

Massachusetts Trade Secrets Bills

Bill Number	Sponsors	Fixes "Ownership" Limitation	Fixes Timing of Reasonable Measures	Heightened Reasonable Measures	Trade Secret Includes Customer List/Information	Threatened Misappropriation Can Be Enjoined	Additional Clarity on Improper Means	Identification Issues	Statue of Limitations
H.2366	Lori A. Ehrlich William N. Brownsberger Ruth B. Balser Jennifer E. Benson James M. Cantwell Marjorie C. Decker Carolyn C. Dykema James B. Eldridge Sean Garballey Colleen M. Garry Kenneth L. Gordon Paul R. Heroux Louis L. Kafka Mary S. Keefe Kay Khan James R. Micelli Sarah K. Peake Alice Hanlon Peisch Chris Walsh	✓	✓	Reasonable measures may include notice	✓	✓ Adds example of considerations for when threatened misappropriation can be enjoined.	• Adds unreasonable intrusion into private physical space or electronic space • Expressly excludes reverse engineering and independent discovery or development	Preliminary identification, with additional specification before discovery.	3 years
S.988	William N. Brownsberger Lori A. Ehrlich Eric P. Lesser Paul R. Heroux Alice Hanlon Peisch								
S.1017	Patricia Jehlen	✓	✓	Reasonable measures may include notice. [Missing comma after "notice"]	Customer list and "customer data" are covered	✓ Adds example of considerations for when threatened misappropriation can be enjoined.	• Adds unreasonable intrusion into private physical space or electronic space • Expressly excludes reverse engineering	Preliminary identification, with additional specification before discovery.	3 years
S.840	Eileen M. Donoghue Jason M. Lewis Mary S. Keefe Sheila C. Harrington Chris Walsh	✓	✓	Focuses on notice as the issue.	Customer list and "customer data" are covered	✓ Adds example of considerations for when threatened misappropriation can be enjoined.	• Adds unreasonable intrusion into private physical space or electronic space • Expressly excludes reverse engineering	Preliminary identification, with additional specification before discovery.	3 years
S.1020	Jason M. Lewis Chris Walsh Denise Provost Jennifer E. Benson Barbara A. L'Italien Steven Ultrino James B. Eldridge Mary S. Keefe Eric P. Lesser	✗	✗	Requires measures sufficient to give notice and to ensure that information is not misappropriated	"Customer data" is covered	✓ No additional clarity.	✗	Detailed specification at injunction stage.	3 years
H.854	Bradley H. Jones, Jr. Susan Williams Gifford Paul K. Frost Todd M. Smola F. Jay Barrows Sheila C. Harrington Donald H. Wong Steven S. Howitt Kimberly N. Ferguson Hannah Kane Randy Hunt Nicholas A. Boldyga Joseph D. McKenna Kevin J. Kuros	✗	✗	Requires measures sufficient to give notice and to ensure that information is not misappropriated	"Customer data" is covered	✓ No additional clarity.	✗	Detailed specification at pleading stage.	3 years
H.43	Commission on Uniform Laws	✓	✓	Reasonable measures may include notice	Customer list and "customer data" are covered	✓ Adds example of considerations for when threatened misappropriation can be enjoined.	• Adds unreasonable intrusion into private physical space or electronic space • Expressly excludes reverse engineering	Preliminary identification, with additional specification before discovery.	3 years