

REFERENCE TITLE: sexual harassment; nondisclosure agreements; prohibition

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

## **HB 2752**

Introduced by

Representatives Hernandez A: Andrade, Blackman, Bolding, Cano, Chávez,  
Dalessandro, Espinoza, Fernandez, Hernandez D, Hernandez M, Lieberman,  
Longdon, Meza, Pawlik, Powers Hannley, Rodriguez, Salman, Schwiebert,  
Sierra, Stahl Hamilton, Teller, Terán, Senator Boyer

**AN ACT**

**AMENDING TITLE 23, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 23-206; 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 23-206, to read:  
4 23-206. Sexual harassment; sexual assault; nondisclosure  
5 agreements, waivers or other documents preventing  
6 disclosure prohibited  
7 A. AN EMPLOYER MAY NOT REQUIRE AN EMPLOYEE, AS A CONDITION OF  
8 EMPLOYMENT, TO SIGN A NONDISCLOSURE AGREEMENT, WAIVER OR OTHER DOCUMENT  
9 THAT PREVENTS THE EMPLOYEE FROM DISCLOSING SEXUAL HARASSMENT OR SEXUAL  
10 ASSAULT OCCURRING IN THE WORKPLACE, AT WORK-RELATED EVENTS COORDINATED BY  
11 OR THROUGH THE EMPLOYER, OR BETWEEN EMPLOYEES, OR BETWEEN AN EMPLOYER AND  
12 AN EMPLOYEE, OFF THE EMPLOYMENT PREMISES.  
13 B. EXCEPT FOR SETTLEMENT AGREEMENTS, ANY NONDISCLOSURE AGREEMENT,  
14 WAIVER OR OTHER DOCUMENT SIGNED BY AN EMPLOYEE AS A CONDITION OF  
15 EMPLOYMENT THAT HAS THE PURPOSE OR EFFECT OF PREVENTING THE EMPLOYEE FROM  
16 DISCLOSING OR DISCUSSING SEXUAL HARASSMENT OR SEXUAL ASSAULT OCCURRING IN  
17 THE WORKPLACE, AT WORK-RELATED EVENTS COORDINATED BY OR THROUGH THE  
18 EMPLOYER, OR BETWEEN EMPLOYEES, OR BETWEEN AN EMPLOYER AND AN EMPLOYEE,  
19 OFF THE EMPLOYMENT PREMISES IS AGAINST PUBLIC POLICY AND IS VOID AND  
20 UNENFORCEABLE.  
21 C. IT IS AN UNFAIR PRACTICE FOR AN EMPLOYER TO DISCHARGE OR  
22 OTHERWISE RETALIATE AGAINST AN EMPLOYEE FOR DISCLOSING OR DISCUSSING  
23 SEXUAL HARASSMENT OR SEXUAL ASSAULT OCCURRING IN THE WORKPLACE, AT  
24 WORK-RELATED EVENTS COORDINATED BY OR THROUGH THE EMPLOYER, OR BETWEEN  
25 EMPLOYEES, OR BETWEEN AN EMPLOYER AND AN EMPLOYEE, OFF THE EMPLOYMENT  
26 PREMISES.  
27 D. 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.