

National Conference of State Legislatures
2010 Legislation on Whistleblower Protections
Year End Search 2010

ARIZONA

AZ H 2316 Pratt (R)
Title: Whistleblower Protections and Financial Employees
Status: Failed - Adjourned
Summary: Relates to whistleblower protections; relates to financial employees.

CALIFORNIA

CA A 435 Accountability and Administrative Review Committee
Title: Regional Centers: Whistleblower Protection
Status: Failed - Adjourned
Summary: Requires the each contract between the State Department of Developmental Services and a regional center that provide community services and support for persons with developmental disabilities include steps the center will take to provide notice to staff and consumers that confidential reports of improper center activity can be made directly to the department. Requires a copy of a related employee complaint to be filed with the department. Provides a criminal penalty and civil action for retaliation.

CONNECTICUT

CT H 5348 Joint Program Review and Investigations
Title: Program Review and investigations
Status: Failed - Adjourned
Summary: Implements additional recommendations of the Program Review and Investigations committee concerning retaliation for whistleblower complaints; implements the recommendations of the Legislative Program Review and Investigations Committee concerning whistleblowers; requires the Attorney General and the Auditors of Public Accounts to post a summary of all complaints on their web site every six months.

CT S 306 Joint Program Review and Investigations
Title: Program Review and Investigation Committee
Status: Failed - Adjourned
Summary: Implements the recommendations of the Program Review and Investigations Committee concerning whistleblowers; implements the recommendations of the Program Review and Investigations Committee concerning whistleblowers, including to add a policy statement, to require the Attorney General and Auditors of Public Accounts to enter into a memorandum of understanding to handle complaints jointly, to allow them to reject complaints in certain circumstances and to refer complaints to other agencies.

DISTRICT OF COLUMBIA

DC B 233 Cheh (D)
Title: Whistleblower Protection
Status: Enacted: 03/05/2010
Summary: Includes conducting an investigation as a prohibited personnel action, expands the definition of protected disclosures, extends the limitations period for whistleblower retaliation claims, increases the amount of supervisor penalties and allows an employee to bring a civil action; clarifies the definition of a prohibited procurement practice, prohibits District retaliation against contractors who make protected disclosures, and extends the limitations period for whistleblower retaliation claims.

DELAWARE

DE H 39 Cathcart (R)
Title: Department of Health and Social Services
Status: Enacted: 08/24/2009
Summary: Relates to statutory anti-retaliation and protective provisions for patients and others; protect all patients and employees at the state Psychiatric Center; applies protections to all the state Psychiatric Center facilities, nursing facilities and long term care facilities.

ILLINOIS

IL H 2041 Madigan (D)
Title: Whistleblower Act
Status: Pending
Summary: Amends the Whistleblower Act. Makes a technical change in a Section concerning violations of the Act.

IL H 6231 Nekritz (D)
Title: Whistleblower Act
Status: Enacted: 07/23/2010
Summary: Amends the Whistleblower Act; provides that employee means any individual who is employed on a full-time, part-time, or contractual basis by an employer and also includes a licensed physician who practices his or her profession, in whole or in part, at a hospital, nursing home, clinic, or any medical facility that is a health care facility funded, in whole or in part, by the State.

IL H 6280 Arroyo (D)
Title: Whistleblower Act
Status: Pending
Summary: Amends the Whistleblower Act; makes a technical change in a Section concerning violations of the Act.

IL S 3833 Delgado (D)
Title: Whistleblower Act
Status: Pending
Summary: Amends the Whistleblower Act; makes a technical change in a section concerning violations of the Act.

KANSAS

KS H 2249 Government Efficiency & Fiscal Oversight Committee
Title: Whistleblower Act
Status: Failed - Adjourned
Summary: Concerns the Kansas whistleblower act; regards protection for whistleblowers.

LOUISIANA

LA H 758 Hutter (R)
Title: Ethics Complainant Confidentiality
Status: Vetoed: 06/23/2010
Summary: Relates to enforcement of laws within the jurisdiction of the Board of Ethics; requires the Board of Ethics to make available the name of a complainant to the accused after consideration of a matter initiated by a complaint; provide that after such disclosure the name of the complainant shall no longer be deemed confidential or privileged; exempts laws providing for whistleblower protection.

