

AN ACT

relating to the creation of the state employee wellness program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 664, Government Code, is amended by designating Sections 664.001 through 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. Section 664.001, Government Code, is amended to read as follows:

Sec. 664.001. SHORT TITLE. This subchapter [~~chapter~~] may be cited as the State Employees Health Fitness and Education Act of 1983.

SECTION 3. Section 664.003, Government Code, is amended to read as follows:

Sec. 664.003. DEFINITION. In this subchapter [~~chapter~~], "state agency" means a department, institution, commission, or other agency of the state.

SECTION 4. Chapter 664, Government Code, is amended by adding Subchapter B to read as follows:

SUBCHAPTER B. STATE EMPLOYEE WELLNESS PROGRAM

Sec. 664.051. DEFINITIONS. In this subchapter:

(1) "Board" means the Worksite Wellness Advisory Board.

(2) "Department" means the Department of State Health Services.

(3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.

(4) "State agency" means a department, institution, commission, or other agency that is in the executive, judicial, or legislative branch of state government.

(5) "State employee" means a state employee who participates in a health benefits program administered under Chapter 1551, Insurance Code.

Sec. 664.052. RULES. The executive commissioner shall adopt rules for the administration of this subchapter, including rules prescribing the frequency and location of board meetings.

Sec. 664.053. CREATION OF MODEL PROGRAM; DESIGNATION OF COORDINATOR. (a) The department shall designate a statewide wellness coordinator to create and develop for use by state agencies a model statewide wellness program to improve the health and wellness of state employees. The wellness program may include:

(1) education that targets the most costly or prevalent health care claims, including information addressing stress management, nutrition, healthy eating habits, alcohol and drug abuse, physical activity, disease prevention, and smoking cessation;

(2) the dissemination or use of available health risk assessment tools and programs, including surveys that identify an employee's risk level for health-related problems and programs that suggest to employees methods for minimizing risks;

(3) the development of strategies for the promotion of health, nutritional, and fitness-related resources in state agencies;

(4) the development and promotion of environmental change strategies that integrate healthy behaviors and physical activity, including recommending healthy food choices in snack bars, vending machines, and state-run cafeterias located in state buildings; and

(5) optional incentives to encourage participation in the wellness program, including providing flexibility in employee scheduling to allow for physical activity and participation in the wellness program and coordinating discounts with gyms and fitness centers across the state.

(b) The statewide wellness coordinator shall:

(1) coordinate with other agencies that administer a health benefits program under Chapter 1551, Insurance Code, as necessary to develop the model wellness program, prevent duplication of efforts, provide information and resources to employees, and encourage the use of wellness benefits included in the health benefits program;

(2) maintain a set of Internet links to health resources for use by state employees;

(3) design an outreach campaign to educate state employees about health and fitness-related resources, including available exercise facilities, online tools, and health and fitness-related organizations;

(4) study the implementation and participation rates of state agency worksite wellness programs and report the findings to the legislature biennially; and

(5) organize an annual conference hosted by the department for all state agency wellness councils.

(c) The statewide wellness coordinator may consult with a state agency operating health care programs on matters relating to wellness promotion.

(d) A state agency shall designate an employee to serve as

the wellness liaison between the agency and the statewide wellness coordinator.

(e) A state agency may implement a wellness program based on the model program or components of the model program developed under this section.

(f) The statewide wellness coordinator may assist a state agency in establishing employee wellness demonstration projects that incorporate best practices for encouraging employee participation and the achievement of wellness benefits. A wellness program demonstration project may implement strategies to optimize the return of state investment in employee wellness, including savings in direct health care costs and savings from preventing conditions and diagnoses through better employee wellness.

Sec. 664.054. WORKSITE WELLNESS ADVISORY BOARD; COMPOSITION.

