

BILL ANALYSIS

Senate Research Center
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S.B. 72
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Worksite wellness programs have been used in the private sector to promote improved nutrition, increase fitness, and manage stress. Regular medical exams, screenings of employees, and smoking cessation programs are ways to decrease health related expenses for employees and employers, in addition to reducing employee absenteeism. Under current law, state agencies are allowed to create health and fitness programs for employees but are not provided with any resources or incentives to do so. As a result, there are very few worksite wellness programs in state agencies. At the same time, obesity related costs are increasing, and health care costs associated with state employees have increased 53 percent since 2000.

As proposed, S.B. 72 provides the infrastructure, guidance, and resources necessary to create a wellness program in every state agency. In promoting health maintenance, nutrition, and physical fitness, this bill seeks to address both health-related expenses and the costs and concerns related to obesity.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Department of State Health Services in SECTION 4 (Section 664.055, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 664, Government Code, by designating Sections 664.001-664.006 as Subchapter A, and adding a subchapter heading to read as follows:

SUBCHAPTER A. STATE EMPLOYEES HEALTH FITNESS AND EDUCATION PROGRAMS

SECTION 2. Amends Section 664.001, Government Code, to make a conforming change.

SECTION 3. Amends Section 664.003, Government Code, to make a conforming change.

SECTION 4. Amends Chapter 664, Government Code, by adding Subchapter B, as follows:

SUBCHAPTER B. WORKSITE WELLNESS PROGRAM

Sec. 664.051. DEFINITIONS. Defines "board," "commissioner," "department," and "state agency."

Sec. 664.052. WORKSITE WELLNESS ADVISORY BOARD; COMPOSITION. (a) Sets forth the composition of the worksite wellness advisory board (board).

(b) Requires the commissioner of state health services to make an effort to appoint at least one member from each of the health and human services regions and to consider input from state agency employees in appointing members to the board.

(c) Requires the members of the board to elect a presiding officer.

(d) Specifies that each member of the board who is not a state officer or employee will serve a two-year term expiring on February 1 of each odd-numbered year and that those members may be reappointed. Specifies that members who are state officers or employees serve at the pleasure of the appointing authority.

(e) Requires the appropriate authority to appoint a person should a vacancy arise.

(f) Specifies that a state officer or employee appointed to the board serves on the board ex officio as an additional duty of their office or employment.

Sec. 664.053. REIMBURSEMENT. Prohibits members of the board from receiving compensation for services as a board member but entitles members to reimbursement for travel expenses under the rules for reimbursement of a member's office or employment if the member is a state officer or employee, or as provided by the General Appropriations Act for the other members.

Sec. 664.054. ADMINISTRATION. Specifies that the board is administratively attached to the Department of State Health Services (DSHS). Requires DSHS to provide staff necessary for the board to perform its duties.

Sec. 664.055. RULES. Authorizes DSHS to adopt rules as necessary to implement this subchapter.

Sec. 664.056. APPLICABILITY OF OTHER LAW. Specifies that current law regulating state agency advisory committees does not apply to the size, composition, or duration of this board.

Sec. 664.057. DONATIONS. Authorizes the board to receive in-kind and monetary gifts, grants, and donations from public and private donors to be used for the purposes of this subchapter.

Sec. 664.058. DUTIES. Sets forth the required duties of the board.

Sec. 664.059. STATE AGENCY WELLNESS COUNCILS. (a) Requires each state agency to facilitate the development of a wellness council (council) composed of employees of the agency to promote worksite wellness.

(b) Requires each council to work to increase employee interest in worksite wellness, to develop and implement intra-agency policies to allow for increased worksite wellness, and to involve employees in worksite wellness programs.

(c) Requires members of each council to review recommendations from the board and to develop a plan to implement said recommendations.

(d) Requires each state agency to allow each employee to participate in council activities for at least two hours each month.

(e) Requires DSHS to provide technical support to each council and to provide financial support if funds are available.

Sec. 664.060. AGENCY WELLNESS POLICIES. Requires each state agency to allow each employee 30 minutes for exercise three times a week, to allow all employees to attend on-site wellness seminars when offered, and to provide eight hours of additional leave time each year to employees who receive a physical examination and who complete a health risk assessment.

Sec. 664.061. LARGE AGENCY WELLNESS POLICIES. Requires state agencies with the equivalent of 5,000 or more full-time employees to install locker rooms with showers for each gender in every building where the equivalent of 500 or more full-time

employees work, and to hire one full-time worksite wellness coordinator with certain employee health-related duties.

SECTION 5. Makes application of Section 664.061 (1), Government Code, as added by this Act, prospective to state buildings which have yet to be constructed. Requires existing state buildings to meet requirements set by Section 664.061, Government Code, by December 1, 2008.

SECTION 6. Effective date: September 1, 2007.