

3962--A

2011-2012 Regular Sessions

I N   S E N A T E

March 10, 2011

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Introduced by Sen. SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to establish a task force on occupational wellness and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Legislative findings and intent. The legislature hereby  
2     finds that healthier employees experience less absenteeism, greater  
3     productivity, better mental performance, and increased job satisfaction,  
4     performance and morale.  
5     The legislature hereby finds that occupational wellness programs and  
6     preventative health strategies directly address the leading causes of  
7     disability and premature death in the United States. Furthermore, the  
8     vital importance of this issue was recently crystallized by the United  
9     States Centers for Disease Control and Prevention (CDC) who earmarked  
10    \$14 million to study occupational wellness programs.  
11    The legislature hereby finds that there is a significant state inter-  
12    est in encouraging a proactive approach to preventing illness and inju-  
13    ry, as opposed to the traditional reactive, sick-care method. A reorien-  
14    tation of our systematic approach to health care is exemplified by  
15    United States Senate Bill 2558, the Healthy Lifestyles and Prevention  
16    (HeLP) Act and New York State Senate Bill 5774-A of 1999-2000, The Well-  
17    ness and Preventative Health Care Program.  
18    The legislature hereby finds that individual studies and evaluations  
19    of wellness programs have concluded that such endeavors have dual, rein-  
20    forcing, and parallel benefits. In the first instance, employees have  
21    become more fit, reduced obesity, lessened stress levels, quit smoking,  
22    and achieved other propitious outcomes. Secondarily, wellness programs

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

LBD10044-02-2

1 have increased overall productivity, economic viability, and reduced  
2 health care costs relative to employers.

3 The legislature hereby finds that encouragement of a healthy life-  
4 style, while accruing concrete benefits to employees and employers  
5 alike, in the final analysis -- empowers individuals, strengthens fami-  
6 lies, and promotes a greater quality of life.

7 The legislature intends to ensconce the ethic of a healthy workforce  
8 into the fabric of our personal and professional lives, while realizing  
9 the tertiary benefits of savings on insurance premiums as the result of  
10 reducing the number and instance of health insurance and workers'  
11 compensation claims filed by employees.

12 S 2. Task force on occupational wellness. 1. There is hereby created  
13 within the department of health a task force on occupational wellness.  
14 The task force shall consist of nine members to be appointed as follows:  
15 three members to be appointed by the governor, including one represen-  
16 tative each from the department of health and the insurance department  
17 and a representative who is a small business owner; two members to be  
18 appointed by the speaker of the assembly; one member to be appointed by  
19 the minority leader of the assembly; two members to be appointed by the  
20 temporary president of the senate and one member to be appointed by the  
21 minority leader of the senate. The member from the department of health  
22 shall serve as the director of the task force and the commissioner of  
23 health may assign such personnel within the amounts appropriated as is  
24 necessary to carry out the provisions of this section. Task force  
25 members shall receive no compensation for their services but shall be  
26 reimbursed for travel expenses incurred in the performance of their  
27 duties.

28 2. The task force shall study and evaluate the existing state of  
29 employees' health and ascertain if the health of employees can be  
30 improved by employers implementing an occupational wellness program.

31 3. On or before January 1, 2014, the task force shall prepare and  
32 submit to the governor, the temporary president of the senate, the  
33 speaker of the assembly, the minority leader of the senate and the  
34 minority leader of the assembly a report which shall include, but not be  
35 limited to:

36 (a) information on whether the creation of occupational wellness  
37 programs encouraging or providing incentives for employees who regularly  
38 engage in physical activity and preventive health care would be benefi-  
39 cial to the citizens of the state of New York;

40 (b) recommendations regarding how occupational wellness programs can  
41 be improved;

42 (c) examining the concept of occupational wellness as a whole, includ-  
43 ing the history of such concept, where and how it has worked and the  
44 costs and implications of such programs; and

45 (d) creating a blueprint of the best practices of wellness, how to  
46 implement such practices and what steps need to be taken to realize the  
47 concept of occupational wellness in practice.

48 S 3. This act shall take effect on the one hundred twentieth day after  
49 it shall have become a law provided that the provisions of this act  
50 shall expire September 1, 2014 when upon such date the provisions of  
51 this act shall be deemed repealed; provided, however, that effective  
52 immediately, the addition, amendment and/or repeal of any rule or regu-  
53 lation necessary for the implementation of this act on its effective  
54 date is authorized and directed to be made and completed on or before  
55 such effective date.