

2019 Regular Session

HOUSE BILL NO. 197

BY REPRESENTATIVE FOIL

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CONTRACTS: Prohibits certain nondisclosure agreements in settlements involving the payment of public funds

1 AN ACT

2 To enact R.S. 13:5109.1, relative to the settlement of certain claims; to provide relative to
3 claims based upon allegations of sexual harassment or sexual assault; to provide for
4 prohibitions of the use of certain terms of settlement agreements; to provide for
5 definitions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:5109.1 is hereby enacted to read as follows:

8 §5109.1. Settlement of claims; prohibited terms

9 A. No settlement agreement of a claim against the state, a state agency, a
10 political subdivision, or any employee or officer of the state, a state agency, or a
11 political subdivision shall contain a provision prohibiting the disclosure by the
12 claimant of the terms of or the facts associated with the underlying claim of the
13 settlement agreement when the underlying claim is based on an allegation of sexual
14 harassment or sexual assault of the claimant and public funds are paid, in whole or
15 in part, as satisfaction of the terms of the settlement agreement.

16 B.(1) "Sexual assault" means any nonconsensual sexual contact including but
17 not limited to any act provided in R.S. 15:541(24) or obscenity (R.S. 14:106).

18 (2) "Sexual harassment" means unwelcome sexual advances, requests for
19 sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature
20 when the conduct explicitly or implicitly affects an individual's employment or the

- 1 holding of office, unreasonably interferes with an individual's work performance, or
2 creates an intimidating, hostile, or offensive work environment.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 197 Original

2019 Regular Session

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Abstract: Prohibits nondisclosure agreements in a settlement agreement arising from a claim of sexual harassment or sexual assault when public funds are paid as satisfaction of the terms of the settlement agreement.

Proposed law prohibits a settlement agreement from containing a provision prohibiting the disclosure by the claimant of the terms of or the facts associated with the underlying claim of the settlement agreement when:

- (1) The underlying claim is against the state, a state agency, a political subdivision, or any employee or officer.
- (2) The claim is based on an allegation of sexual harassment or sexual assault of the claimant.
- (3) Public funds are paid as satisfaction of the terms of the settlement agreement.

Proposed law provides definitions for "sexual assault" and "sexual harassment".

(Adds R.S. 13:5109.1)