

GOVERNMENT CODE

TITLE 6. PUBLIC OFFICERS AND EMPLOYEES

SUBTITLE B. STATE OFFICERS AND EMPLOYEES

CHAPTER 664. STATE EMPLOYEES HEALTH FITNESS AND EDUCATION

SUBCHAPTER A. STATE EMPLOYEES HEALTH FITNESS

AND EDUCATION PROGRAMS

Sec. 664.001. SHORT TITLE. This subchapter may be cited as the State Employees Health Fitness and Education Act of 1983.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 2, eff. September 1, 2007.

Sec. 664.002. FINDINGS AND PURPOSE. Effective state administration is materially enhanced by programs designed to encourage and create a condition of health fitness in state administrators and employees and public money spent for these programs serves important public purposes, including:

- (1) an understanding and diminution of the risk factors associated with society's most debilitating diseases;
- (2) the development of greater work productivity and capacity;
- (3) a reduction in absenteeism;
- (4) a reduction of health insurance costs; and
- (5) an increase in the general level of fitness.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 664.003. DEFINITION. In this subchapter, "state agency" means a department, institution, commission, or other agency of the state.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 3, eff. September 1, 2007.

Sec. 664.004. FUNDS AND FACILITIES FOR HEALTH FITNESS PROGRAMS. (a) A state agency may use available public funds for:

- (1) health fitness education and activities; or
- (2) other costs related to health fitness.

(b) A state agency may use available facilities for health fitness programs.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 664.005. AGREEMENTS WITH OTHER STATE, LOCAL, OR FEDERAL AGENCIES. A state agency may, and is encouraged to, enter into an agreement with another state agency, including a state-supported college or university, or with a local or federal department, institution, commission, or agency, to present, join in presenting, or participate jointly in health fitness education or activity programs for the state agency's administrators and employees.

Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

SUBCHAPTER B. STATE EMPLOYEE WELLNESS PROGRAM

Sec. 664.051. DEFINITIONS. In this subchapter:

- (1) Repealed by Acts 2015, 84th Leg., R.S., Ch. 946 , Sec. 1.06(e), eff. September 1, 2015.
- (2) "Department" means the Department of State Health Services.
- (3) "Executive commissioner" means the executive commissioner of the Health and Human Services Commission.
- (4) "State agency" means a department, institution, commission, or other agency that is in the executive, judicial, or legislative branch of state government.
- (5) "State employee" means a state employee who participates in a health benefits program administered under Chapter [1551](#), Insurance Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. [1297](#)), Sec. 4, eff. September 1, 2007.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 946 (S.B. [277](#)), Sec. 1.06(e),

eff. September 1, 2015.

Sec. 664.052. RULES. The executive commissioner shall adopt rules for the administration of this subchapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 946 (S.B. 277), Sec. 1.06(b), eff. September 1, 2015.

Sec. 664.053. CREATION OF MODEL PROGRAM; DESIGNATION OF COORDINATOR. (a) The department shall designate a statewide wellness coordinator to create and develop for use by state agencies a model statewide wellness program to improve the health and wellness of state employees. The wellness program may include:

(1) education that targets the most costly or prevalent health care claims, including information addressing stress management, nutrition, healthy eating habits, alcohol and drug abuse, physical activity, disease prevention, and smoking cessation;

(2) the dissemination or use of available health risk assessment tools and programs, including surveys that identify an employee's risk level for health-related problems and programs that suggest to employees methods for minimizing risks;

(3) the development of strategies for the promotion of health, nutritional, and fitness-related resources in state agencies;

(4) the development and promotion of environmental change strategies that integrate healthy behaviors and physical activity, including recommending healthy food choices in snack bars, vending machines, and state-run cafeterias located in state buildings; and

(5) optional incentives to encourage participation in the wellness program, including providing flexibility in employee scheduling to allow for physical activity and participation in the wellness program and coordinating discounts with gyms and fitness centers across the state.

