

# HOUSE BILL NO. 4323

April 16, 2025, Introduced by Reps. Edwards, McKinney, Weiss, Xiong, Rheingans, Byrnes, Breen, McFall, Wegela, B. Carter, Tsernoglou, Hoskins, Conlin, O'Neal, Longjohn, Price, MacDonell and Andrews and referred to Committee on Economic Competitiveness.

A bill to amend 1980 PA 469, entitled  
"The whistleblowers' protection act,"  
by amending the title and sections 1, 2, 3, and 5 (MCL 15.361,  
15.362, 15.363, and 15.365), section 3 as amended by 1982 PA 146,  
and by adding section 4a.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE  
2 An act to provide protection to employees who report a  
3 violation, **planned violation**, or suspected violation of state,  
4 local, or federal law; to provide protection to employees who

participate in hearings, investigations, legislative inquiries, or court actions; and to prescribe remedies and penalties.

Sec. 1. As used in this act:

(a) "Employee" means ~~a person~~ **an individual** who performs a service for wages or other remuneration under a contract of hire, written or oral, express or implied. Employee includes ~~a~~ **all of the following:**

(i) ~~A person employed by the~~ **this** state or a political subdivision of ~~the~~ **this** state, ~~except not including the~~ state classified civil service.

(ii) **An independent contractor.**

(iii) **A prospective employee who previously engaged in a protected activity described in section 2.**

(b) "Employer" means a person ~~who has~~ **that employs** 1 or more employees. Employer includes an agent of an employer and ~~the~~ **this** state or a political subdivision of ~~the~~ **this** state.

(c) "Person" means an individual, sole proprietorship, partnership, corporation, association, or any other legal entity.

(d) "Public body" means all of the following:

(i) A state officer, employee, agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.

(ii) An agency, board, commission, council, member, or employee of the legislative branch of state government.

(iii) A county, city, township, village, intercounty, intercity, or regional governing body, a council, school district, special district, or municipal corporation, or a board, department, commission, council, agency, or any member or employee thereof.

(iv) Any other body ~~which~~ **that** is created by state or local

1 authority or ~~which~~ is primarily funded by or through state or local  
 2 authority, or any member or employee of that body.

3 (v) A law enforcement agency or any member or employee of a  
 4 law enforcement agency.

5 (vi) The judiciary and any member or employee of the judiciary.

6 Sec. 2. An employer shall not discharge, **demote, suspend,**  
 7 threaten, or otherwise discriminate against an employee regarding  
 8 the employee's **promotion,** compensation, terms, conditions,  
 9 location, or privileges of employment **or fail or refuse to hire an**  
 10 **employee** because the employee, or a person acting on behalf of the  
 11 employee, ~~reports~~ **does any of the following:**

12 (a) **Reports** or is about to report, verbally or in writing, a  
 13 violation, **planned violation,** or a ~~suspected~~ suspected violation of a law or  
 14 regulation or rule promulgated pursuant to **a** law of this state, a  
 15 political subdivision of this state, or the United States to a  
 16 **supervisor or** public body, unless the employee knows that the  
 17 report is false. 7

18 (b) **Provides information to, testifies before, or otherwise**  
 19 **participates in an investigation, hearing, or inquiry held by a**  
 20 **public body regarding a violation, planned violation, or suspected**  
 21 **violation described in subdivision (a), or a court action, or**  
 22 because an employee is requested by a public body to **provide**  
 23 **information to, testify before, or otherwise** participate in an  
 24 investigation, hearing, or inquiry held by that public body, or a  
 25 court action.

26 (c) **Protests participating, or refuses to participate, in a**  
 27 **violation, planned violation, or suspected violation described in**  
 28 **subdivision (a).**

29 Sec. 3. (1) A person ~~who~~ **that** alleges a violation of this act

1 may bring a civil action for appropriate injunctive relief ~~or~~  
 2 actual damages, or both, ~~within 90 days~~ **not more than 2 years** after  
 3 ~~the occurrence of the~~ alleged violation of this act. **A person that**  
 4 **brings an action under this subsection may demand a jury trial.**

5 (2) An action ~~commenced pursuant to~~ **brought under** subsection  
 6 (1) may be brought in the circuit court for the county where the  
 7 alleged violation occurred, the county where the complainant  
 8 resides, or the county where the person against whom the civil  
 9 complaint is filed resides or ~~has his or her~~ **where the person's**  
 10 **principal place of business is located.**

11 (3) As used in subsection (1), "damages" means damages for  
 12 injury or loss caused by each violation of this act, including  
 13 reasonable attorney fees.

14 (4) An employee shall show by clear and convincing evidence  
 15 that ~~he or she~~ **the employee, another employee,** or a person acting  
 16 on ~~his or her~~ **the employee's** behalf **reported or** was about to  
 17 report, verbally or in writing, a violation, **planned violation,** or  
 18 ~~a~~ suspected violation of a law of this state, a political  
 19 subdivision of this state, or the United States to a **supervisor or**  
 20 **a public body.**

21 **Sec. 4a. If this state recovers money as the result of an**  
 22 **employee reporting a violation, planned violation, or suspected**  
 23 **violation under section 2, this state shall pay 30% of the money**  
 24 **recovered to the employee who first reported the violation, planned**  
 25 **violation, or suspected violation under section 2(a).**

26 Sec. 5. (1) A person ~~who~~ **that** violates this act ~~shall be~~  
 27 ~~liable for~~ **is subject to** a civil fine of not more than  
 28 ~~\$500.00.~~ **\$10,000.00 for each separate violation.**

29 (2) A civil fine ~~which is~~ ordered pursuant to this act ~~shall~~

- 1 **must** be submitted to the state treasurer for deposit in the general
- 2 fund.