MASSACHUSETTS

MA S 2351 Joint Committee on Economic Dev and Emerging
Title: Electronic Health Record Privacy
Status: Pending
Summary: Provides privacy protections for electronic health records; provides patients the option of allowing only designated health care providers to disseminate their individually identifiable health information to any statewide interoperable electronic health records network or exchange; requires every entity funded by the E-Health Institute Fund to conduct privacy and security audits of any and all interoperable electronic health records networks, protects employees who disclose unauthorized access.

MICHIGAN

MI H 4467 Meadows (D)
Title: Worker Freedom
Status: Pending
Summary: Establishes the right of employees to pursue employment free from religious and political indoctrination; limits employment actions based on attendance at, or receptivity to, employer-selected political or religious programs or communications; prohibits retaliation for reporting or pursuing a remedy for a suspected violation; provides civil sanctions and remedies.

MI H 5144 Roberts (D)
Title: Insurance Employees
Status: Pending
Summary: Provides for whistleblower protection to insurance employees reporting violations of unfair practices in insurance law.

MI H 5145 Huckleberry (D)
Title: Good Faith
Status: Pending
Summary: Imposes an administrative penalty on breach of obligation to deal in good faith by certain insurers on second or subsequent violation by a property and casualty insurer; provides the fine paid shall be deposited into the Insurance Whistleblower Protection Fund.

MI S 206 Cherry (D)
Title: Health Care Employees
Status: Pending
Summary: Extends whistleblowers' provision to health care employees.

MINNESOTA

MN S 2504 Rosen (R)
Title: Human Services
Status: Failed - Adjourned
Summary: Relates to human services; implements health care reform; creates interstate health insurance choice; creates a flexible benefit plan and repealing the small employer flexible benefits plan; creates primary provider care tiering for Minnesota health care programs; creates a MinnesotaCare modern benefit plan; authorizes rulemaking.

MISSISSIPPI

MS H 262 Moak (D)
Title: Whistleblower Law
Status: Failed
Summary: Relates to Whistleblower Law; provides for damages.

MISSOURI

MO S 1032 Bray (D)
Title: Whistleblower Program for Securities Violations
Status: Failed - Adjourned
Summary: Creates a whistleblower program for securities violations.

NEW JERSEY

NJ A 1972 Conaway (D)
Title: Rights and Remedies of Employees
Status: Pending
Summary: Enhances rights and remedies of employees who disclose or refuse to participate in fraudulent employer practices.

NEW YORK

NY A 4455 Towns (D)
Title: Retaliatory Personnel Action
Status: Pending
Summary: Prohibits retaliatory personnel action by an employer against an employee who discloses or threatens to disclose an activity, policy or practice of the employer or a fellow employee that is in violation of law; removes requirement that such violation of law present a substantial and specific danger to public health or safety.

NY A 4468 Brodsky (D)
Title: Employee Protection From Retaliatory Actions
Status: Pending
Summary: Enacts provisions providing protection to employees from retaliatory actions by employers where such employees report improper business activities; applicable to employees who in good faith reasonably believes that an improper business activity has or will occur, based on information that the employee reasonably believes to be true; provides remedies and relief.

NY A 5015 Rivera P (D)
Title: Commissioner of Labor Authority Over Contractors
Status: Pending
Summary: Requires public works contractor to agree to be subject to the regulations of the Commissioner of Labor relating to establishing a procedure for the reporting of fraud by the employees of such contractor or of any subcontractor thereof; requires posting of notice to employees of such fraud reporting procedure; provides employees the option to resign with 6 months pay upon reporting of fraud.

NY A 5200 Brodsky (D)
Title: Energy Research and Development Whistleblower
Status: Pending
Summary: Directs the NYS energy research and development authority and public and private operators of each nuclear-powered electric generating facility to establish a nuclear whistleblower access and assistance program; makes related provisions as to elements of the program and provides that employees of such plants shall not be subject to retaliation; requires authority to investigate reported safety concerns.

