

STATE OF NEW YORK

10853

IN ASSEMBLY

April 8, 2026

Introduced by M. of A. LASHER -- read once and referred to the Committee on Economic Development

AN ACT to amend the general business law, the state finance law and the executive law, in relation to monopoly and anti-trust whistleblower incentives and protections

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The general business law is amended by adding a new section
2 344 to read as follows:

3 § 344. Monopoly and anti-trust whistleblower incentives and
4 protections. Definitions. 1. For the purposes of this section, the
5 following terms shall have the following meanings:

6 (a) "Covered enforcement action" shall mean:

7 (i) any one or more enforcement actions brought by the attorney gener-
8 al under this article that results in monetary sanctions exceeding one
9 million dollars in the aggregate; or

10 (ii) any investigations, inquiries, settlements, or any other action
11 brought or made by the attorney general in relation to a violation of
12 this article that results in monetary sanctions exceeding one million
13 dollars in the aggregate.

14 (b) "Monetary sanctions" shall mean:

15 (i) any monies ordered to be paid, or that are otherwise paid or
16 forfeited as a result of a covered enforcement action or related action,
17 including any monies ordered to be paid under section three hundred
18 forty-seven-a of this article; or

19 (ii) any monies deposited into a disgorgement fund or public benefit
20 fund because of a covered enforcement action or related action.

21 (c) (i) "Original information" shall mean information that:

22 (1) is derived from the independent knowledge or analysis of a whist-
23 leblower;

24 (2) is not known to the attorney general from any other source, unless
25 the whistleblower is the original source of such information; and

26 (3) is not exclusively derived from an allegation made in a judicial
27 or administrative hearing, in a governmental report, hearing, audit or

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 investigation or from the news media, unless the whistleblower is a
2 source of such information.

3 (ii) For purposes of this paragraph, an allegation is not made in (1)
4 a governmental report or investigation because it was disclosed or
5 provided pursuant to article six of the public officers law, or under
6 any other federal, state or local law, rule or program enabling the
7 public to request, receive or view documents or information in the
8 possession of public officials or public agencies; and (2) the news
9 media merely because information of allegations or transactions have
10 been posted on the internet or on a computer network.

11 (d) "Related action" shall mean any judicial or administrative action
12 brought by a state or local agency or entity based upon the original
13 information provided by a whistleblower to the attorney general pursuant
14 to this section that results in monetary sanctions exceeding one million
15 dollars in the aggregate.

16 (e) "Whistleblower" shall mean any individual or entity who provides
17 or two or more individuals or entities acting jointly who provide infor-
18 mation to the attorney general relating to a violation of this article.

19 2. Whistleblower awards. (a) One or more whistleblowers who voluntar-
20 ily provide original information to the attorney general that was the
21 basis for a successful covered enforcement action, or a related action,
22 shall, in accordance with the provisions of this section, be entitled to
23 receive between ten and thirty percent of the monetary sanctions. Any
24 payment to a person pursuant to this subdivision shall be made from the
25 monetary sanctions of the covered enforcement action or related action.
26 For the purposes of this subdivision, monetary sanctions shall not
27 include:

28 (i) damages recovered in actions brought under section three hundred
29 forty-two-b of this article, except for those payable to the state; and

30 (ii) fines payable to the office of victim services pursuant to
31 section three hundred forty-seven-a of this article.

32 (b) A whistleblower who provides the attorney general with information
33 related to information previously reported to the attorney general by a
34 whistleblower who is eligible for an award under this section shall not
35 be entitled to an award, unless the information provided by the second
36 whistleblower materially adds to the information reported to the attor-
37 ney general by the first whistleblower.

38 (c) The determination of the amount of an award made within the range
39 established by this section shall be solely in the discretion of the
40 attorney general. In determining the amount of an award made within the
41 range established by this section, the attorney general shall take into
42 consideration the following factors:

43 (i) the significance of the information provided by the whistleblower
44 to the success of the covered enforcement action or related action;

45 (ii) the degree of assistance provided by the whistleblower and any
46 legal representative of the whistleblower in the covered enforcement
47 action or related action;

48 (iii) the interest of the state in deterring violations of this arti-
49 cle and promoting reporting by whistleblowers of information relating to
50 such violations; and

51 (iv) any additional relevant factors the attorney general may estab-
52 lish by rule or regulation.

