

Country	Province/State	Name	Stand alone/amended	Stage	Scope	Latest Date	Sponsored By:	Non-Disengagement clauses?	Link:	Special notes
Canada	British Columbia	Bill M 215 - 2023: Non-Disclosure Agreements Act	Stand alone	First Reading	Harassment and discrimination (both workplace and civil)	March 9 2023	MS. SONIA FURSTMAN		https://www2.gov.bc.ca/gov/content/legislation/bills-acts/bills-2023/bill-215-non-disclosure-agreements-act	
Canada	Manitoba	Bill 221, THE NON DISCLOSURE AGREEMENTS ACT	Stand alone	Not Proceeded with see page 9. https://www2.gov.mb.ca/bills/act-4/bill221status.pdf	Harassment and discrimination (workplace and civil)	Second reading: October 11 2022	Dougald Lambert		https://www2.gov.mb.ca/bills/act-4/bill221status.pdf	<ul style="list-style-type: none"> Independent legal advice is required if any NDA is to be enforceable (Section 31(1)(b)). The agreement includes an opportunity for the complainant to waive, by following a process set out in the agreement, the provisions of the agreement that prohibit or restrict the disclosure of information about harassment or discrimination or alleged harassment or discrimination (Section 31(3)(a)). Validity and enforceability requirements do not apply to NDAs entered into before Act comes into force (Section 31). Includes provision for barring NDA requirement for investigation (Section 4(8)(b)). The validity and enforcement provisions do not apply to settlement amounts (Section 7). Plain language requirement (Section 7). Continuation of act can liable on conviction to a fine of a maximum of \$10,000 (Section 10).
Canada	Nova Scotia	Bill 144, An Act Respecting Non-Disclosure Agreements	Stand alone	First Reading	Harassment and discrimination (both workplace and civil)	First Reading: April 7 2022	Claudia Chender	Included: Section 4	https://www2.gov.ns.ca/legis/assembly/bills/144-nsa.htm	<ul style="list-style-type: none"> Independent legal advice is required if any NDA is to be enforceable (Section 53(a)). Any enforceable NDA must include an opportunity for the relevant person to waive their own confidentiality in the future and the process for doing so, and the agreement is of a set and limited duration (Section 53)(b)(5)(3)(6)). Includes provision for barring NDA requirement for investigation (Section 56(6)(b)). Plain language requirement (Section 58). The validity and enforcement provisions do not apply to settlement amounts (Section 54(6)). Continuation of act can liable on conviction to a fine of not less than \$2,000 or more than \$10,000 (Section 7). Bills information page: https://www2.gov.ns.ca/legis/assembly/bills/144-nsa.htm
Canada	Ontario	Strengthening Post-secondary Institutions and Students Act, 2022, S.O. 2022, c. 22	amends various acts	Passed	Sexual misconduct by university and college employees	Royal Assent: December 8 2022	The Hon. I. Durnip		https://www2.gov.on.ca/legislation/bills-acts/bills/2022/22-01.htm	<ul style="list-style-type: none"> The agreement includes an opportunity for the student to decide to waive their own confidentiality in the future and the process for doing so, and (b) the agreement is of a set and limited duration.
Canada	PEI	Bill 114, Non-Disclosure Agreements Act	Stand alone	Royal Assent:	Harassment and discrimination (both workplace and civil)	Royal Assent: November 17 2021 Proclamation: May 17 2022 Commencement: Six months after proclamation (Section 9) November 17 2022	Lyne Lund	Included: Section 4(8)	https://www2.gov.pe.ca/legislation/bills-acts/bills/114.htm	<ul style="list-style-type: none"> Independent legal advice is required if any NDA is to be enforceable (Section 31(1)(b)). Any enforceable NDA must include an opportunity for the relevant person to waive their own confidentiality in the future and the process for doing so and the agreement is of a set and limited duration (Section 30(3)(a)). Includes provision for barring NDA requirement for investigation (Section 4(8)(b)(i)). Validity and enforceability requirements do not apply to NDAs entered into before Act comes into force (Section 31). Continuation of act can liable on conviction to a fine of not less than \$2,000 or more than \$10,000 (Section 6). The validity and enforcement provisions do not apply to settlement amounts (Section 7). Bills information page: https://www2.gov.pe.ca/legislation/bills-acts/bills/114.htm
Ireland	NA	Employment Equality (Amendment) (Non-Disclosure Agreements) Bill 2021 (Bill 91 of 2021)	Amendment	Report - Fourth Stage	Any of 7 heads of discrimination or harassment under Employment Equality Act (workplace but includes universities and volunteers)	Presented: June 1 2021 Current Stage: Second Eighth Fourth stage - July 6 2022	Lyne Ryan	Included	https://www2.gov.ie/en/publications-and-statements/publications/employment-equality-amendment-non-disclosure-agreements-bill-2021/	<ul style="list-style-type: none"> NDA restrictions limited to NDA between employers and employees Independent legal advice is required if any NDA is to be enforceable (Section 214B(2)(a)). Any enforceable NDA must include an opportunity for the relevant person to waive their own confidentiality in the future and the process for doing so and the agreement is of a set and limited duration (Section 214B(2)(b)). All NDAs entered into before operation of act will only be enforceable if made in accordance with certain provisions of the act (Section 214B(7)). Plain language requirement (Section 214B(8)).
