



**Statement of the Massachusetts Bankers Association
Regarding H 4124 / S 2460,
An Act Protecting Seniors and Adults with Disabilities from Financial Exploitation
Joint Committee on Financial Services
October 24, 2023**

On behalf of our more than 120 commercial, savings and cooperative banks and federal savings institution members with more than 72,000 employees located throughout the Commonwealth and New England, the Massachusetts Bankers Association (MBA) appreciates the opportunity to provide our comments regarding **H 4124/ S 2460, *An Act Protecting Seniors and Adults with Disabilities from Financial Exploitation.***

MBA, and its entire membership, are proud to be vocal advocates and front-line defenders against financial exploitation. The banking industry is, unfortunately, all too familiar with the impact unscrupulous actors can have on its customers – especially those who may be more vulnerable due to a host of reasons including disabilities. Our member institutions take their responsibility to protect customers extremely seriously, including working alongside the Division of Banks and Commonwealth’s Office of Elder Affairs to develop and train their customer-facing employees on the potential warning signs of financial exploitation to help identify potential bad actors and vulnerable customers before an issue arises.

Unfortunately, scammers and criminals, including those who seek to exploit elders and those with disabilities financially, are not going away. MBA strongly supports efforts to protect our customers, employees and others using our services when done with the acknowledgement of the extensive efforts already in place and with proper industry input. While **H 4124/ S 2460** seeks a noble result, MBA believes there are several areas that could be improved upon with industry involvement and participation. More specifically, MBA has concerns surrounding some of the included definitions, the potential for unintended consequences throughout its prescribed compliance – including issues with the “right to hold”/delayed disbursements terms – as well as the potential for new liability for bank employees who may not have the opportunity to act with “reasonable care” when a loss is incurred.

Finally, the Association is also concerned with the unnecessary broadening of the Secretary of State’s oversight over banks and financial institutions that would occur with the passage of the bill. As you know, financial services, and banks in particular, are already a highly regulated industry with a multitude of regulators on both the state and national level. To add the Secretary of State to this list – well outside of their established broker-dealer functions under Chapter 110A – is unnecessary in our view.

Thank you for considering our comments on **H.63, *An Act to Protect Biometric Information and S.195, *An Act to Protect Personal Biometric Data.**** We look forward to working with the Committee on these, and other policy initiatives, for the remainder of the session.