53 (d) No award shall be made to any whistleblower if the attorney gener-
54 al shall determine the whistleblower:

55 (i) is, or was at the time the whistleblower acquired the original
56 information submitted to the attorney general, a member, officer or

1 employee of a federal, state or local law enforcement agency that regu-
2 lates trade or competition, or that prosecutes trade or competition
3 violations;

4 (ii) was convicted of a criminal violation related to the covered
5 enforcement action for which the whistleblower otherwise could receive
6 an award under this section;

7 (iii) materially failed to submit information to the attorney general
8 in such form as the attorney general may require; or

9 (iv) (1) knowingly and willfully makes false, fictitious or fraudulent
10 statements or representations to the attorney general when submitting
11 information under this section; or

12 (2) uses any false writing or document knowing the writing or document
13 contains any false, fictitious or fraudulent statement or entry when
14 submitting information under this section.

15 (e) (i) Any determination made under this subdivision, including
16 whether, to whom, or in what amount to make awards, shall be in the
17 discretion of the attorney general; provided that such amount shall
18 conform to the range established by paragraph (a) of this subdivision,
19 and shall consider the factors listed in paragraph (c) of this subdivi-
20 sion.

21 (ii) Any such determination may be challenged in accordance with arti-
22 cle seventy-eight of the civil practice law and rules, provided that any
23 such challenge shall be brought within forty-five days of the date of
24 any such determination.

25 (f) No contract with the department of law or any other agency shall
26 be necessary for any whistleblower to receive an award under this
27 section.

28 (g) (i) Any whistleblower who makes a claim for an award under this
29 section may be represented by counsel.

30 (ii) Any whistleblower who anonymously makes a claim for an award
31 under this section shall be represented by counsel if the whistleblower
32 anonymously submits the information upon which the claim is based. Prior
33 to the payment of an award, a whistleblower shall disclose the identity
34 of the whistleblower and provide such other information as the attorney
35 general may require, directly or through counsel for the whistleblower.

36 (h) (i) The attorney general shall not disclose any information which
37 could reasonably be expected to reveal the identity of a whistleblower,
38 unless and until such information is required to be disclosed to a party
39 in connection with an action or proceeding brought by the attorney
40 general, a lawfully issued subpoena by a federal or state law enforce-
41 ment authority, or otherwise by a court order. Such information shall be
42 deemed information exempted from disclosure under article six of the
43 public officers law.

44 (ii) Notwithstanding subparagraph (i) of this paragraph, without the
45 loss of its status as confidential in the hands of the attorney general,
46 all information referred to in this subdivision may, when determined by
47 the attorney general to be necessary to accomplish the purposes of this
48 article, be made available to the appropriate regulatory and law
49 enforcement authorities of this state, another state, the federal
50 government, foreign governments, or self-regulatory organizations. Each
51 regulatory or law enforcement authority to which the attorney general
52 makes available the information referred to in subparagraph (i) of this
53 paragraph shall agree to maintain such information in accordance with
54 such assurances of confidentiality as the attorney general deems appro-
55 priate.

1 3. Retaliation. (a) (i) It shall be unlawful for any current or
2 prospective employer, contractor or agent to discharge, demote, suspend,
3 threaten or harass, directly or indirectly, or in any other manner
4 discriminate against any person in hiring or in the terms and conditions
5 of employment or contracting because of any lawful act done by such
6 person: (1) in providing information to the attorney general pursuant to
7 this section; (2) in initiating, testifying in or assisting in any
8 investigation or covered enforcement action under this article, or any
9 related action; or (3) in reporting any violation of this article to
10 another government entity, to a direct supervisor or to a compliance
11 officer of such employer, contractor or agent.

