

# VIRGINIA ACTS OF ASSEMBLY -- 2023 SESSION

## CHAPTER 511

*An Act to amend and reenact § 40.1-28.01 of the Code of Virginia, relating to nondisclosure or confidentiality agreement; nondisparagement provisions; claims of sexual harassment.*

[H 1895]

Approved March 24, 2023

**Be it enacted by the General Assembly of Virginia:**

**1. That § 40.1-28.01 of the Code of Virginia is amended and reenacted as follows:**

**§ 40.1-28.01. Nondisclosure or confidentiality agreement; provisions regarding sexual assault or sexual harassment; condition of employment.**

A. No employer shall require an employee or a prospective employee to execute or renew any provision in a nondisclosure or confidentiality agreement, *including any provision relating to nondisparagement*, that has the purpose or effect of concealing the details relating to a claim of sexual assault pursuant to § 18.2-61, 18.2-67.1, 18.2-67.3, or 18.2-67.4 *or a claim of sexual harassment as defined in § 30-129.4* as a condition of employment. Any such provision is against public policy and is void and unenforceable.

B. This section shall in no way limit other grounds that exist at law or in equity for the unenforceability of any such agreement or any provision of such agreement.