



January 27, 2026

House Speaker Ronald Mariano
 State House, Room 356
 Boston, MA 02133

Majority Leader Mike Moran
 State House, Room 343
 Boston, MA 02133

Representative Aaron Michlewitz, Chair
 House Committee on Ways and Means
 State House, Room 243
 Boston, MA 02133

Dear House Speaker Mariano, Majority Leader Moran, and Chair Michlewitz:

As leaders of Massachusetts-based employer and trade associations, collectively representing tens of thousands of employers across the Commonwealth, we write to express our ongoing concerns regarding H.4746, *An Act establishing the Massachusetts consumer data privacy act*, which was favorably reported to House Ways and Means in November.

The business community has been actively engaged since the beginning of the session on this important issue. We provided extensive, detailed feedback on the various bills that were before the Joint Committee on Advanced Information Technology, the Internet, and Cybersecurity, and appreciate Chair Farley-Bouvier's engagement on this critical issue. Like the committee, we recognize the importance of protecting consumer data and have continuously stated our support for creating a comprehensive framework that safeguards consumers' privacy, expands consumers' rights, and protects personal information. At the same time, we believe that any data privacy bill must balance those considerations with employer feasibility, compliance costs, and unintended consequences that will negatively impact the state's economic competitiveness, consumer experience, and our world-class innovation ecosystem.

We remain very concerned that as currently drafted, H.4746 would put small, medium, and large businesses operating in Massachusetts at a significant competitive disadvantage. Data privacy regulation won't just impact large, technology savvy companies, but every single industry in Commonwealth – including nonprofits - encompassing everyday interactions with local, national, and global consumers. An overly burdensome bill that departs drastically from US and international data privacy models already in place and will impact both employers and consumers in negative and unintended ways. By diverging so dramatically from the framework that employers and customers have come to rely on in twenty states, the bill as written would result in massive compliance costs for Massachusetts businesses, and more expensive and less useful online tools for constituents, without any demonstrable benefit to Massachusetts residents.

Additionally, the details of comprehensive data privacy regulation are critically important. Clear, identifiable goals, requirements, and drafting are necessary to avoid an avalanche of litigation unrelated to consumer data protections. Unfortunately, we are concerned that H.4746, as drafted, will make compliance close to impossible. We urge the House to avoid ambiguous and unnecessary language that does not contribute to consumer data protection.

Given the significant impact on the Massachusetts economy and its competitiveness, as the House looks to improve upon H.4746, we urge you to adopt a framework which is similar to H.80, filed by Leader Hogan, with a particular focus on the following key issues:

- **Data Minimization:** H.4746 adds language to create a data minimization standard, which as currently drafted is hugely problematic and would likely lead to drastic changes in the online experience for consumers in Massachusetts. In particular, the “*requested by the consumer*” language is ambiguous and undoubtedly will lead to litigation. In addition, it will impact consumers’ experience in accessing many services they currently rely on, without evidence that this standard is necessary or helpful to protect consumers. Finally, this strict data minimization standard would disadvantage Massachusetts small and medium sized businesses because those companies would not have the ability to effectively advertise to Massachusetts consumers. Without access to consumer data, small businesses would be forced to abandon cost effective digital advertising which efficiently matches consumers and products. We continue to suggest, and would support, a standard that instead “*limits the collection of personal data to what is adequate, relevant, and reasonably necessary for the purposes for which the data is processed, as disclosed to the consumer.*”
- **Uniformity:** H.4746, as drafted, greatly diverges from a mainly uniform approach that has been adopted by Europe, and twenty states across the country, including many New England states. Adopting untested or ambiguous standards – that are also unique to Massachusetts – will be extremely burdensome to employers, both large and small. It will cause significant unintended consequences for businesses who operate both across state lines as well as around the country and world, making us an outlier in an increasingly competitive economic environment. In fact, the bill that was passed in Maryland earlier this year, which also diverged from the uniform framework, is currently still involved in litigation and businesses continue to be challenged with how to comply.

- **Private Right of Action:** The private right of action included in H.4746 is extremely misguided, unworkable, and as drafted, would make Massachusetts the only state in the country to pass a comprehensive data privacy bill with this type of enforcement mechanism. This proposed liability would expose several crucial Massachusetts employers to an avalanche of litigation, much of which will be frivolous and expensive to litigate. As these large companies often provide the infrastructure and ecosystem utilized by small businesses to thrive, this increase in liability will also cause costs to rise and services not to be offered to smaller businesses in Massachusetts. It will further cement the Commonwealth's status as an outlier, since Massachusetts would have the broadest and most unique private right of action in any state. Most importantly, there is no evidence that private enforcement leads to better consumer outcomes and will, instead, result in the creation of a cottage industry of plaintiffs' lawyers targeting businesses directly. The plaintiffs' bar, with support from many advocates of this bill, have already engaged in this behavior in the Commonwealth – unsuccessfully pursuing their privacy goals by suing our hospitals through the state's *Wiretap Act*. While ultimately a failed effort, the millions of dollars necessary to defend against baseless lawsuits in this case demonstrates the likely negative consequences of a bill that is not well tailored to specific desired outcomes. We continue to express strong opposition to any private right of action, and instead, support enforcement powers being solely granted to the Attorney General.

Small and medium-sized businesses are often operating on thin margins and, like all employers, are under increased pressure due to the constant uncertainty from the federal government. Additionally, this bill comes at a particularly difficult time for Massachusetts employers and the state's economy. As Massachusetts strives to remain a leader in advanced technological innovation, artificial intelligence, biotechnology, and research & development, it is a crucial moment for policymakers to ensure a balanced approach to data privacy that allows the Commonwealth's employers to grow and thrive.

Thank you for your consideration of the issues and ideas included in this letter. As requested, many of the business associations listed in this letter will be submitting our own comments on the proposed legislation, including redline suggestions for improvements. As the House continues to review this complicated, yet important issue, please know we stand ready to work with policymakers in a collaborative effort to safeguard consumer privacy while at the same time supporting the state's overall competitiveness.

Sincerely,

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Associated Industries of Massachusetts

Eneida M. Roman, Esq, CEO
We Are ALX

James E. Rooney, President & CEO
Greater Boston Chamber of Commerce

JD Chesloff, President & CEO
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Tamara Small, CEO
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