

AN ACT

relating to civil liability arising from an employee wellness program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 142A to read as follows:

CHAPTER 142A. LIMITATION ON LIABILITY FOR CERTAIN PROGRAMS

Sec. 142A.001. DEFINITIONS. In this chapter:

(1) "Employee" means a person who, for compensation, performs services for an employer under a written or oral contract, whether express or implied.

(2) "Employee wellness program" means a program established by an employer that provides an incentive to an employee that promotes wellness or a healthy lifestyle.

Sec. 142A.002. LIMITATION ON LIABILITY FOR WELLNESS PROGRAMS. (a) A civil action may not be 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) This section does not create a cause of action or expand an existing cause of action.

1 SECTION 2. The change in law made by this Act applies only
2 to a cause of action that accrues on or after the effective date of
3 this Act. A cause of action that accrues before the effective date
4 of this Act is governed by the law in effect immediately before the
5 effective date of this Act, and that law is continued in effect for
6 that purpose.

7 SECTION 3. This Act takes effect September 1, 2015.

President of the Senate

Speaker of the House

I certify that H.B. No. 2390 was passed by the House on May 5, 2015, by the following vote: Yeas 145, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 2390 was passed by the Senate on May 26, 2015, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor