

STATE OF NEW YORK

1766--A

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sen. FERNANDEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the civil practice law and rules, in relation to nondisclosure agreements related to claims involving discrimination

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Section 5003-b of the civil practice law and rules, as
2 amended by chapter 160 of the laws of 2019, is amended to read as
3 follows:
4 § 5003-b. Nondisclosure agreements. Notwithstanding any other law to
5 the contrary, for any claim or cause of action, whether arising under
6 common law, equity, or any provision of law, the factual foundation for
7 which involves discrimination, harassment or retaliation in violation of
8 laws prohibiting such discrimination, harassment or retaliation, includ-
9 ing but not limited to, article fifteen of the executive law, in resolv-
10 ing, by agreed judgment, stipulation, decree, agreement to settle,
11 assurance of discontinuance or otherwise, no employer, its officer or
12 employee shall have the authority to include or agree to include in such
13 resolution any term or condition that would prevent the disclosure of
14 the underlying facts and circumstances to the claim or action unless the
15 condition of confidentiality is the plaintiff's preference. Any such
16 term or condition must be provided to all parties, and the plaintiff
17 shall have up to twenty-one days to consider such term or condition. If
18 ~~[after twenty-one days such term or condition]~~ confidentiality is the
19 plaintiff's preference, such preference shall be memorialized in an
20 agreement signed by all parties. For a period of at least seven days
21 following the execution of such agreement, the plaintiff may revoke the
22 agreement, and the agreement shall not become effective or be enforcea-
23 ble until such revocation period has expired.
24 § 2. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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