

5051

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. SMITH -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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

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

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

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

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

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

29 3. On or before January 1, 2011, the task force shall prepare and
30 submit to the governor, the temporary president of the senate, the
31 speaker of the assembly, the minority leader of the senate and the
32 minority leader of the assembly a report which shall include, but not be
33 limited to:

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

38 (b) recommendations regarding how occupational wellness programs can
39 be improved;

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

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

46 S 3. This act shall take effect on the one hundred twentieth day after
47 it shall have become a law provided that the provisions of this act
48 shall expire September 1, 2011 when upon such date the provisions of
49 this act shall be deemed repealed; provided, however, that effective
50 immediately, the addition, amendment and/or repeal of any rule or regu-
51 lation necessary for the implementation of this act on its effective
52 date is authorized and directed to be made and completed on or before
53 such effective date.