

2024 Regular Session

HOUSE BILL NO. 161

BY REPRESENTATIVES BAYHAM AND MANDIE LANDRY

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 harrassment alters the ability of an employee to perform the
12 employee's duties.

13 (2) "Hostile work environment dispute" means a dispute between an
14 employer and the employer's employee relating to an alleged hostile work
15 environment.

16 (3) "Nondisclosure clause" means an agreement between an employee and
17 employer that prevents, or has the effect of preventing, an employee from disclosing
18 or discussing a hostile work environment, allegations of a hostile work environment,
19 sexual harassment, or allegations of sexual harassment.

20 (4) "Sexual harassment" means unwelcome sexual advances, requests for
21 sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature
22 when the conduct explicitly or implicitly affects an individual's employment,

1 unreasonably interferes with an individual's work performance, or creates an
2 intimidating or offensive work environment.

3 (5) "Sexual harassment dispute" means a dispute between an employer and
4 the employer's employee relating to alleged sexual harassment.

5 B. Notwithstanding any provision of law to the contrary, no nondisclosure
6 clause required by an employer and agreed to prior to a hostile work environment
7 dispute or sexual harassment dispute shall be judicially enforceable.

8 C. The provisions of this Section shall not restrict the ability of an individual
9 to enter into a confidential settlement agreement relating to a hostile work
10 environment or sexual harassment provided that the agreement is entered into after
11 a report of hostility or harassment is filed or a hostile work environment dispute or
12 sexual harassment dispute has occurred.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____