#### Section 1 Header

# 2023 SESSION

23-0187.0 06/04

HOUSE BILL [bill number]

AN ACT prohibiting certain non-compete clauses and non-disclosure agreements regarding

free software projects and the sharing of open source software.

SPONSORS: [sponsors]

COMMITTEE: [committee]

## **ANALYSIS**

This bill prohibits certain non-compete clauses and non-disclosure agreements regarding free software projects and the sharing of open source software.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Three

AN ACT prohibiting certain non-compete clauses and non-disclosure agreements regarding

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

free software projects and the sharing of open source software.

1 1 Title. This act shall be known and may be cited as the "Securing Our Freedom To Write And 2 Read Everything (SOFTWARE) Act". 3 2 New Chapter; Free and Open Source Software. Amend RSA by inserting after chapter 21-V 4 the following new chapter: CHAPTER 21-W 5 6 FREE AND OPEN SOURCE SOFTWARE 7 21-W:1 Noncompete Clauses. Notwithstanding RSA 275:70, any noncompete clause which 8 prevents an employee from contributing to a free software project such employee wishes to 9 contribute to shall be void and unenforceable in the state of New Hampshire. 10 21-W:2 Non-disclosure Agreement. No employer in the state of New Hampshire shall use a non-11 disclosure agreement to prevent an employee from sharing the source code of free and open source 12 software that such employee would otherwise normally be able to share under the software's license. 13 Any such agreement shall be void and unenforceable.

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