

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

AS PASSED SENATE

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7 All laws and parts of laws in conflict with this Act are repealed.