

Senate Bill 503

By: Senators Shafer of the 48th, Reed of the 35th, Moody of the 56th, Williams of the 19th,
Fort of the 39th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 4 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,
2 relating to county and municipal hospital authorities, so as to enact the "Whistleblower Open
3 Settlements Act"; to provide for a short title; to provide for legislative findings; to prohibit
4 a hospital authority from entering into or enforcing confidential settlement agreements with
5 a federally or state protected whistleblower; to provide that any such agreements are void and
6 unenforceable; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 This Act shall be known and may be referred to as the "Whistleblower Open Settlements
11 Act."

12 **SECTION 2.**

13 Article 4 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
14 county and municipal hospital authorities, is amended by adding a new Code section to read
15 as follows:

16 "31-7-75.3.

17 (a) The General Assembly finds that:

- 18 (1) It has long been the practice and policy of the Attorney General to not litigate or
19 settle any matter involving the State of Georgia or any state agency under seal;
- 20 (2) Confidential or secret settlements involving government agencies violate public
21 policy and undermine the principles of open government; and
- 22 (3) The use of confidential or secret settlement agreements to obtain or enforce the
23 silence of federally or state protected whistleblowers is an especially egregious violation
24 of public policy.

- 1 (b) No hospital authority may enter into a secret or confidential settlement agreement with
2 any individual who is protected under the federal Whistleblower Protection Act of 1989
3 or Code Section 45-1-4 or participate in any effort to enforce such an agreement.
4 (c) Any agreement entered into in contravention of this Code section shall be void and
5 unenforceable."

6 **SECTION 3.**

7 All laws and parts of laws in conflict with this Act are repealed.