

2023 SESSION

HOUSE SUBSTITUTE

23106173D

HOUSE BILL NO. 1895

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 3, 2023)

(Patron Prior to Substitute—Delegate Filler-Corn)

A BILL 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.

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.

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