5 causes directly or indirectly any such employee or applicant to  
6 take a lie detector test except in accord with the following  
7 section shall be punished by a fine of not more than \$200.00.

8 Before a polygraph examination shall be administered, the  
9 person to be examined shall be advised that:

10 a.) both the taking of the polygraph examination and the  
11 signing of a consent form must be voluntary acts on his part,

12 b.) he may decline to take the polygraph examination and/  
13 or sign a consent form, and such declination cannot be grounds  
14 for discharge or dismissal from his present employment.

15 The consent form discussed immediately above in subdivi-  
16 sions a. and b., shall include the person's acknowledgment that  
17 this advice has been so given him and that he consents to both  
18 the taking of the examination and the disclosure to others of  
19 his statements and the expert opinions of the examiner. This  
20 form will be signed in the presence of the polygraph examiner  
21 who shall sign it as a witness. Only after the form is signed  
22 may the polygraph examiner proceed with any actual polygraph  
23 testing.

24 Any employer who uses the services or facilities of any

25 polygraph examiner shall be deemed to have accepted the con-  
26 ditions and requirements of this subsection three. It shall be  
27 unlawful for any employer:

28 (a) to discharge or dismiss any employee on the sole ground  
29 of refusing or declining to take a polygraph examination.

30 The Department of Public Safety shall establish such re-  
31 quirements as the license of lie detector operators as it deems  
32 necessary for the protection of the public and shall promul-  
33 gate these regulations and issue a certificate of compliance to  
34 examiners.

35 No lie detector test shall be conducted by any person not so  
36 certified.

37 This section shall not apply to lie detector tests adminis-  
38 tered by law enforcement agencies.