

By: Lucio

S.B. No. 72

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Worksite Wellness Advisory Board and the implementation of worksite wellness policies at state agencies.

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 664.005 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. WORKSITE WELLNESS PROGRAM

Sec. 664.051. DEFINITIONS. In this subchapter:

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

3 (2) "Commissioner" means the commissioner of state
4 health services.

5 (3) "Department" means the Department of State Health
6 Services.

7 (4) "State agency" means a department, institution,
8 commission, or other agency that is in the executive or legislative
9 branch of state government, but does not include an institution of
10 higher education as defined by Section 61.003, Education Code, or a
11 correctional facility operated by the Texas Department of Criminal
12 Justice.

13 Sec. 664.052. WORKSITE WELLNESS ADVISORY BOARD;
14 COMPOSITION. (a) The board consists of the following 17 members
15 appointed by the commissioner:

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

18 (A) Department of Agriculture;

19 (B) Texas Education Agency;

20 (C) Texas Department of Transportation;

21 (D) Texas Department of Criminal Justice; and

22 (E) the department;

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

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

27 (4) two state employee representatives of an eligible

1 state employee organization described by Section 403.0165 with at
2 least 10,000 active, dues-paying members;

3 (5) one registered and licensed dietitian;

4 (6) one worksite wellness professional;

5 (7) one representative of a fitness-related nonprofit
6 organization;

7 (8) one representative of the American Cancer Society;

8 (9) one representative of the American Diabetes
9 Association;

10 (10) one representative of the American Heart
11 Association;

12 (11) one representative of the Texas Medical
13 Association; and

14 (12) one representative of a nurse's association.

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

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

19 (2) consider input received from state agency
20 employees.

21 (c) The members of the board shall elect a presiding
22 officer.

23 (d) Each member of the board who is not a state officer or
24 employee serves a two-year term expiring February 1 of each
25 odd-numbered year and may be reappointed. Each member of the board
26 who is a state officer or employee serves on the board at the
27 pleasure of the appointing authority.

1 (e) If a vacancy occurs, the appropriate appointing
2 authority shall appoint a person to fill the vacancy.

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

6 Sec. 664.053. REIMBURSEMENT. A member of the board may not
7 receive compensation for services as a board member but is entitled
8 to reimbursement of the member's travel expenses:

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

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

14 Sec. 664.054. ADMINISTRATION. The board is
15 administratively attached to the department. The department shall
16 provide the staff necessary for the board to perform its duties.

17 Sec. 664.055. RULES. The department may adopt rules
18 necessary to implement this subchapter, including rules setting the
19 frequency and location of board meetings.

20 Sec. 664.056. APPLICABILITY OF OTHER LAW. Chapter 2110
21 does not apply to the size, composition, or duration of the board.

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

25 Sec. 664.058. DUTIES. The board shall:

26 (1) create a plan to improve the health and wellness of
27 state employees, including a set of best practices to be used by

1 state agencies in implementing the plan, and report the plan to the
2 legislature;

3 (2) adopt an online health risk assessment tool for
4 use by state employees;

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

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

11 (5) create a list of healthy foods, identify vendors
12 of those foods, and encourage state agency cafeterias to serve and
13 promote those foods;

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

17 (7) host an annual conference for all state agency
18 wellness councils;

19 (8) work with the Legislative Budget Board to study
20 and report to the legislature the cost and cost savings associated
21 with providing coverage for obesity treatment for state employees
22 through state employee health insurance plans; and

23 (9) conduct a biennial study of existing worksite
24 wellness programs to identify best practices for worksite wellness.

25 Sec. 664.059. ADVISORY COMMITTEES. The board may request
26 that the department establish advisory committees to address:

27 (1) funding and resource development for worksite

1 wellness programs;

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

4 (3) best practices for worksite wellness used by the
5 private sector; or

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

9 Sec. 664.060. STATE AGENCY WELLNESS COUNCILS. (a) Each
10 state agency with more than 150 employees shall facilitate the
11 development of a wellness council composed of employees and
12 managers of the agency to promote worksite wellness in the agency.
13 A state agency with 150 or fewer employees may establish a wellness
14 council under this section.

15 (b) Each wellness council shall work to:

16 (1) increase employee interest in worksite wellness;
17 (2) develop and implement policies to improve agency
18 infrastructure to allow for increased worksite wellness; and
19 (3) involve employees in worksite wellness programs.

20 (c) Members of each wellness council shall review the
21 recommendations of the board and develop a plan to implement the
22 recommendations.

23 (d) Each state agency shall allow each employee to
24 participate in wellness council activities for at least two hours
25 each month.

26 (e) The department shall provide technical support to each
27 state agency wellness council and shall provide financial support

1 to councils if funds are available.

2 (f) Each wellness council shall annually identify best
3 practices for worksite wellness in the agency and report the
4 practices to the board.

5 Sec. 664.061. AGENCY WELLNESS POLICIES. Each state agency
6 shall:

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

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

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

13 (A) receives a physical examination; and

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

17 Sec. 664.062. LARGE AGENCY WELLNESS POLICIES. Each state
18 agency that employs the equivalent of 5,000 or more full-time
19 employees shall hire one full-time agency wellness coordinator
20 whose duties shall include:

21 (1) working with agency management to develop a
22 worksite wellness policy that includes worksite wellness goals,
23 plans to achieve those goals, and procedures to evaluate the
24 achievement of those goals;

25 (2) developing training programs and materials for
26 agency employees that promote worksite wellness;

27 (3) communicating regularly with agency employees to

1 promote available worksite wellness services and programs;

2 (4) reviewing and implementing the recommendations of
3 the board;

4 (5) supporting the activities of the agency wellness
5 council; and

6 (6) continually evaluating the status of worksite
7 wellness issues and programs in the agency and making regular
8 reports to agency management on worksite wellness issues.

9 SECTION 5. Section 664.006, Government Code, is repealed.

10 SECTION 6. This Act takes effect September 1, 2007.