(b) The statewide wellness coordinator shall:

(1) coordinate with other agencies that administer a health benefits program under Chapter 1551, Insurance Code, as necessary to develop the model wellness program, prevent duplication of efforts, provide information and resources to employees, and encourage the use of wellness benefits included in the health benefits program;

(2) maintain a set of Internet links to health resources for use by state employees;

(3) design an outreach campaign to educate state employees about health and fitness-related resources, including available exercise facilities, online tools, and health and fitness-related organizations;

(4) study the implementation and participation rates of state agency worksite wellness programs and report the findings to the legislature biennially; and

(5) organize an annual conference hosted by the department for all state agency wellness councils.

(c) The statewide wellness coordinator may consult with a state agency operating health care programs on matters relating to wellness promotion.

(d) A state agency shall designate an employee to serve as the wellness liaison between the agency and the statewide wellness coordinator.

(e) A state agency may:

(1) develop a wellness program designed to increase work productivity and capacity and reduce health insurance costs; or

(2) implement a wellness program based on the model program or components of the model program developed under this section.

(f) The statewide wellness coordinator may assist a state agency in establishing employee wellness demonstration projects that incorporate best practices for encouraging employee participation and the achievement of wellness benefits. A wellness program demonstration project may implement strategies to optimize the return of state investment in employee wellness,

including savings in direct health care costs and savings from preventing conditions and diagnoses through better employee wellness.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 975 (H.B. 2020), Sec. 1, eff. June 14, 2013.

Sec. 664.058. DONATIONS. The department may receive in-kind and monetary gifts, grants, and donations from public and private donors to be used for the purposes of this subchapter.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 946 (S.B. 277), Sec. 1.06(c), eff. September 1, 2015.

Sec. 664.060. STATE AGENCY WELLNESS COUNCILS. (a) A state agency may facilitate the development of a wellness council composed of employees and managers of the agency to promote worksite wellness in the agency.

(b) A wellness council may work to:

- (1) increase employee interest in worksite wellness;
- (2) develop and implement policies to improve agency infrastructure to allow for increased worksite wellness; and
- (3) involve employees in worksite wellness programs.

(c) Repealed by Acts 2015, 84th Leg., R.S., Ch. 946, Sec. 1.06(e), eff. September 1, 2015.

(d) A state agency may allow its employees to participate in wellness council activities for two or more hours each month.

(e) The department shall provide technical support to each state agency wellness council and shall provide financial support to councils if funds are available.

(f) Repealed by Acts 2015, 84th Leg., R.S., Ch. 946, Sec. 1.06(e), eff. September 1, 2015.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4,

eff. September 1, 2007.

Amended by:

Acts 2015, 84th Leg., R.S., Ch. 946 (S.B. 277), Sec. 1.06(e),
eff. September 1, 2015.

Sec. 664.061. AGENCY WELLNESS POLICIES. (a) A state agency may:

(1) allow each employee 30 minutes during normal working hours for exercise three times each week;

(2) allow all employees to attend on-site wellness seminars when offered;

(3) provide eight hours of additional leave time each year to an employee who:

(A) receives a physical examination; and

(B) completes either an online health risk assessment tool provided by the department or a similar health risk assessment conducted in person by a worksite wellness coordinator;

(4) provide financial incentives, notwithstanding Section 2113.201, for participation in a wellness program developed under Section 664.053(e) after the agency establishes a written policy with objective criteria for providing the incentives;

(5) offer on-site clinic or pharmacy services in accordance with Subtitles B and J, Title 3, Occupations Code, including the requirements regarding delegation of certain medical acts under Chapter 157, Occupations Code; and

(6) adopt additional wellness policies, as determined by the agency.

(b) In addition to the requirements of Section 2254.003, in awarding a contract for on-site clinic services as provided by Subsection (a)(5), a state agency may consider whether the on-site clinic services will be provided by a physician-led organization that has its principal place of business in this state.

Added by Acts 2007, 80th Leg., R.S., Ch. 665 (H.B. 1297), Sec. 4, eff. September 1, 2007.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 975 (H.B. 2020), Sec. 2, eff. June 14, 2013.

Acts 2015, 84th Leg., R.S., Ch. 946 (S.B. [277](#)), Sec. 1.06(d),
eff. September 1, 2015.