United States	Arizona	House Bill 2020	Amendment to Arizona Statutes section 12-720	Passed	Sexual assault and sexual harassment at work	Passed: April 25 2018	Rep. Michele Ruppel introduced by Representatives: Sami, Alan, I, Bowers, Campbell, Espinoza, Norganti, Nutt, Shope	Included	https://legis.az.gov/legislation/bills/showDetails?l_iid=2020	<p>Full amendment: https://legis.az.gov/legislation/bills/showDetails?l_iid=2020</p> <p>Section 2. Title 12, chapter 12, article 12, Arizona Revised Statutes, is amended by adding section 12-720, to read:</p> <p>12-720. Non-disclosure agreements; applicability; use of public monies; definitions</p> <p>A. THE TERMS OF A NONDISCLOSURE AGREEMENT MAY NOT BE USED TO PROHIBIT A PARTY TO THE AGREEMENT FROM DOING ANY OF THE FOLLOWING IN RELATION TO A VIOLATION OR AN ALLEGED VIOLATION OF TITLE 12, CHAPTER 14 OR 35:</p> <p>1. RESPONDING TO A PLACE OFFICER'S OR A PROSECUTOR'S INQUIRY;</p> <p>2. MAKING A STATEMENT NOT REQUESTED BY THAT PARTY IN A CRIMINAL PROCEEDING;</p> <p>B. AN ACT THAT IS ALLOWED BY SUBSECTION A OF THIS SECTION MAY NOT BE USED TO AVOID OR INVAHATE A PARTY'S RIGHT TO CONSIDERATION UNDER THE CONTRACT OR TO REQUIRE THE RETURN OF CONSIDERATION THAT HAS ALREADY BEEN PROVIDED TO THE PARTY;</p> <p>C. THIS SECTION MAY NOT BE USED AS AUTHORITY TO ENFORCE A NON DISCLOSURE AGREEMENT;</p> <p>D. PUBLIC MONIES MAY NOT BE USED AS CONSIDERATION IN EXCHANGE FOR A NONDISCLOSURE AGREEMENT THAT IS RELATED TO AN ALLEGATION OF OR ATTEMPTED SEXUAL ASSAULT OR SEXUAL HARASSMENT;</p> <p>E. FOR THE PURPOSES OF THIS SECTION:</p> <p>1. "CRIMINAL PROCEEDING" INCLUDES A GRAND JURY PRETRIAL INTERVIEW, DEPOSITION, HEARING, TRIAL AND SENTENCING PROCEEDING PURSUANT TO CRIMINAL LAW;</p> <p>2. "NONDISCLOSURE AGREEMENT" MEANS A CONFIDENTIALITY AGREEMENT OR CONTRACT PROVISION THAT PROHIBITS THE DISCLOSURE OF INFORMATION BY A PARTY TO THE CONTRACT.</p>
United States	California	Shelved No More Act Senate Bill 311	An act to amend Section 1001 of the Code of Civil Procedure, and to amend Section 12964.5 of the Government Code, relating to civil actions.	Passed	Sexual harassment in the workplace; Act of harassment or discrimination in housing accommodation.	October 7 2021		Included in Government Code amendment: Section 12964.5 (D)(1)(B)	https://legis.ca.gov/legislation/bills/showDetails?l_iid=311	<ul style="list-style-type: none"> The validity and enforcement provisions do not apply to settlement amounts (Section 1001(a)). Only applies to agreements made on or after January 1 2022 <p>Government Code:</p> <ul style="list-style-type: none"> Cannot use an NDA in exchange for a bonus or a raise or a condition of employment. Allows for interdependent legal advice (Section 12964.5 (D)(3)(a)). NDA may still be used when requested and interdependent legal advice has been received, some leaving room for companies to pressure employees. "negotiable" means that the agreement is voluntary, deliberate, and informed, the agreement provides consideration of value to the employee, and that the employee is given notice and an opportunity to retain or amend an agreement is represented by an attorney. (Section 12964.5 (D)(3)(1)(b))
United States	California	Senate Bill 820	An act to add Section 1001 to the Code of Civil Procedure, relating to civil procedure.	Passed	This bill would prohibit a provision in a settlement agreement that prevents the disclosure of factual information relating to certain claims of sexual assault, sexual harassment, or harassment or discrimination based on sex	Passed September 2018	Gonzalez, Fletcher		https://legis.ca.gov/legislation/bills/showDetails?l_iid=820	This bill would prohibit a provision in a settlement agreement that prevents the disclosure of factual information relating to certain claims of sexual assault, sexual harassment, or harassment or discrimination based on sex
