

REFERENCE TITLE: sexual harassment; nondisclosure agreements; prohibition

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2369

Introduced by
Representatives Sun: Aguilar, Cano, De Los Santos, Hernandez L, Mathis,
Sandoval, Terech, Travers, Tsosie

AN ACT

AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 23-207; RELATING TO EMPLOYMENT PRACTICES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 23, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 23-207, to read:

4 23-207. Sexual harassment; sexual assault; nondisclosure
5 agreements, waivers or other documents preventing
6 disclosure prohibited

7 NOTWITHSTANDING ANY OTHER LAW:

8 1. AN EMPLOYER MAY NOT REQUIRE AN EMPLOYEE, AS A CONDITION OF
9 EMPLOYMENT, TO SIGN A NONDISCLOSURE AGREEMENT, WAIVER OR OTHER DOCUMENT
10 THAT PREVENTS THE EMPLOYEE FROM DISCLOSING SEXUAL HARASSMENT OR SEXUAL
11 ASSAULT OCCURRING IN THE WORKPLACE, AT WORK-RELATED EVENTS COORDINATED BY
12 OR THROUGH THE EMPLOYER, OR BETWEEN EMPLOYEES OR AN EMPLOYER AND AN
13 EMPLOYEE OFF THE EMPLOYMENT PREMISES.

14 2. EXCEPT FOR SETTLEMENT AGREEMENTS, ANY NONDISCLOSURE AGREEMENT,
15 WAIVER OR OTHER DOCUMENT SIGNED BY AN EMPLOYEE AS A CONDITION OF
16 EMPLOYMENT THAT HAS THE PURPOSE OR EFFECT OF PREVENTING THE EMPLOYEE FROM
17 DISCLOSING OR DISCUSSING SEXUAL HARASSMENT OR SEXUAL ASSAULT OCCURRING IN
18 THE WORKPLACE, AT WORK-RELATED EVENTS COORDINATED BY OR THROUGH THE
19 EMPLOYER, OR BETWEEN EMPLOYEES OR AN EMPLOYER AND AN EMPLOYEE OFF THE
20 EMPLOYMENT PREMISES IS AGAINST PUBLIC POLICY AND IS VOID AND
21 UNENFORCEABLE.

22 3. IT IS AN UNFAIR PRACTICE FOR AN EMPLOYER TO DISCHARGE OR
23 OTHERWISE RETALIATE AGAINST AN EMPLOYEE FOR DISCLOSING OR DISCUSSING
24 SEXUAL HARASSMENT OR SEXUAL ASSAULT OCCURRING IN THE WORKPLACE, AT
25 WORK-RELATED EVENTS COORDINATED BY OR THROUGH THE EMPLOYER, OR BETWEEN
26 EMPLOYEES OR AN EMPLOYER AND AN EMPLOYEE OFF THE EMPLOYMENT PREMISES.

27 4. THIS SECTION DOES NOT PROHIBIT A SETTLEMENT AGREEMENT BETWEEN AN
28 EMPLOYEE OR FORMER EMPLOYEE ALLEGING SEXUAL HARASSMENT AND AN EMPLOYER
29 FROM CONTAINING CONFIDENTIALITY PROVISIONS.

30 Sec. 2. Existing contracts; applicability

31 This act applies prospectively to all new employment contracts
32 entered into on or after the effective date of this section.