

HB 1089 - AS INTRODUCED

2022 SESSION

22-2542

04/08

HOUSE BILL **1089**

AN ACT relative to the unenforceability of noncompete agreements upon termination of an employee for noncompliance with a vaccination mandate.

SPONSORS: Rep. Kofalt, Hills. 4; Rep. Comtois, Belk. 7; Rep. Spillane, Rock. 2; Rep. Bernardy, Rock. 16; Rep. Hough, Belk. 3; Rep. Johnson, Belk. 3; Rep. Ulery, Hills. 37; Rep. A. Lekas, Hills. 37

COMMITTEE: Labor, Industrial and Rehabilitative Services

ANALYSIS

This bill provides that a noncompete agreement between an employer and an employee who is terminated for refusing to comply with an employer-mandated vaccination requirement shall be unenforceable against such employee.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the unenforceability of noncompete agreements upon termination of an employee for noncompliance with a vaccination mandate.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Labor; Protective Legislation; Noncompete Agreements. Amend RSA 275:70 to read as
2 follows:

3 275:70 Noncompete Agreements.

4 ***I.*** Any employer who requires an employee who has not previously been employed by the
5 employer to execute a noncompete agreement as a condition of employment shall provide a copy of
6 such agreement to the potential employee prior to the employee's acceptance of an offer of
7 employment. A noncompete agreement that has not been disclosed to an employee as required by
8 this section shall not be enforceable against the employee, but all other provisions of any
9 employment, confidentiality, nondisclosure, trade secret, intellectual property assignment, or any
10 other type of employment agreement or provision shall remain in full force and effect.

11 ***II.*** *If an employer requires vaccination as a condition of employment, and an*
12 *employee's refusal to comply with such a mandate leads to the termination of their*
13 *employment, any existing noncompete agreement shall be unenforceable against such*
14 *employee. Any other employment agreement, including confidentiality, nondisclosure,*
15 *trade secret, intellectual property assignment, or other agreement between the employer*
16 *and such employee shall remain in full force and effect.*

17 2 Effective Date. This act shall take effect 60 days after its passage.