

HOUSE No. 160

The Commonwealth of Massachusetts

PRESENTED BY:

Jonathan Hecht

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to increase transparency and trust in charitable solicitations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>David Paul Linsky</i>	<i>5th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>

HOUSE No. 160

By Mr. Hecht of Watertown, a petition (accompanied by bill, House, No. 160) of Jonathan Hecht and others for legislation to increase transparency and trust in charitable solicitations. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 200 OF 2015-2016.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act to increase transparency and trust in charitable solicitations.

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. Chapter 68 of the General Laws, as appearing in the 2012 Official Edition,
2 is hereby amended by striking out section 22 and inserting in place thereof the following
3 section:-

4 Section 22. (a) Every contract or agreement between a professional fund-raising counsel
5 or a commercial co-venturer or a professional solicitor and a charitable organization required to
6 have a certificate of registration pursuant to section nineteen shall be in writing, signed by two
7 officers of the charitable organization, and filed with the director of the division within ten days
8 after such contract or agreement is entered into. No solicitation shall be conducted prior to the
9 filing of such contract or agreement.

10 (b) Every contract or agreement between a professional solicitor or a commercial co-
11 venturer and a charitable organization shall include: (1) a statement of the charitable purposes to
12 be described in the solicitation; (2) a statement of the guaranteed minimum percentage of the
13 gross receipts from fundraising which will be utilized exclusively for the charitable purposes
14 described in the solicitation; and (3) a website and telephone number where persons may obtain
15 the statements required pursuant to clauses (1) and (2) of this subsection.

16 SECTION 2. Chapter 68 of the General Laws, as appearing in the 2012 Official Edition,
17 is further amended by striking out section 23 and inserting in place thereof the following
18 section:-

19 Section 23. Solicitations by professional solicitors and solicitations by commercial co-
20 venturers shall contain, at the time of solicitation, the following disclosures: (1) the name and
21 principle place of business of the charitable organization and a description of how the
22 contributions raised by the solicitation will be utilized for charitable purposes, or if there is no
23 charitable organization, the name and principle place of business of the professional solicitor or
24 commercial co-venturer and a description of how the contributions raised by the solicitation will
25 be utilized for charitable purposes; (2) a statement that the solicitation is being conducted by a
26 paid fundraiser, who is required by law to answer all questions fully and accurately; (3) the
27 website address and telephone number required pursuant to clause (3) of subsection (b) of
28 section twenty-two and a statement that persons may obtain more information about the
29 solicitation at that website or telephone number, including the minimum share of the fundraising
30 receipts that will be used solely for the charitable purposes described in the solicitation; and (4)
31 such other disclosures as required by relevant rules and regulations promulgated under section

32 29. If the solicitation is for advertising, the disclosure shall also include the geographic
33 distribution and the circulation of the publication in which the advertising will appear.