

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;

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

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

5           (6) a physician specializing in addiction treatment;

6           (7) an emergency room physician;

7           (8) a psychologist specializing in addiction  
8 treatment;

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

11           (10) a forensic pathologist;

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

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

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

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

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

22           (16) a juvenile court judge;

23           (17) a district court judge;

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

27           (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

1 the advisory council may not receive compensation for service on  
2 the advisory council but is entitled to reimbursement of the travel  
3 expenses incurred by the member while conducting the business of  
4 the advisory council, as provided by the General Appropriations  
5 Act.

6 Sec. 112.008. DUTIES. The advisory council shall:

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

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

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

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

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

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

22 (1) the advisory council's functions;

23 (2) strategic planning initiatives; and

24 (3) recommendations for proposed legislation.

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

1 as added by this Act.

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

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