12 (ii) Any person who is discharged, demoted, suspended, threatened or
13 harassed or in any other manner discriminated against in the terms and
14 conditions of employment, or otherwise harmed or penalized by an employ-
15 er, or a prospective employer, because of lawful acts done by such
16 person or associated others in furtherance of any covered enforcement
17 action or related action or other efforts to stop one or more violations
18 of this article, including but not limited to reporting such violations
19 to any government entity, to a direct supervisor or to a compliance
20 officer of such employer or prospective employer, shall be entitled to
21 all relief necessary to make such person whole. Such relief shall
22 include, but not be limited to:

23 (1) an injunction to restrain continued discrimination;
24 (2) hiring, contracting or reinstatement to the position such person
25 would have had but for the discrimination or to an equivalent position;
26 (3) reinstatement of full fringe benefits and seniority rights;
27 (4) payment of two times back pay, plus interest; and
28 (5) compensation for any special damages sustained because of the
29 discrimination, including litigation costs and reasonable attorneys'
30 fees.

31 (b) For purposes of this subdivision, a "lawful act" shall include,
32 but not be limited to, obtaining or transmitting to the attorney general
33 or private counsel employed to investigate or potentially file with the
34 attorney general information relating to a violation of this article,
35 even though such act may violate a contract, severance agreement,
36 employment term, or duty owed to the employer or contractor.

37 (c) Any person seeking relief pursuant to subparagraph (ii) of para-
38 graph (a) of this subdivision may bring an action in the appropriate
39 supreme court for the relief provided in this subdivision. A civil
40 action under this subdivision shall not be brought:

41 (i) more than six years after the date on which the violation of para-
42 graph (a) of this subdivision occurred; or

43 (ii) more than three years after the date when facts material to the
44 right of action are known or reasonably should have been known by the
45 employee alleging a violation of paragraph (a) of this subdivision, but
46 not in any circumstances more than ten years after the date on which
47 such violation occurs.

48 4. No waiver or preemption. (a) This section shall not: (i) preempt,
49 limit or restrict the authority or discretion of the attorney general to
50 investigate or enforce violations of this article; (ii) limit any powers
51 granted elsewhere in this chapter and other laws to the attorney gener-
52 al, state agencies or local governments to investigate or enforce possi-
53 ble violations of this article; (iii) authorize a private right of
54 action involving fraudulent practices in connection with the securities;
55 (iv) prevent or prohibit a person from voluntarily disclosing any infor-
56 mation concerning a violation of this article to any law enforcement

1 agency or self-regulatory organization; or (v) preempt, limit, restrict
2 or otherwise affect the rights and rewards provided to qui tam plain-
3 tiffs under article thirteen of the state finance law.

4 (b) The rights and remedies provided for in this section may not be
5 waived by any agreement, policy form, or condition of employment. No
6 salary or wages earned by the whistleblower during such whistleblower's
7 employment, nor any consideration provided to the whistleblower in
8 connection with such whistleblower's severance from such employment,
9 related to original information or the covered enforcement action or
10 related action may be recouped by any right of action brought by the
11 employer.

12 (c) Nothing in this section shall be deemed to diminish the rights,
13 privileges, or remedies of any whistleblower under any federal or state
14 law, or under any collective bargaining agreement.

15 5. Regulations. The attorney general is authorized to adopt such rules
16 and regulations as are necessary to effectuate the purposes of this
17 section.

18 § 2. Paragraph (b) of subdivision 11 of section 4 of the state finance
19 law, as amended by chapter 171 of the laws of 2022, is amended to read
20 as follows:

