S T A T E O F N E W Y O R K

3962--A

2011-2012 Regular Sessions

I N S E N A T E

March 10, 2011

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:

Section 1. Legislative findings and intent. The legislature hereby finds that healthier employees experience less absenteeism, greater productivity, better mental performance, and increased job satisfaction, performance and morale.

The legislature hereby finds that occupational wellness programs and preventative health strategies directly address the leading causes of disability and premature death in the United States. Furthermore, the vital importance of this issue was recently crystallized by the United States Centers for Disease Control and Prevention (CDC) who earmarked $14 million to study occupational wellness programs.

The legislature hereby finds that there is a significant state interest in encouraging a proactive approach to preventing illness and injury, as opposed to the traditional reactive, sick-care method. A reorientation of our systematic approach to health care is exemplified by United States Senate Bill 2558, the Healthy Lifestyles and Prevention (HeLP) Act and New York State Senate Bill 5774-A of 1999-2000, The Wellness and Preventative Health Care Program.

The legislature hereby finds that individual studies and evaluations of wellness programs have concluded that such endeavors have dual, reinforcing, and parallel benefits. In the first instance, employees have become more fit, reduced obesity, lessened stress levels, quit smoking, and achieved other propitious outcomes. Secondarily, wellness programs

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

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

The legislature hereby finds that encouragement of a healthy lifestyle, while accruing concrete benefits to employees and employers alike, in the final analysis -- empowers individuals, strengthens families, and promotes a greater quality of life.

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

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

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

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

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

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

(c) examining the concept of occupational wellness as a whole, including the history of such concept, where and how it has worked and the costs and implications of such programs; and

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

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