NY A 6023 Hoyt (D)
Title: Prohibition Against Retaliatory Action
Status: Pending
Summary: Expands prohibition against retaliatory action by an employer against an employee to include instances where an employee discloses or threatens to disclose to a supervisor or public body, an activity, policy or practice of the employer's that the employee reasonably believes to be in violation of the law or which poses a serious danger to public health or safety; extends protections against retaliatory disciplinary action by a public employer against a public employee who discloses information to the news.

NY A 6963 Zebrowski (D)
 Title: Wage and Hour Protections for Working People
 Status: Enacted: 08/26/2009
 Summary: Amends the Labor Law; allows the Commissioner of Labor to bring legal action on behalf of an employee paid less than the wage to which he or she is entitled; provides for the assessment of additional damages unless an employer proves a good faith basis to believe that underpayment of wages was in compliance with the law; includes partnerships and limited liability corporations in provisions prohibiting retaliation against an employee for exercising protected rights.

NY A 7144 Benedetto (D)
 Title: Employee Protection From Retaliatory Actions
 Status: Vetoed: 09/16/2009
 Summary: Enacts provisions providing protection to employees from retaliatory actions by employers where such employees report illegal business activities or improper governmental actions.

NY A 9101 Jeffries (D)
 Title: Hospital Reporting
 Status: Pending
 Summary: Requires hospitals to report to patients, or their representatives, certain incidents adversely impacting the patients, which incidents are already required to be reported to the department of health; provides for exceptions to confidentiality provisions for such information; prohibits retaliatory action against employees and physicians.

NY A 10271 Benedetto (D)
 Title: Protection to Employees
 Status: Pending
 Summary: Enacts provisions providing protection to employees from retaliatory actions by employers where such employees report violations of law, rules or regulations, or improper governmental actions.

NY S 61 Sampson (D)
 Title: Retaliatory Personnel Action by an Employer
 Status: Pending
 Summary: Prohibits retaliatory personnel action by an employer against an employee who discloses or threatens to disclose an activity, policy or practice of the employer or a fellow employee that is in violation of law.

NY S 1924 Morahan (R)
 Title: Nuclear Whistleblower Access and Assistance Program
 Status: Pending
 Summary: Directs the New York State Energy Research and Development Authority and public and private operators of each nuclear-powered electric generating facility to establish a nuclear whistleblower access and assistance program; makes related provisions as to elements of the program and provides that employees of such plants shall not be subject to retaliation; requires authority to investigate reported safety concerns.

NY S 2838 Stachowski (D)
 Title: Expanding Prohibition Against Retaliatory Action
 Status: Pending
 Summary: Expands prohibition against retaliatory action by an employer against an employee to include instances where an employee discloses or threatens to disclose to a supervisor or public body, an activity, policy or practice of the employer's that the employee reasonably believes to be in violation of the law or which poses a serious danger to public health or safety; extends protections against retaliatory disciplinary action by a public employer against a public employee who discloses information to the news.

NY S 5183 Schneiderman (D)
 Title: Hospitals to Report to Patients and Health Department
 Status: Pending

Summary: Requires hospitals to report to patients, or their representatives, certain incidents adversely impacting the patients, which incidents are already required to be reported to the department of health; provides for exceptions to confidentiality provisions for such information; prohibits retaliatory action against employees and physicians.

NY S 5194 Savino (D)
Title: Employees and Retaliatory Actions
Status: Pending
Summary: Enacts provisions providing protection to employees from retaliatory actions by employers where such employees report illegal business activities; applicable to employees who in good faith reasonably believes that an illegal business activity has or will occur, based on information that the employee reasonably believes to be true; provides remedies and relief.

NY S 5737 Klein (D)
Title: Illegal Business Activities Reporting
Status: Pending
Summary: Enacts provisions providing protection to employees from retaliatory actions by employers where such employees report illegal business activities or improper governmental actions.

