

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 771**

---

---

**Introduced by Assembly Member Jones**

February 21, 2013

---

---

~~An act to amend Section 103 of the Business and Professions Code, relating to consumer affairs. An act relating to public health.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 771, as amended, Jones. ~~Department of Consumer Affairs. Public health: wellness programs.~~

*Existing law establishes various programs to prevent disease and promote health. Existing federal law, the Patient Protection and Affordable Care Act (PPACA), provides for the establishment, by July 1, 2014, of a 10-state wellness program demonstration project to promote health and prevent disease.*

*This bill would require the Secretary of California Health and Human Services to apply to the United States Secretary of Health and Human Services to allow California to be a participating pilot state in the wellness program demonstration project in accordance with federal law. The bill would also require the Secretary of California Health and Human Services to petition the United States Secretary of Health and Human Services to change federal regulations to allow an employer in California to offer employees rewards of up to 50% of the cost of health care coverage for participating in a wellness program that meets all of the requirements of PPACA.*

~~Existing law establishes the Department of Consumer Affairs, which is comprised of various boards, commissions, and committees. Under existing law, members of specified boards, commissions, and~~

~~committees who are not public officers or employees are authorized to receive per diem of \$100 for each day actually spent in the discharge of official duties and traveling and other expenses necessarily incurred in the performance of official duties.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. *The Secretary of California Health and Human*  
2 *Services shall apply to the United States Secretary of Health and*  
3 *Human Services to allow California to be a participating pilot*  
4 *state in the wellness program demonstration project that will be*  
5 *established no later than July 1, 2014, in accordance with Section*  
6 *1201 of the federal Patient Protection and Affordable Care Act*  
7 *(Public Law 111-148).*

8     SEC. 2. *The Secretary of California Health and Human*  
9 *Services shall petition the United States Secretary of Health and*  
10 *Human Services to change federal regulations to allow an*  
11 *employer in California to offer employees rewards of up to 50*  
12 *percent of the cost of health care coverage for participating in a*  
13 *wellness program that meets all of the requirements of the federal*  
14 *Patient Protection and Affordable Care Act (Public Law 111-148).*

15     ~~SECTION 1. Section 103 of the Business and Professions Code~~  
16 ~~is amended to read:~~

17     ~~103. (a) Each member of a board, commission, or committee~~  
18 ~~created in the various chapters of Division 2 (commencing with~~  
19 ~~Section 500) and Division 3 (commencing with Section 5000),~~  
20 ~~and in Chapter 2 (commencing with Section 18600) and Chapter~~  
21 ~~3 (commencing with Section 19000) of Division 8, shall receive~~  
22 ~~the moneys specified in this section when authorized by the~~  
23 ~~respective provisions.~~

24     ~~(b) Each member shall receive a per diem of one hundred dollars~~  
25 ~~(\$100) for each day actually spent in the discharge of official~~  
26 ~~duties, and shall be reimbursed for traveling and other expenses~~  
27 ~~necessarily incurred in the performance of official duties.~~

1     ~~(e) The payments in each instance shall be made only from the~~  
2     ~~fund from which the expenses of the agency are paid and shall be~~  
3     ~~subject to the availability of money.~~

4     ~~(d) Notwithstanding any other provision of law, no public officer~~  
5     ~~or employee shall receive per diem salary compensation for serving~~  
6     ~~on those boards, commissions, committees, or the Consumer~~  
7     ~~Advisory Council on any day when the officer or employee also~~  
8     ~~received compensation for his or her regular public employment.~~