(a) The board consists of the following 13 members appointed by the executive commissioner:

(1) five state agency employees, including one employee of each of the following agencies:

(A) Department of Agriculture;

(B) Texas Education Agency;

(C) Texas Department of Transportation;

(D) Texas Department of Criminal Justice; and

(E) the department;

(2) one other employee of the department who is involved in worksite wellness efforts at the department;

(3) one employee of the Employees Retirement System of Texas;

(4) two state employee representatives of an eligible state employee organization described by Section 403.0165 with at least 10,000 active, dues-paying members;

(5) one worksite wellness professional;

(6) one representative of the American Cancer Society;

(7) one representative of the American Heart Association; and

(8) one representative of the Texas Medical Association.

(b) In appointing members to the board, the executive commissioner shall:

(1) make an effort to appoint at least one member from each of the health and human services regions; and

(2) consider input received from state agency employees.

(c) The members of the board shall elect a presiding

officer.

(d) Each member of the board who is not a state officer or employee serves a two-year term expiring February 1 of each odd-numbered year and may be reappointed. Each member of the board who is a state officer or employee serves on the board at the pleasure of the executive commissioner.

(e) If a vacancy occurs, the executive commissioner shall appoint a person to fill the vacancy.

(f) A state officer or employee appointed to the board serves on the board ex officio as an additional duty of the member's office or employment.

Sec. 664.055. REIMBURSEMENT. A member of the board may not receive compensation for service as a board member but is entitled to reimbursement of the member's travel expenses:

(1) under the rules for reimbursement that apply to the member's office or employment, if the member is a state officer or employee; or

(2) as provided by the General Appropriations Act, if the member is not a state officer or employee.

Sec. 664.056. ADMINISTRATION. The board is administratively attached to the department. The department shall provide the staff necessary for the board to perform its duties.

Sec. 664.057. APPLICABILITY OF OTHER LAW. Chapter 2110 does not apply to the size, composition, or duration of the board.

Sec. 664.058. DONATIONS. The board may receive in-kind and monetary gifts, grants, and donations from public and private donors to be used for the purposes of this subchapter.

Sec. 664.059. DUTIES. The board shall advise the department, executive commissioner, and statewide wellness coordinator on worksite wellness issues, including:

(1) funding and resource development for worksite wellness programs;

(2) identifying food service vendors that successfully market healthy foods;

(3) best practices for worksite wellness used by the private sector; and

(4) worksite wellness features and architecture for new state buildings based on features and architecture used by the private sector.

Sec. 664.060. STATE AGENCY WELLNESS COUNCILS. (a) A state agency may facilitate the development of a wellness council composed of employees and managers of the agency to promote worksite wellness in the agency.

(b) A wellness council may work to:



(1) increase employee interest in worksite wellness;

(2) develop and implement policies to improve agency infrastructure to allow for increased worksite wellness; and

(3) involve employees in worksite wellness programs.

(c) Members of a wellness council may review the recommendations of the board and develop a plan to implement the recommendations.

(d) A state agency may allow its employees to participate in wellness council activities for two or more hours each month.

(e) The department shall provide technical support to each state agency wellness council and shall provide financial support to councils if funds are available.

(f) A wellness council may annually identify best practices for worksite wellness in the agency and report the practices to the board.

Sec. 664.061. AGENCY WELLNESS POLICIES. A state agency may:

(1) allow each employee 30 minutes during normal working hours for exercise three times each week;

(2) allow all employees to attend on-site wellness seminars when offered; and

(3) provide eight hours of additional leave time each year to an employee who:

(A) receives a physical examination; and

(B) completes either an online health risk assessment tool provided by the board or a similar health risk assessment conducted in person by a worksite wellness coordinator.

SECTION 5. The executive commissioner of the Health and Human Services Commission shall adopt rules under Subchapter B, Chapter 664, Government Code, as added by this Act, not later than January 1, 2008.

SECTION 6. Section 664.006, Government Code, is repealed.

SECTION 7. This Act takes effect September 1, 2007.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1297 was passed by the House on April 26, 2007, by the following vote: Yeas 142, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1297 on May 23, 2007, by the following vote: Yeas 144, Nays 2, 2 present, not voting.

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Chief Clerk of the House

HB. No. 1297

I certify that H.B. No. 1297 was passed by the Senate, with amendments, on May 18, 2007, by the following vote: Yeas 29, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor