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State Whistleblower Legislation

2009 Year-End Summary

CALIFORNIA

CA S 220 Yee (D)
Title: Whistleblower Protection
Summary: Applies the Whistleblower Protection Act to former employees. Provides the act covers former employees and board or commission members. Prohibits certain retaliation. Requires an individual to request a right-to-sue notice for acts of reprisal, retaliation, threats, or coercion for having made a protected disclosure before an action for damages is available. Relates to improper government activity. Provides rules of evidence in civil and administrative actions. Relates to awarding attorney's fees and costs.
Status: 09/11/2009: In Assembly. To Inactive File.

CONNECTICUT

CT S 713 Joint Committee on Labor and Public Employees
Title: Discriminatory Labor Practices
Summary: Concerns discriminatory labor practices and the deadline for filing complaints; clarifies the deadline for filing a complaint based upon unfair or discriminatory employment practices.
Status: 03/12/2009: Failed Joint Favorable deadline.

CT S 768 Joint Committee on Government Administration and Elections
Title: The Protection Of Whistleblowers
Summary: Concerns the protection of whistleblowers; provides additional protection to whistleblowers.
Status: 04/14/2009: To Joint Committee on Judiciary.

CT S 805 Joint Committee on Labor and Public Employees
Title: Whistleblower Protection
Summary: Concerns whistleblower protection; provides additional protection for individuals who provided information regarding waste or fraud against the state.
Status: 03/12/2009: Failed Joint Favorable deadline.

DELAWARE

DE H 39 Cathcart (R)
Title: Department of Health and Social Services
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.
Status: 08/24/2009: Signed by Governor. Chapter Number 203

DISTRICT OF COLUMBIA

DC B 233 Cheh (D)
Title: Whistleblower Protection Amendment
Summary: Amends the Comprehensive Merit Personnel Act of 1979 to include conducting an investigation as a prohibited personnel action, to expand the definition of protected disclosures, to extend the limitations period for whistleblower retaliation claims, to increase the amount of supervisor penalties, and to allow an employee to bring a civil action even if he or she has brought an administrative claim.
Status: 04/07/2009: Introduced. To Council Committee on Government Operations and the Environment.

FLORIDA

FL H 1387 Roberson K (R)
Title: Inspection of Nursing Homes
Summary: Relates to inspection of nursing homes; provides that nursing homes inspected by AHCA are exempt from inspection by DOH and State Fire Marshal; clarifies that any person may make complaint against long-term care facility, including employee of that facility; repeals provision relating to onsite administrative assessments of nursing homes, assisted living facilities, and adult family-care homes conducted by local ombudsman council.
Status: 05/02/2009: In House. Indefinitely postponed and withdrawn from consideration.

ILLINOIS

IL H 2041 Madigan (D)
Title: Whistleblower Act
Summary: Amends the Whistleblower Act. Makes a technical change in a Section concerning violations of the Act.
Status: 04/03/2009: Rereferred to House Committee on Rules.

IL H 4658 Franks (D)
Title: Employee Credit Privacy Act
Summary: Creates the Employee Credit Privacy Act. Prohibits employers from inquiring about or using an employee's or prospective employee's credit history as a basis for employment, recruitment, discharge, or compensation with some exceptions. Prohibits an employer from retaliating or discriminating against a person who files a complaint under the Act, participates in an investigation, proceeding, or action concerning a violation of the Act.
Status: 10/21/2009: To House Committee on Rules.

KANSAS

KS H 2249 House Government Efficiency and Fiscal Oversight Committee
Title: Whistleblower Act
Summary: Concerns the Kansas whistleblower act; regards protection for whistleblowers.
Status: 02/24/2009: Withdrawn from House Committee on Appropriations. To House Committee on Government Efficiency and Fiscal Oversight.

MARYLAND

MD S 81 Senate Finance Committee
Title: State Personnel
Summary: Establishes that information obtained during investigations of complaints conducted under the Maryland Whistleblower Law is confidential.
Status: 05/07/2009: Signed by Governor. Chapter No. 359

MICHIGAN

- MI H 4467 Meadows (D)
Title: Worker Freedom
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.
Status: 06/25/2009: To Senate Committee on Commerce and Tourism.
- MI H 5144 Roberts (D)
Title: Insurance Employees
Summary: Provides for whistleblower protection to insurance employees reporting violations of unfair practices in insurance law.
Status: 08/26/2009: To Senate Committee on Economic Development and Regulatory Reform.
- MI H 5145 Huckleberry (D)
Title: Good Faith
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.
Status: 08/26/2009: To Senate Committee on Economic Development and Regulatory Reform.
- MI S 206 Cherry (D)
Title: Health Care Employees
Summary: Extends whistleblowers' provision to health care employees.
Status: 02/10/2009: Introduced. To Senate Committee on Health Policy.

MISSISSIPPI

- MS H 80 Moak (D)
Title: Whistleblower Law
Summary: Relates to whistleblower Law; provides for damages.
Status: 02/03/2009: Died in committee.
- MS H 991 Moak (D)
Title: Insurance Fraud
Summary: Provides that certain persons are not subject to a criminal penalty or subject to civil liability for libel, slander or any similar cause of action in tort if such person, without malice, discloses information on a fraudulent claim or a suspicious fire.
Status: 02/03/2009: Died in committee.

MISSOURI

- MO H 55 Wildberger (D)
Title: Work Environment
Summary: Makes it an unlawful employment practice to subject an employee to an abusive work environment or to retaliate against an employee who opposes that type of environment.
Status: 05/15/2009: To House Special Committee on Workforce Development and Workplace Safety.
- MO H 721 LeVota (D)
Title: Health Care Whistleblower Protection Act
Summary: Establishes the Health Care Whistleblower Protection Act to protect health care professionals from retaliatory actions by employers for reporting violations regarding improper patient care.
Status: 05/15/2009: To House Special Committee on Health Insurance.

MONTANA

MT D 447 Economic Affairs Interim Committee
Title: Whistle Blower Protection for Insurance Producers
Summary: Concerns whistle blower protection for insurance producers.
Status: 12/26/2008: Died in process.

NEVADA

NV A 10 Assembly Health and Human Services Committee
Title: Nurses and Physicians
Summary: Prohibits retaliation or discrimination against nurses and nursing assistants who report information concerning physician conduct or sentinel events or who refuse to engage in certain conduct or participate in patient safety investigations or proceedings; provides civil remedies and penalties for violations; prohibits licensing boards from taking adverse action against a physician who discloses or cooperates in the investigation of a violation of any law, rule or regulation by an applicant or licensee.
Status: 05/29/2009: Signed by Governor. Chaptered. Chapter No. 324

NV S 229 Carlton (D)
Title: Physician Visa Waiver Program
Summary: Establishes the Physician Visa Waiver Program; requires the program to provide for the oversight of employers and applicants for J-1 visa waivers, evaluate requests for letters of support and issue such letters; provides for the administration of the program; establishes an application fee for a letter of support and penalties for violations by applicants and employers; provides immunity from civil and criminal liability for a person who provides information concerning a violation of the program.
Status: 05/26/2009: Signed by Governor. Chaptered. Chapter No. 210

NEW MEXICO

NM H 394 Cervantes (D)
Title: Whistleblower Protection Act
Summary: Relates to public employment; enacts the whistleblower protection act; prohibits public employer retaliatory action against public employees in certain circumstances; creates a right to civil action for damages.
Status: 03/06/2009: From Senate Committee on Public Affairs: Do pass.

NM H 489 Garcia Mi (D)
Title: Payment of Wages
Summary: Relates to payment of wages; provides employees protection from retaliation; extends the statute of limitations period; provides for injunctive relief; increases liability for failure to pay wages; provides penalties.
Status: 04/06/2009: Signed by Governor. Chaptered. Chapter No. 2009-104

NM H 494 Park (D)
Title: Employee Retaliation
Summary: Relates to human rights; prohibits adverse action against an employee for discussing salary or other pay.
Status: 02/11/2009: From House Committee on Labor and Human Resources: Do pass.

NM H 557 Maestas (D)
Title: Employment
Summary: Relates to employment; encourages reporting of suspected improper quality of patient care; prohibits employer retaliatory action in certain circumstances; provides grievance procedures and penalties.
Status: 03/19/2009: From Senate Committee on Judiciary: Do pass.

NEW YORK

- NY A 4455 Towns (D)
Title: Retaliatory Personnel Action
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.
Status: 02/04/2009: Introduced. To Assembly Committee on Labor.
- NY A 4468 Brodsky (D)
Title: Employee Protection From Retaliatory Actions
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.
Status: 02/04/2009: Introduced. To Assembly Committee on Labor.
- NY A 5015 Rivera P (D)
Title: Commissioner of Labor Authority Over Contractors
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.
Status: 02/10/2009: Introduced. To Assembly Committee on Labor.
- NY A 5200 Brodsky (D)
Title: Energy Research and Development Whistleblower
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.
Status: 05/04/2009: Amended in Assembly Committee on Labor.
- NY A 6023 Hoyt (D)
Title: Prohibition Against Retaliatory Action
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.
Status: 02/24/2009: Introduced. To Assembly Committee on Labor.
- NY A 6963 Zebrowski (D)
Title: Wage and Hour Protections for Working People
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.
Status: 08/26/2009: Signed by Governor. Chapter No. 372

NY A 7144 Benedetto (D)
 Title: Employee Protection From Retaliatory Actions
 Summary: Enacts provisions providing protection to employees from retaliatory actions by employers where such employees report illegal business activities or improper governmental actions.
 Status: 09/16/2009: Vetoed by Governor. Veto No. 72 of 2009.

