

BILL ANALYSIS

Senate Research Center
84R11219 SCL-D

H.B. 2390
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State Affairs
5/15/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Although research has shown employee wellness programs are a great return on investment, there is concern that some employers will be discouraged from implementing these programs for fear of litigation. In order to encourage businesses in Texas to develop and promote employee wellness programs, H.B. 2390 prohibits any civil liability for the establishment of an employee wellness program unless the program is deemed discriminatory or the suit is based on intentional or reckless conduct.

H.B. 2390 amends current law relating to civil liability arising from an employee wellness program.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 6, Civil Practice and Remedies Code, by adding Chapter 142A, as follows:

CHAPTER 142A. LIMITATION ON LIABILITY FOR CERTAIN PROGRAMS

Sec. 142A.001. DEFINITIONS. Defines "employee" and "employee wellness program."

Sec. 142A.002. LIMITATION ON LIABILITY FOR WELLNESS PROGRAMS. (a) Prohibits a civil action from being brought against an employer for establishing, maintaining, or requiring participation in an employee wellness program unless:

- (1) the program discriminates on the basis of a prior medical condition, gender, age, or income level; or
- (2) the cause of action is based on intentional or reckless conduct.

(b) Provides that this section does not create a cause of action or expand an existing cause of action.

SECTION 2. Provides that the change in law made by this Act applies only to a cause of action that accrues on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.