

HOUSE BILL NO. 5969

March 24, 2022, Introduced by Reps. Whiteford and Morse and referred to the Committee on Judiciary.

A bill to amend 1986 PA 268, entitled
"Legislative council act,"
(MCL 4.1101 to 4.1901) by amending the title, as amended by 2018 PA
638, and by adding chapter 8A.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE
2 An act to create the legislative council; to prescribe its
3 membership, powers, and duties; to create a legislative service
4 bureau to provide staff services to the legislature and the
5 council; to provide for operation of legislative parking
6 facilities; to create funds; to provide for the expenditure of

appropriated funds by legislative council agencies; to provide for the designation and authentication of certain electronic legal records as official; to authorize the sale of access to certain computerized data bases; to establish fees; to create the Michigan commission on uniform state laws; to create a law revision commission; to create a senate fiscal agency and a house fiscal agency; to create a commission on intergovernmental relations; **to create the opioid advisory commission and prescribe its powers and duties**; to prescribe the powers and duties of certain state agencies and departments; to repeal certain acts and parts of acts; and to repeal certain parts of this act on specific dates.

CHAPTER 8A

OPIOID ADVISORY COMMISSION

Sec. 850. As used in this chapter:

(a) "Michigan opioid healing and recovery fund" means the Michigan opioid healing and recovery fund created in section 3 of the Michigan trust fund act, 2000 PA 489, MCL 12.253.

(b) "Opioid advisory commission" means the opioid advisory commission created in section 851.

Sec. 851. (1) The opioid advisory commission is created in the council.

(2) The opioid advisory commission must consist of the following members:

(a) Twelve voting members that have experience in substance abuse prevention, health care, mental health, law enforcement, local government, first responder work, or similar fields appointed as follows:

(i) Four members appointed by the senate majority leader.

(ii) Four members appointed by the speaker of the house of

1 representatives.

2 (iii) One member appointed by the senate minority leader.

3 (iv) One member appointed by the minority leader of the house
4 of representatives.

5 (v) One member appointed by the senate majority leader and the
6 speaker of the house of representatives and selected from a list of
7 3 individuals provided by the governor.

8 (vi) One member appointed by the senate majority leader and the
9 speaker of the house of representatives and selected from a list of
10 3 individuals provided by the attorney general.

11 (b) The director of the department of health and human
12 services, or his or her designee, who shall serve as an ex officio
13 member without vote.

14 (c) The council administrator, or his or her designee, who
15 shall serve as an ex officio member without vote.

16 (3) In appointing members or providing a list from which
17 members will be selected under subsection (2) (a), the governor, the
18 senate majority leader, the speaker of the house of
19 representatives, the senate minority leader, the minority leader of
20 the house of representatives, and the attorney general shall ensure
21 that the members of the opioid advisory commission, to the extent
22 possible, reflect the geographic diversity of this state.

23 (4) All initial opioid advisory commission members must be
24 appointed within 60 days after the effective date of the amendatory
25 act that added this section.

26 (5) Of the first voting members appointed, 4 shall be
27 appointed to 1-year terms, 4 shall be appointed to 2-year terms,
28 and 4 shall be appointed to 3-year terms, as determined by the
29 senate majority leader and the speaker of the house of

1 representatives. After the first appointments, the term of a voting
2 member of the opioid advisory commission is 3 years or until a
3 successor is appointed under subsection (2), whichever is later.

4 (6) If a vacancy occurs on the opioid advisory commission, an
5 individual must be appointed in the same manner as the original
6 appointment to fill the vacancy for the balance of the term.

7 (7) The senate majority leader and the speaker of the house of
8 representatives may concur to remove a member of the opioid
9 advisory commission for incompetence, dereliction of duty,
10 malfeasance, misfeasance, or nonfeasance in office, or any other
11 good cause.

12 (8) The council administrator, or his or her designee, shall
13 call the first meeting of the opioid advisory commission. At the
14 first meeting, the opioid advisory commission shall elect a member
15 as a chairperson and, except as otherwise provided in this
16 subsection, may elect other officers that it considers necessary or
17 appropriate. The council administrator, or his or her designee,
18 shall serve as secretary. The opioid advisory commission shall meet
19 at least quarterly. The opioid advisory commission may meet more
20 frequently at the call of the chairperson or at the request of at
21 least 7 members.

22 (9) Seven voting members of the opioid advisory commission
23 constitute a quorum for transacting business. A majority vote of
24 the voting members present and serving is required for any action
25 of the opioid advisory commission.

26 (10) The opioid advisory commission shall conduct its business
27 in compliance with the open meetings act, 1976 PA 267, MCL 15.261
28 to 15.275.

29 (11) A writing that is prepared, owned, used, possessed, or

1 retained by the opioid advisory commission in performing an
2 official function is subject to the freedom of information act,
3 1976 PA 442, MCL 15.231 to 15.246.

4 (12) A member of the opioid advisory commission is not
5 entitled to compensation for service on the opioid advisory
6 commission, but the opioid advisory commission may reimburse a
7 member for actual and necessary expenses incurred in serving.

8 (13) The opioid advisory commission shall do all of the
9 following:

10 (a) Adopt policies and procedures for the administration of
11 the opioid advisory commission as allowed by law.

12 (b) Review local, state, and federal initiatives and
13 activities related to education, prevention, treatment, and
14 services for individuals and families affected by substance use
15 disorders and co-occurring mental health conditions, and establish
16 priorities to address substance use disorders and co-occurring
17 mental health conditions, for the purpose of recommending funding
18 initiatives to the legislature.

19 (c) By March 30 of each year, provide a written report to the
20 governor, the attorney general, the senate majority leader, the
21 speaker of the house of representatives, and the chairs of the
22 senate and house of representatives appropriations committees that
23 includes all of the following:

24 (i) A statewide evidence-based needs assessment that includes
25 at least all of the following:

26 (A) A summary of current local, state, and federal funding
27 used to address substance use disorders and co-occurring mental
28 health conditions.

29 (B) A discussion about how to prevent overdoses, address

1 disparities in access to health care, and prevent youth substance
2 use.

3 (C) An analysis, based on quantitative and qualitative data,
4 of the effects on this state of substance use disorders and co-
5 occurring mental health conditions.

6 (D) A description of the most common risk factors associated
7 with substance use disorders and co-occurring mental health
8 conditions.

9 (ii) Goals and recommendations, including the rationale behind
10 the goals and recommendations, sustainability plans, and
11 performance indicators relating to all of the following:

12 (A) Substance use disorder and co-occurring mental health
13 conditions prevention, treatment, recovery, and harm reduction
14 efforts.

15 (B) Reducing disparities in access to prevention, treatment,
16 recovery, and harm reduction programs, services, supports, and
17 resources.

18 (iii) An evidence-based assessment of the prior use of money
19 appropriated from the Michigan opioid healing and recovery fund,
20 including the extent to which such expenditures abated the opioid
21 crisis in this state.

22 (iv) Recommended funding for tasks, activities, projects, and
23 initiatives that would support the objectives of the commission.

24 (v) If applicable, recommended additional legislation needed
25 to accomplish the objectives of the commission.

26 Enacting section 1. This amendatory act does not take effect
27 unless Senate Bill No. ____ or House Bill No. 5968 (request no.
28 04724'21) of the 101st Legislature is enacted into law.