NY A 9101 Jeffries (D)
 Title: Hospital Reporting
 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.
 Status: 08/17/2009: Introduced. To Assembly Committee on Health.

NY S 61 Sampson (D)
 Title: Retaliatory Personnel Action by an Employer
 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.
 Status: 07/16/2009: To Senate Committee on Rules.

NY S 1924 Morahan (R)
 Title: Nuclear Whistleblower Access and Assistance Program
 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.
 Status: 02/09/2009: Introduced. To Senate Committee on Energy and Telecommunications.

NY S 2838 Stachowski (D)
 Title: Expanding Prohibition Against Retaliatory Action
 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.
 Status: 03/04/2009: Introduced. To Senate Committee on Labor.

NY S 5183 Schneiderman (D)
 Title: Hospitals to Report to Patients and Health Department
 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.
 Status: 04/27/2009: Introduced. To Senate Committee on Health.

NY S 5194 Savino (D)
 Title: Employees and Retaliatory Actions
 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.
 Status: 04/27/2009: Introduced. To Senate Committee on Labor.

NY S 5737 Klein (D)
Title: Illegal Business Activities Reporting
Summary: Enacts provisions providing protection to employees from retaliatory actions by employers where such employees report illegal business activities or improper governmental actions.
Status: 07/16/2009: Substituted by A 7144.

NY S 5975 Sampson (D)
Title: Prohibited Retaliatory Personnel Actions
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.
Status: 06/19/2009: Introduced. To Senate Committee on Rules.

NORTH DAKOTA

ND S 2258 Potter T (D)
Title: Whistleblower Protection
Summary: Relates to whistleblower protection for private and public employees.
Status: 02/19/2009: Failed to pass Senate.

OREGON

OR H 3162 Stiegler (D)
Title: Employment Discrimination Resulting From Whistleblowing
Summary: Provides that it is an unlawful employment practice to discharge, demote, suspend or in any manner discriminate or retaliate against an employee who reports a violation of state or federal laws, rules or regulations; specifies procedures by which an aggrieved employee may file an action against an employer.
Status: 06/24/2009: Signed by Governor. Chaptered. Chapter No. 524

PENNSYLVANIA

PA H 521 DeLuca (D)
Title: Medical Care Availability Act
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.
Status: 03/17/2009: In House Committee on Insurance: Passed over.

PA H 985 Kessler (D)
Title: Department of Banking Code
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.
Status: 06/29/2009: Signed by Governor. Act No. 2009-7

PA H 2108 Ellis (R)
Title: Whistleblower Act
Summary: Amends the Whistleblower Act. Provides for the definitions of employee and employer, for enforcement and for penalties.
Status: 11/23/2009: Introduced. To House Committee on Labor Relations.

PA S 171 Brubaker (R)
Title: Employee Protection
Summary: Amends the Banking Code of 1933. Provides for employee protection from retaliation for reporting a violation of law.
Status: 03/18/2009: To House Committee on Commerce.

PA S 313 Browne (R)
Title: Whistleblower Protection
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.
Status: 03/05/2009: Introduced. To Senate Committee on Public Health and Welfare.

TENNESSEE

TN H 1161 Haynes R (R)
Title: Employees Employers
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.
Status: 04/23/2009: In House. Substituted on House floor by S 682.

TN S 682 Woodson (R)
Title: Employees Employers
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.
Status: 05/18/2009: Public Chaptered. Chapter No. 161

TEXAS

TX H 486 Menendez (D)
Title: Child Care Employee Retaliation
Summary: Relates to retaliation against employees of a child-care facility for reporting certain violations or cooperating with an investigation of violations.
Status: 04/27/2009: Committee report printed and distributed.

VERMONT

VT S 3 Sears (D)
Title: Retaliation by Employer
Summary: Prohibits retaliation by an employer against an employee for testifying before the legislature.
Status: 03/25/2009: To House Committee on Judiciary.

WEST VIRGINIA

WV H 2441 Hamilton (R)
Title: Whistleblowers
Summary: Strengthens the protections for whistleblowers of unsafe working conditions in Mines.
Status: 02/16/2009: Introduced. To House Committee on Energy, Industry and Labor, Economic Development and Small Business.

WV S 5 White (D)
Title: Unsafe Mine Conditions
Summary: Strengthens protections for whistleblowers of unsafe mine conditions.
Status: 02/11/2009: Introduced. To Senate Committee on Energy, Industry and Mining.

WISCONSIN

WI A 336 Pridemore (R)
Title: Disclosure of Patient Information
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.
Status: 06/30/2009: Introduced. To Assembly Committee on Judiciary and Ethics.

WYOMING

WY H 53 Millin (D)
Title: Unfair Employment Practices
Summary: Relates to fair employment practices; provides that discriminatory and unfair employment practices include retaliatory acts as specified.
Status: 01/28/2009: Committee amendment adopted on House floor. Indefinitely postponed.

Source: 2009 State Net Legislative Tracking Database, November 25, 2009 (final 2009 search).