

JAN 24 2013

A BILL FOR AN ACT

RELATING TO HEALTH WELLNESS PROGRAMS.

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

1 SECTION 1. The legislature finds that implementing and
2 expanding employer wellness programs may offer the State the
3 opportunity to not only improve the health of state residents,
4 but also help control health care spending. The federal Patient
5 Protection and Affordable Care Act creates new incentives and
6 builds on existing wellness program policies to promote employer
7 wellness programs and encourage opportunities to support
8 healthier workplaces. Proposed federal rules to implement the
9 Patient Protection and Affordable Care Act, in part, increase
10 the maximum permissible reward under a health-contingent
11 wellness program from twenty per cent to thirty per cent of the
12 cost of health care coverage and increase the maximum reward to
13 as much as fifty per cent for the programs designed to prevent
14 or reduce tobacco use. While these rewards makes participation
15 in wellness programs more desirable, there are concerns that an
16 employee participating in wellness programs in order to become
17 eligible for a reward may be considered gambling.



1 The purpose of this Act is to clarify that participation in
2 health wellness programs is not considered gambling or lottery
3 participation under the Hawaii penal code.

4 SECTION 2. Section 712-1220, Hawaii Revised Statutes, is
5 amended by amending the definition of "something of value" to
6 read as follows:

7 "(11) "Something of value" means any money or property,
8 any token, object, or article exchangeable for money or
9 property, or any form of credit or promise directly or
10 indirectly contemplating transfer of money or property or of any
11 interest therein, or involving extension of a service or
12 entertainment. Payment for health insurance coverage or
13 participation in a wellness program relating to health promotion
14 or disease prevention shall not constitute "something of value"
15 for purposes of this part."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. New statutory material is underscored.

20 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: CFA Hill



S.B. NO. 1337

Report Title:

Gambling; Wellness Programs; Health Insurance

Description:

Amends the definition of "something of value" to clarify that participation in health wellness programs is not considered gambling or lottery participation under the Hawaii penal code.

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