21 (b) Paragraph (a) of this subdivision shall not apply to (1) moneys to
22 be distributed to the federal government, to a local government, or to
23 any holder of a bond or other debt instrument issued by the state, any
24 public authority, or any public benefit corporation; (2) moneys to be
25 distributed to a whistleblower pursuant to section three hundred forty-
26 four of the general business law, or to be distributed solely or exclu-
27 sively as a payment of damages or restitution to individuals or entities
28 that were specifically injured or harmed by the defendant's or settling
29 party's conduct and that are identified in, or can be identified by the
30 terms of, the relevant judgment, agreement to settle, assurance of
31 discontinuance, or relevant instrument resolving the claim or cause of
32 action; (3) moneys recovered or obtained by a state agency or a state
33 official or employee acting in their official capacity where application
34 of paragraph (a) of this subdivision is prohibited by federal law, rule,
35 or regulation, or would result in the reduction or loss of federal funds
36 or eligibility for federal benefits pursuant to federal law, rule, or
37 regulation; (4) moneys recovered or obtained by or on behalf of a public
38 authority, a public benefit corporation, the department of taxation and
39 finance, the workers' compensation board, the New York state higher
40 education services corporation, the tobacco settlement financing corpo-
41 ration, a state or local retirement system, an employee health benefit
42 program administered by the New York state department of civil service,
43 the Title IV-D child support fund, the lottery prize fund, the abandoned
44 property fund, or an endowment of the state university of New York or
45 any unit thereof or any state agency, provided that all of the moneys
46 received or recovered are immediately transferred to the relevant public
47 authority, public benefit corporation, department, fund, program, or
48 endowment; (5) moneys to be refunded to an individual or entity as (i)
49 an overpayment of a tax, fine, penalty, fee, insurance premium, loan
50 payment, charge or surcharge; (ii) a return of seized assets, or (iii) a
51 payment made in error; (6) moneys to be used to prevent, abate, restore,
52 mitigate, or control any identifiable instance of prior or ongoing
53 water, land or air pollution; and (7) moneys deposited to the opioid
54 settlement fund established in section ninety-nine-nn of this chapter.

1 § 3. Paragraph (b) of subdivision 16 of section 63 of the executive
2 law, as amended by chapter 171 of the laws of 2022, is amended to read
3 as follows:

4 (b) Paragraph (a) of this subdivision shall not apply to any provision
5 in the resolution of a claim or cause of action providing (1) moneys to
6 be distributed to the federal government, to a local government, or to
7 any holder of a bond or other debt instrument issued by the state, any
8 public authority, or any public benefit corporation; (2) moneys to be
9 distributed to a whistleblower pursuant to section three hundred forty-
10 four of the general business law, or to be distributed solely or exclu-
11 sively as a payment of damages or restitution to individuals or entities
12 that were specifically injured or harmed by the defendant's or settling
13 party's conduct and that are identified in, or can be identified by the
14 terms of, the relevant judgment, stipulation, decree, agreement to
15 settle, assurance of discontinuance, or relevant instrument resolving
16 the claim or cause of action; (3) moneys recovered or obtained by the
17 attorney general where application of paragraph (a) of this subdivision
18 is prohibited by federal law, rule, or regulation, or would result in
19 the reduction or loss of federal funds or eligibility for federal bene-
20 fits pursuant to federal law, rule, or regulation; (4) moneys recovered
21 or obtained by or on behalf of a public authority, a public benefit
22 corporation, the department of taxation and finance, the workers'
23 compensation board, the New York state higher education services corpo-
24 ration, the tobacco settlement financing corporation, a state or local
25 retirement system, an employee health benefit program administered by
26 the New York state department of civil service, the Title IV-D child
27 support fund, the lottery prize fund, the abandoned property fund, or an
28 endowment of the state university of New York or any unit thereof or any
29 state agency, provided that all of the moneys received or recovered are
30 immediately transferred to the relevant public authority, public benefit
31 corporation, department, fund, program, or endowment; (5) moneys to be
32 refunded to an individual or entity as (i) an overpayment of a tax,
33 fine, penalty, fee, insurance premium, loan payment, charge or
34 surcharge; (ii) a return of seized assets; or (iii) a payment made in
35 error; (6) moneys to be used to prevent, abate, restore, mitigate or
36 control any identifiable instance of prior or ongoing water, land or air
37 pollution; and/or (7) state moneys received as part of any statewide
38 opioid settlement agreements as defined in section 25.18 of the mental
39 hygiene law, to be spent on eligible expenditures as defined in section
40 25.18 of the mental hygiene law.

41 § 4. This act shall take effect on the ninetieth day after it shall
42 have become a law.