

HB 1089 - AS AMENDED BY THE HOUSE

17Mar2022... 0376h

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 medical intervention 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

AMENDED 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 medical intervention 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 medical intervention 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 makes any material change to the terms of employment for any*
12 *employee, any existing noncompete agreement shall be unenforceable against such*
13 *employee. Termination of employment resulting from the material change in terms of*
14 *employment or the failure to agree to a new employment contract or noncompete contract*
15 *shall be considered a termination at the will of the employer. New requirements for*
16 *medical testing, vaccination, or other medical intervention, established by the employer as*
17 *a condition of employment, shall be considered a material change in the terms of*
18 *employment. Any other employment agreement, including confidentiality, nondisclosure,*
19 *trade secret, intellectual property assignment, or other agreement between the employer*
20 *and such employee shall remain in full force and effect.*

21 2 Effective Date. This act shall take effect upon its passage.