United States	Colorado	House Bill 22-1117	Amendment: amending 8-2-111 in the Colorado Revised Statutes.	Passed	Limits scope of noncompete agreements	Aug 6 2022	HOLLY BISS 22-1117 BY REPRESENTATIVE: Bacon, Bennett, Danks, Dunn, Gonzales, Salcedo, Jankin, Lindsley, Lovette, Sirota, Wilsonson, Woodrow, Garnett, Hovind, also SENATORS: Bridges, Hansen, Rodriguez.	N/A	https://legis.colorado.gov/bills/22-1117	<p>Confidentiality/Non-Disclosure Covenants, while reasonable confidentiality and non-disclosure covenants remain valid in Colorado, the new law expressly provides these covenants.</p> <p>Noncompete agreements are a type of restrictive covenant between an employer and employee, in which the employee agrees not to work for a competitor or in a similar industry for some specified time and within a certain geographic area. HB 22-1117, Concerning Restrictive Employment Agreements, narrows the exceptions of when a non-compete can be used while continuing to presumptively void "any covenant not to compete that restricts the right of any person to receive compensation for performance of labor for any employer." The bill provides exceptions allowing noncompete agreements between employees and highly compensated workers for the protection of trade secrets.</p> <p>They do not prohibit the disclosure of: (i) information arising from the worker's general training, knowledge, skill, or experience; (ii) information that is readily ascertainable to the public; and (iii) information that the worker otherwise has a right to disclose as a protected disclosure</p>
United States	Colorado	Senate Bill 23-172	Stand alone	Passed	Limiting the enforceability of confidential non-disclosure agreements executed in response to complaints of "unlawful" or "discriminatory" employment practices.	August 7th 2023	Governor Polis	Included	https://legis.colorado.gov/bills/23-172	<p>24-34-407. Non-disclosure agreements - requirements for enforceability - penalties for noncompliance THE NONDISCLOSURE PROVISION EXPRESSLY STATES THAT IT DOES NOT RESTRAIN THE EMPLOYEE OR PROSPECTIVE EMPLOYEE FROM DISCLOSING THE UNDERLYING FACTS OF ANY ALLEGED DISCRIMINATORY OR UNFAIR EMPLOYMENT PRACTICE.</p>
United States	Connecticut	Senate Bill 607	-	Dead	sexual harassment in the workplace	Introduced 2019	-		https://legis.ct.gov/legislation/bills/showDetails?l_iid=607	
United States	Federal	HR 8227 Speak Out Act	Stand alone	Passed	Bans pre-hiring NDA on sexual harassment	Introduced July 13 2022	Rep Lois Frankel		https://www.congress.gov/bills/117/hr/8227	
United States	Federal	H.R.300, Settlement Agreement Database Act of 2023	Stand alone	Passed in House. Awaiting to pass in Senate	This bill requires executive agencies to submit information regarding settlement agreements to a public database.	Introduced 11 January 2023, Passed House 24 January 2023	Rep. Goyl Palmer		https://www.congress.gov/bills/117/hr/300	Specifically, an agency must submit information regarding any settlement agreement (including a consent decree) entered into by the agency related to an alleged violation of federal law, if an agency determines that information regarding an agreement must remain confidential to protect the public interest, the agency must publish an explanation of why the information is confidential.
United States	Hawaii	Act 17 "hate amendment below	Stand alone	Passed		2020			https://www.hawaii.gov/legislation/bills/17	
United States	Hawaii	Act 228 (Previously Bill HB 2495)	Amendment to Act 17	Passed		Passed July 12 2022			https://www.hawaii.gov/legislation/bills/228	
United States	Illinois	Senate Bill 75, Workplace Transparency Act (WA)	Stand alone	Passed	1. Ban NDAs in economic development deals 2. Pre-dispute ban, post dispute ban in cases of discrimination, harassment, retaliation	Jun-19			https://www.legis.il.gov/bills/75	
United States	Louisiana	Act No 39 (Previously House Bill 507). Prohibits certain non-disclosure agreements in settlements involving the payment of public funds.	Stand alone	Passed	Those who receive payment with public funds	Passed August 1 2019	Representative: Franklin Fol	No	https://www.legis.la.gov/bills/39	

