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By:  Rose H.B. No. 3538

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Opioid and Substance Abuse Advisory Council.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subtitle E, Title 2, Health and Safety Code, is amended by adding Chapter 112 to read as follows:

CHAPTER 112. OPIOID AND SUBSTANCE ABUSE ADVISORY COUNCIL

Sec. 112.001.  DEFINITIONS. In this chapter:

(1)  "Advisory council" means the Opioid and Substance Abuse Advisory Council established under this chapter.

(2)  "Commission" means the Health and Human Services Commission.

Sec. 112.002.  ESTABLISHMENT; PURPOSE. The commission shall establish the Opioid and Substance Abuse Advisory Council to study and make recommendations to address opioid and substance abuse in this state.

Sec. 112.003.  MEMBERS. (a) The advisory council is composed of members appointed by the governor with the advice and consent of the senate.

(b)  The advisory council must include:

(1)  a medical examiner;

(2)  a pharmacist licensed in this state;

(3)  a social worker who focuses on the issue of substance abuse;

(4)  a member of a publicly funded addiction treatment program;

(5)  a member of a privately funded addiction treatment program;

(6)  a physician specializing in addiction treatment;

(7)  an emergency room physician;

(8)  a psychologist specializing in addiction treatment;

(9)  a licensed counselor specializing in alcohol and drug abuse cases;

(10)  a forensic pathologist;

(11)  two chief executive officers from two different health care systems;

(12)  a representative of a private health insurance company;

(13)  a representative from the Medicaid managed care program;

(14)  a member of an advocacy group focusing on substance abuse prevention, treatment, and recovery;

(15)  a first responder who is emergency medical services personnel;

(16)  a juvenile court judge;

(17)  a district court judge;

(18)  an employee of the Department of Public Safety with duties related to criminal investigations involving controlled substances or other drugs;

(19)  an employee of the Texas Board of Pharmacy with duties related to the prescription monitoring program;

(20)  a member of the Texas Juvenile Justice Department;

(21)  a member of the Texas Department of Criminal Justice;

(22)  a member from the Texas A&M University Health Science Center Opioid Task Force;

(23)  a member of the Texas Medical Association who serves on the American Medical Association Opioid Task Force; and

(24)  a law enforcement official from an area designated as a High Intensity Drug Trafficking Area by the United States Drug Enforcement Administration.

Sec. 112.004.  TERMS; VACANCY. (a) Advisory council members serve staggered four-year terms with half the members' terms expiring February 1 of each odd-numbered year.

(b)  A member may serve more than one term.

(c)  If a vacancy occurs on the advisory council, a person shall be appointed to fill the vacancy for the unexpired term.

Sec. 112.005.  OFFICERS; SUBCOMMITTEES. (a) Advisory council members shall:

(1)  elect a chair and a vice chair; and

(2)  establish the duties of the chair and the vice chair.

(b)  The chair may appoint subcommittees.

Sec. 112.006.  MEETINGS. The advisory council shall meet at least four times each year.

Sec. 112.007.  COMPENSATION AND REIMBURSEMENT. A member of the advisory council may not receive compensation for service on the advisory council but is entitled to reimbursement of the travel expenses incurred by the member while conducting the business of the advisory council, as provided by the General Appropriations Act.

Sec. 112.008.  DUTIES. The advisory council shall:

(1)  serve as a central location for opioid and substance abuse information;

(2)  maintain and provide the latest statistics and information concerning research on opioid and substance abuse;

(3)  develop or recommend best practices for opioid and substance abuse prevention and treatment, relevant training, and psychological and substance abuse treatments; and

(4)  make policy recommendations related to opioid and substance abuse prevention and treatment.

Sec. 112.009.  REPORT. (a) Not later than January 1 of each odd-numbered year, the advisory council shall provide a report to the governor, the lieutenant governor, the legislature, and the commission.

(b)  The report must include any findings and recommendations made by the advisory council regarding:

(1)  the advisory council's functions;

(2)  strategic planning initiatives; and

(3)  recommendations for proposed legislation.

SECTION 2.  (a) Not later than December 1, 2019, the governor shall appoint the Opioid and Substance Abuse Advisory Council members as required by Chapter 112, Health and Safety Code, as added by this Act.

(b)  In making the initial appointments, the governor shall designate half the members to a term expiring February 1, 2021, and half the members to a term expiring February 1, 2023.

SECTION 3.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.