

2024 Regular Session

HOUSE BILL NO. 161

BY REPRESENTATIVE BAYHAM

CONTRACTS: Provides relative to nondisclosure agreements

1 AN ACT

2 To enact R.S. 9:2717.3, relative to nondisclosure agreements; to provide for the applicability
3 of nondisclosure agreements; to provide for definitions; to provide for nondisclosure
4 agreements under certain circumstances; to provide for exceptions; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2717.3 is hereby enacted to read as follows:

8 §2717.3. Nondisclosure agreement; hostile work environment; sexual harassment

9 A. For purposes of this Section:

10 (1) "Hostile work environment" means conditions where harassment rises
11 to the level that the harassment alters the ability of an employee to perform the
12 employee's duties.

13 (2) "Sexual harassment" means unwelcome sexual advances, requests for
14 sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature
15 when the conduct explicitly or implicitly affects an individual's employment,
16 unreasonably interferes with an individual's work performance, or creates an
17 intimidating or offensive work environment.

18 B. Notwithstanding any other law to the contrary, a nondisclosure agreement
19 required by an employer shall not be judicially enforceable in a dispute involving
20 workplace sexual harassment or a hostile work environment.

- 1 C. The provisions of this Section shall not restrict the ability of an individual
 2 to enter into a confidential settlement agreement relating to sexual harassment or a
 3 hostile work environment that arise during the employment period.
-

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 161 Engrossed

2024 Regular Session

Bayham

Abstract: Provides that a nondisclosure agreement does not apply in cases involving sexual harassment or a hostile work environment.

Proposed law defines "hostile work environment".

Proposed law defines "sexual harassment".

Proposed law provides that nondisclosure agreements are not enforceable in cases involving sexual harassment or a hostile work environment.

Proposed law provides that proposed law shall not restrict the ability of an individual to enter into a confidential settlement agreement relating to sexual harassment or a hostile work environment that arises during the employment period.

(Adds R.S. 9:2717.3)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Add an exception that proposed law shall not restrict the ability of an individual to enter into a confidential settlement agreement relating to cases involving sexual harassment or a hostile work environment that arise during the employment period.
2. Make technical changes.