

STAND. COM. REP. NO.

316

Honolulu, Hawaii

FEB 14 2013

RE: S.B. No. 1337
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Health, to which was referred S.B. No. 1337
entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to amend 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.

Your Committee received testimony in support of this measure
from The Chamber of Commerce of Hawaii. Your Committee received
testimony in opposition to this measure from the City and County
of Honolulu Police Department and County of Hawaii Police
Department.

Your Committee finds that preventative health care is
important not only for individuals' personal wellbeing, but also
for the health care system of the State as a whole. Preventative
health care assists health consumers in maintaining good health
and helps them avoid debilitating and costly diseases and
conditions that might otherwise affect them without preventative
health care. Your Committee notes that while these goals are
laudable, there have been concerns that such programs run afoul of
the State's gambling and lottery statutes. Because wellness
programs promote the health of Hawaii's citizens and save the
health care system significant sums of money annually, your
Committee finds it necessary to amend the Hawaii Penal Code to



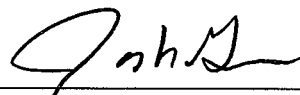
clarify that wellness programs do not constitute gambling or lottery participation.

Your Committee has amended this measure by:

- (1) Amending the purpose section to clarify the Act's intent to exclude wellness programs from the definition of "gambling" and "something of value";
- (2) Inserting language to amend the definition of "gambling" to exclude payment for or participation in wellness programs sponsored by group health plans, accident and health or sickness insurers, mutual benefit societies, and health maintenance organizations in the State;
- (3) Amending the definition of "something of value" to exclude payment for or participation in wellness programs sponsored by group health plans, accident and health or sickness insurers, mutual benefit societies, and health maintenance organizations in the State; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1337, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1337, 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,

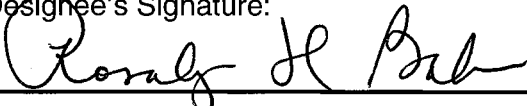


JOSH GREEN, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Health
HTH

Bill / Resolution No.:* SB1337	Committee Referral: HTH, JDL	Date: 02/11/2013		
<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
GREEN, Josh (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	5	-	-	-
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes