

**HOUSE . . . . . No. 10**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Fourth General Court  
(2025-2026)**

An Act relative to nondisclosure agreements.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 151B of the General Laws is hereby amended by inserting after  
2 section 10 the following new sections:-

3 Section 11. Nondisclosure agreements relative to unlawful acts in the workplace, such as  
4 harassment, discrimination or other forms of misconduct

5 Section 11. (a) Notwithstanding any general or special law to the contrary, a settlement  
6 agreement or a provision within a settlement agreement that prevents the disclosure of  
7 information related to a claim filed in a civil action or a complaint filed in an administrative  
8 action, regarding any of the following, is prohibited(1) An unlawful act in violation of the  
9 provisions of this chapter or any other applicable law related to employee’s employment.

10 (2) A sex offense, as defined in section 178C of chapter 6, between the employer and an  
11 employee or between employees occurring in the workplace or at work-related events off the  
12 employment premises coordinated by or through the employer, or between the employer and an  
13 employee off the employment premises.

14 (3) An act of sexual harassment, as defined in subsection 18 of section 1 of this chapter,  
15 between the employer and an employee or between employees occurring in the workplace or at  
16 work-related events off the employment premises coordinated by or through the employer, or  
17 between the employer and an employee off the employment premises.

18 (4) An act of discrimination, as described in section 4 of this chapter, between the  
19 employer and an employee or between employees occurring in the workplace or at work-related  
20 events off the employment premises coordinated by or through the employer, or between the  
21 employer and an employee off the employment premises.

22 (5) An act of retaliation against a person for reporting any incident described in  
23 paragraphs (1) through (4), inclusive, or against a person for cooperating in the investigation of  
24 the report of any incident described in paragraphs (1) through (4), inclusive.

25 (b) Notwithstanding any general or special law to the contrary, in a civil matter described  
26 in subsection (a), a court shall not enter, by stipulation or otherwise, an order that restricts the  
27 disclosure of information in a manner that conflicts with subsection (a).

28 (c) Notwithstanding subsections (a) and (b), a provision that shields the identity of the  
29 claimant/victim and all facts that could lead to the discovery of the claimant's/victim's identity,  
30 including pleadings filed in court, may be included within a settlement agreement at the written,  
31 informed request of the claimant/victim. This subsection shall not be construed to limit the right  
32 of the claimant/victim to disclose this information.

33 (d) Except as authorized by subsection (c), a provision within a settlement agreement that  
34 prevents the disclosure of factual information related to a claim described in subsection (a) that is

35 entered into on or after the effective date of this Act is void as a matter of law and against public  
36 policy.

37 (e) With respect to agreements entered into before the effective date of this Act,  
38 disclosure by a claimant/victim of any information subject to a nondisclosure agreement that  
39 would be void as a matter of law and against public policy pursuant to this Act may not be used  
40 to invalidate the claimant's/victim's right to consideration under the agreement or to require the  
41 return of consideration that has already been provided to the claimant/victim.

42 (f) In determining the factual foundation of a cause of action for civil damages under  
43 subsection (a), a court may consider the pleadings and other papers in the record, or any other  
44 findings of the court.

45 (g) A claimant/victim shall be entitled to a trial by jury on any issue of fact in an action  
46 for damages. A prevailing claimant/victim shall be awarded reasonable attorney's fees and costs.  
47 A person who enforces or attempts to enforce a provision that would be void as a matter of law  
48 and against public policy pursuant to this Act shall be liable for the claimant's/victim's  
49 reasonable attorney's fees and costs.

50 (h) Notwithstanding any general or special law to the contrary, no public funds shall be  
51 expended for the purposes of settling a claim described in subsection (a) against a public  
52 employee.

53 (i) An attorney's failure to comply with the requirements of this section by demanding  
54 that a provision be included in a settlement agreement that prevents the disclosure of factual  
55 information related to an action described in subsection (a) that is not otherwise authorized by  
56 subsection (c) as a condition of settlement, or advising a client to sign an agreement that includes

57 such a provision, may be grounds for professional discipline and the Massachusetts Board of Bar  
58 Overseers shall investigate and take appropriate action in any such case brought to its attention.

59 (j) The rights and remedies provided in this section are in addition to any other rights and  
60 remedies provided by law.

61 Section 12. Transparency regarding the Use of Settlement Agreement

62 Section 12(a) Notwithstanding any general or special law to the contrary, all settlement  
63 agreements related to a claim filed in a civil action or a complaint filed in an administrative  
64 action, shall be

65 (1) Processed in accordance with 815 CMR 5.00.

66 (2) Posted to CTHRU, the Commonwealth's Financial Records Transparency Platform,  
67 that is administered by the Office of the Comptroller.

68 (3) Reported to the Office of the Comptroller, which shall compile into a single record  
69 each calendar year and make available to the public. SECTION 2. Chapter 6 of the General Laws  
70 is hereby amended by inserting after section 219 the following new section:-

71 Section 220. (a) As used in this section, the term "governmental entity" shall mean the  
72 executive branch, the legislature, the judiciary, and any agency, office, department, board,  
73 commission, bureau, division, instrumentality or other entity of the commonwealth.

74 (b) No governmental entity shall include or permit the inclusion of a nondisclosure, non-  
75 disparagement or other similar clause as a condition of employment or in a settlement agreement  
76 between the governmental entity and an employee or a student; provided, however, that such a  
77 settlement may include, at the request of the employee or student, a provision that prevents the

78 governmental entity from disclosing the individual's identity and all facts that could lead to the  
79 discovery of the individual's identity.

80 SECTION 3. This Act shall take effect immediately upon enactment.