NY S 5975 Sampson (D)
Title: Prohibited Retaliatory Personnel Actions
Status: Pending
Summary: Prohibits retaliatory personnel action by an employer against an employee who discloses or threatens to disclose an activity, policy or practice of the employer that is in violation of law; removes requirement that such violation of law present a substantial and specific danger to public health or safety.

NY S 7060 Klein (D)
Title: Provisions Providing Protection to Employees
Status: Pending
Summary: Enacts provisions providing protection to employees from retaliatory actions by employers where such employees report violations of law, rules or regulations, or improper governmental actions.

PENNSYLVANIA

PA H 521 DeLuca (D)
Title: Medical Care Availability Act
Status: Pending
Summary: Amends the Medical Care Availability and Reduction of Error (Mcare) Act. Provides for declaration of policy, for patient safety definitions, for Powers and duties of the Patient Safety Authority and for Powers and duties of the Department of Health; provides for whistleblower protection.

PA H 985 Kessler (D)
Title: Department of Banking Code
Status: Enacted: 06/29/2009
Summary: Amends the Department of Banking Code. Further defines banking institutions. Provides for employee protection. Provides that a licensee may not bring a cause of action against an employee for damages arising out of a report or participation concerning discrimination or retaliation.

PA H 2108 Ellis (R)
Title: Whistleblower Act
Status: Pending
Summary: Amends the Whistleblower Act. Provides for the definitions of employee and employer, for enforcement and for penalties. Relates to a public body, a partnership, an association, for profit corporations and not for profit corporations. Provides that such employees are not to be discharged to be discriminated against because of a good faith report of wrongdoing. Provides civil fines for violations.

PA S 171 Brubaker (R)
Title: Employee Protection
Status: Pending
Summary: Amends the Banking Code of 1933. Provides for employee protection from retaliation for reporting a violation of law.

PA S 313 Browne (R)
Title: Whistleblower Protection
Status: Pending
Summary: Amends the Medical Care Availability and Reduction of Error (Mcare) Act. Provides for declaration of policy, for patient safety definitions, for Powers and duties of the Patient Safety Authority and for Powers and duties of the Department of Health. Provides for whistleblower protection.

SOUTH CAROLINA

SC S 1177 Fair (R)
Title: Whistleblower Statute Definitions
Status: Failed - Adjourned
Summary: Relates to the definition of a report as used in the whistleblower statute; provides that testimony given to a standing committee, subcommittee of a standing committee, or a study committee of the senate or house of representatives is entitled to the protections of the whistleblower statute.

TENNESSEE

TN H 1161 Haynes R (R)
Title: Employees Employers
Status: Failed - Adjourned
Summary: Relates to employees employers; clarifies that the civil cause of action for the retaliatory discharge of an employee for reporting illegal activities applies to state employees, private employees, and certain persons paid by the federal government.

TN S 682 Woodson (R)
Title: Employees Employers
Status: Enacted: 05/07/2009
Summary: Relates to employees employers; clarifies that the civil cause of action for the retaliatory discharge of an employee for reporting illegal activities applies to state employees, private employees, and certain persons paid by the federal government.

VERMONT

VT S 3 Sears (D)
Title: Retaliation by Employer
Status: Failed - Adjourned
Summary: Prohibits retaliation by an employer against an employee for testifying before the legislature.

WISCONSIN

WI A 336 Pridemore (R)
Title: Disclosure of Patient Information
Status: Failed
Summary: Relates to immunity from liability for, and disclosure of patient information by, a health care provider or health care facility employee that, in good faith, reports or provides information about a violation of the law or of a clinical or ethical standard, unprofessional conduct, or negligence in treating a patient by a health care provider, health care facility, or employee or former employee of a health care provider.

WYOMING

WY H 91 Connolly (D)

Title: Governmental Immunity

Status: Failed

Summary: Relates to governmental immunity; provides a waiver of governmental immunity for damages caused by a violation of whistleblower statutes for medical facilities; provides for an effective date.

Source: StateNet, copyright Information for Public Affairs. Year-end search conducted November 24, 2010.