



Background information for the AMWA Position Statement on Legislation That Negatively Affects the Livelihood of Freelance Medical Communicators

Independent contractor bills in several states could disrupt how self-employed writers and editors do business in the future. In California, [AB 5](#) took effect on January 1, 2020, and similar legislation is being considered in New Jersey ([S4204/A5936](#)), New York ([S6699A/A8721A](#)), and other states this year.

Medical communicators working as independent contractors (freelancers) bring their knowledge and expertise to a broad range of clients. Freelancers include working parents, people with disabilities, small business owners, those nearing retirement, and people who otherwise need or prefer the flexibility of managing their own schedules while generating income in their chosen profession.

Specific concerns about the definition of independent contractors in existing or proposed legislation include the following:

- The standalone requirement that an independent contractor “performs work that is outside the usual course of the hiring entity’s business.” Many freelance medical communicators perform work that is aligned with a company’s core business, either because the independent contractor brings a unique expertise or because the company has a transient overflow of work. These opportunities benefit both the independent contractor and the company.
- A requirement that work is performed away from the company’s place of business. Although it is reasonable to require independent contractors to maintain a separate place of business, many freelance medical communicators meet on site with their clients from time to time. These face-to-face meetings facilitate both the specific project and the relationship between the independent contractor and the company.
- A low cap on the number of submissions to a single company. In some instances, freelance medical communicators provide blog posts or submissions to newsletters on a weekly or more frequent basis. This type of work is neither uncommon nor unreasonable for a freelance medical communicator.
- Vague wording that will force legislation to be clarified through litigation. A lack of clarity will discourage companies from hiring independent contractors under any circumstances based on the fear of being fined or sued despite genuine efforts to comply with the law.

What You Can Do

- Call and write your [state legislators](#) about these concerns.
- Explore social media and website groups that provide information about legislation in several states.
- Consult a labor attorney in your state to get a better understanding of the specifics of the legislation in your area and how it affects your freelance business model.
- Develop talking points to explain your business model to clients and potential clients.