

# SENATE BILL No. 1204

April 18, 2006, Introduced by Senator BISHOP and referred to the Committee on Health Policy.

A bill to permit employers to offer incentives to encourage employees and their dependents to adopt a healthy lifestyle; to specify conditions under which an employer may offer certain employment incentives; and to prohibit an employer from mandating mandatory restrictions on lawful lifestyle choices.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. This act shall be known and may be cited as the  
2 "employee health incentive act".

3           Sec. 3. As used in this act:

4           (a) "Employee" means an individual who performs a service for

1 wages or other remuneration under a contract of hire, written or  
2 oral, express or implied.

3 (b) "Employer" means a person that has 1 or more employees.

4 (c) "Specified lawful product" means a product that is all of  
5 the following:

6 (i) Identified in writing by the employee's employer.

7 (ii) Lawful to purchase and use.

8 (iii) Demonstrated to have a detrimental effect on the health of  
9 most individuals or to contribute to accidental bodily injury by a  
10 body of credible scientific evidence, without credible evidence of  
11 similar weight demonstrating beneficial health effects.

12 Sec. 5. An employer may implement a program of financial  
13 incentives to encourage employees to adopt and maintain healthy  
14 lifestyle choices.

15 Sec. 7. An employer shall not require an employee to commit to  
16 refraining from use of a specified lawful product as a condition of  
17 employment.

18 Sec. 9. An employer that offers health insurance to employees  
19 shall offer a reduction in the insurance deductible or other  
20 financial incentive if either of the following circumstances  
21 exists:

22 (a) The employee signs an annual statement affirming that he  
23 or she commits to refraining from use of any specified lawful  
24 product.

25 (b) Each individual covered under the employee's health  
26 insurance plan with the employer signs an annual statement  
27 affirming that he or she commits to refraining from use of any

1 specified lawful product.

2           Sec. 11. The employer may require reasonable assurance from an  
3 individual that he or she is refraining from use of the specified  
4 lawful product included in a statement signed in accord with  
5 section 9.