

STAND. COM. REP. NO. 2509

Honolulu, Hawaii

FEB 15 2008

RE: S.B. No. 3078  
S.D. 1

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

Madam:

Your Committee on Health, to which was referred S.B. No. 3078  
entitled:

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

begs leave to report as follows:

The purpose of this measure is to promote healthy lifestyles  
by encouraging worksite wellness programs by state and county  
governments by expressly providing workers' compensation benefits  
to employees injured during voluntary participation in worksite  
wellness programs.

Specifically, this measure grants 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, the Hawaii Government Employees  
Association, the Hawaii State Teachers Association, United Public  
Workers, and Consumer Lawyers of Hawaii.

Your Committee finds that worksite wellness programs have  
shown to promote healthy behaviors and reduce health care costs.  
However, the threat of liability if an employee is injured during  
participation in one of these programs has hindered employers from  
implementing them.



Your Committee has amended this measure by:

- (1) Inserting language clarifying that the immunity clause is intended to apply to worksite wellness program participants, and not to third parties; and
- (2) Making technical, nonsubstantive changes for the purposes of clarity, consistency, and style.

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

Respectfully submitted on  
behalf of the members of the  
Committee on Health,

  
\_\_\_\_\_  
DAVID Y. IGE, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Health**  
**HTH**

Bill / Resolution No.:* <b>SB 3078</b>	Committee Referral: <b>HTH, JDL</b>	Date: <b>02-14-08</b>
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The committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
FUKUNAGA, Carol (VC)	✓			
BAKER, Rosalyn H.	✓			
MENOR, Ron	✓			
WHALEN, Paul	✓			
<b>TOTAL</b>	<b>5</b>			

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature:  


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\*Only one measure per Record of Votes