CIVIL PRACTICE AND REMEDIES CODE

TITLE 6. MISCELLANEOUS PROVISIONS

CHAPTER 142A. LIMITATION ON LIABILITY FOR CERTAIN PROGRAMS

Sec. 142A.001. DEFINITIONS. In this chapter:

(1) "Employee" means a person who, for compensation, performs services for an employer under a written or oral contract, whether express or implied.

(2) "Employee wellness program" means a program established by an employer that provides an incentive to an employee that promotes wellness or a healthy lifestyle.

Added by Acts 2015, 84th Leg., R.S., Ch. 774 (H.B. 2390), Sec. 1, eff. September 1, 2015.

Sec. 142A.002. LIMITATION ON LIABILITY FOR WELLNESS PROGRAMS. (a) A civil action may not be brought against an employer for establishing, maintaining, or requiring participation in an employee wellness program unless:

(1) the program discriminates on the basis of a prior medical condition, gender, age, or income level; or

(2) the cause of action is based on intentional or reckless conduct.

(b) This section does not create a cause of action or expand an existing cause of action.

Added by Acts 2015, 84th Leg., R.S., Ch. 774 (H.B. 2390), Sec. 1, eff. September 1, 2015.