

# 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

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

## 12 CHAPTER 8A

### 13 OPIOID ADVISORY COMMISSION

14 Sec. 850. As used in this chapter:

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

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

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

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

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

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

29 (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.