

STAND. COM. REP. NO.

2610

Honolulu, Hawaii

FEB 28 2008

RE: S.B. No. 3078

S.D. 2

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 3078, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO WORKSITE WELLNESS PROGRAMS,"

begs leave to report as follows:

The purpose of this measure is enact a worksite wellness law to grant immunity to employers from personal injury claims by an injured employee worksite wellness program participant where the employee is provided workers' compensation benefits.

Your Committee received testimony in support of this measure from the Department of Health and the Hawaii Government Employees Association.

Worksite wellness refers to the policies and practices that support profitability for the organization and employability for the individual. Recent empirical research validates that health promotion programs at the worksite can improve health, save money, and produce a return on investment. A United States Department of Health and Human Services report in 2002 revealed that at worksites with physical activity programs, employers have:

- (1) Reduced healthcare costs by twenty to fifty-five per cent;
- (2) Reduced short-term sick leave by six to thirty-two per cent; and



(3) Increased productivity by two to fifty-two per cent.

More and more states and companies are building world-class wellness programs. As the costs of health benefits continue to rise, employers have an opportunity to impact the health of employees through changes to the workplace environment and the culture of the worksite.

The Department of Health has implemented a demonstration pilot program with employees to encourage increased physical activity and healthy eating. Thirty minutes of moderate physical activity a day for adults can be achieved when people break the thirty minutes into ten minute sessions and will more likely be sustained when done in a supportive team environment.

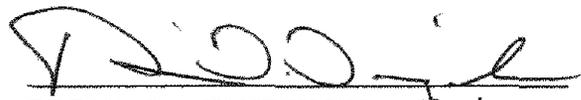
However, concerns over liability for injury or damage that may occur during voluntary participation in worksite physical activity promotions are deterrents to employees and their supervisors. These issues had a dampening effect on organizing employee team physical activity opportunities.

Your Committee finds that granting immunity from liability to state and county agencies and authorizing workers' compensation benefits for injured employees will encourage the formation of and participation in government worksite wellness programs.

Your Committee has amended this measure by making technical, nonsubstantive amendments.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3078, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3078, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


BRIAN T. TANIGUCHI, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 3078 SD1	Committee Referral: HTH, JDL	Date: 2/25/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, BRIAN T. (C)	/			
HEE, Clayton (VC)				/
GABBARD, Mike	/			
KOKUBUN, Russell S.	/			
NISHIHARA, Clarence K.				/
SLOM, Sam	/			
TOTAL	4			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Russell S. Kohn</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes