

1-1 By: Bohac (Senate Sponsor - Creighton) H.B. No. 2390  
1-2 (In the Senate - Received from the House May 6, 2015;  
1-3 May 7, 2015, read first time and referred to Committee on State  
1-4 Affairs; May 21, 2015, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 21, 2015, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Huffman	X		
1-9	Ellis	X		
1-10	Birdwell	X		
1-11	Creighton	X		
1-12	Estes	X		
1-13	Fraser	X		
1-14	Nelson	X		
1-15	Schwertner	X		
1-16	Zaffirini	X		

1-17 A BILL TO BE ENTITLED  
1-18 AN ACT

1-19 relating to civil liability arising from an employee wellness  
1-20 program.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Title 6, Civil Practice and Remedies Code, is  
1-23 amended by adding Chapter 142A to read as follows:

1-24 CHAPTER 142A. LIMITATION ON LIABILITY FOR CERTAIN PROGRAMS

1-25 Sec. 142A.001. DEFINITIONS. In this chapter:

1-26 (1) "Employee" means a person who, for compensation,  
1-27 performs services for an employer under a written or oral contract,  
1-28 whether express or implied.

1-29 (2) "Employee wellness program" means a program  
1-30 established by an employer that provides an incentive to an  
1-31 employee that promotes wellness or a healthy lifestyle.

1-32 Sec. 142A.002. LIMITATION ON LIABILITY FOR WELLNESS  
1-33 PROGRAMS. (a) A civil action may not be brought against an  
1-34 employer for establishing, maintaining, or requiring participation  
1-35 in an employee wellness program unless:

1-36 (1) the program discriminates on the basis of a prior  
1-37 medical condition, gender, age, or income level; or

1-38 (2) the cause of action is based on intentional or  
1-39 reckless conduct.

1-40 (b) This section does not create a cause of action or expand  
1-41 an existing cause of action.

1-42 SECTION 2. The change in law made by this Act applies only  
1-43 to a cause of action that accrues on or after the effective date of  
1-44 this Act. A cause of action that accrues before the effective date  
1-45 of this Act is governed by the law in effect immediately before the  
1-46 effective date of this Act, and that law is continued in effect for  
1-47 that purpose.

1-48 SECTION 3. This Act takes effect September 1, 2015.

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