

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1895]  
5 Approved

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

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

8 **§ 40.1-28.01. Nondisclosure or confidentiality agreement; provisions regarding sexual assault or**  
9 **sexual harassment; condition of employment.**

10 A. No employer shall require an employee or a prospective employee to execute or renew any  
11 provision in a nondisclosure or confidentiality agreement, *including any provision relating to*  
12 *nondisparagement*, that has the purpose or effect of concealing the details relating to a claim of sexual  
13 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*  
14 *defined in § 30-129.4* as a condition of employment. Any such provision is against public policy and is  
15 void and unenforceable.

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

ENROLLED

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