

115TH CONGRESS 2D SESSION

H. R. 5892

To establish an Advisory Committee on Opioids and the Workplace to advise the Secretary of Labor on actions the Department of Labor can take to address the impact of opioid abuse on the workplace.

IN THE HOUSE OF REPRESENTATIVES

May 21, 2018

Mr. Lewis of Minnesota (for himself and Mr. Cartwright) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

- To establish an Advisory Committee on Opioids and the Workplace to advise the Secretary of Labor on actions the Department of Labor can take to address the impact of opioid abuse on the workplace.
 - 1 Be it enacted by the Senate and House of Representa-
 - 2 tives of the United States of America in Congress assembled,
 - 3 SECTION 1. ESTABLISHMENT OF AN ADVISORY COMMITTEE
 - 4 ON OPIOIDS AND THE WORKPLACE.
 - 5 (a) Establishment.—Not later than 90 days after
 - 6 enactment of this Act, the Secretary of Labor shall estab-
 - 7 lish an Advisory Committee on Opioids and the Workplace
 - 8 (referred to in this Act as the "Advisory Committee") to

- 2 advise the Secretary on actions the Department of Labor can take to provide informational resources and best practices on how to appropriately address the impact of opioid 4 abuse on the workplace and support workers abusing 5 opioids. 6 (b) Membership.— 7 (1) Composition.—The Secretary of Labor 8 shall appoint as members of the Advisory Committee 9 19 individuals with expertise in employment, work-10 place health programs, human resources, substance 11 use disorder, and other relevant fields. The Advisory 12 Committee shall be composed as follows: 13 (A) 4 of the members shall be individuals 14 representative of employers or other organiza-15 tions representing employers. 16 (B) 4 of the members shall be individuals 17 representative of workers or other organizations 18 representing workers, of which at least 2 must 19 be representatives designated by labor organiza-20 tions.
 - (C) 3 of the members shall be individuals representative of health benefit plans, employee assistance plan providers, workers' compensation program administrators, and workplace safety and health professionals.

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- 1 (D) 8 of the members shall be individuals
 2 representative of substance abuse treatment
 3 and recovery experts, including medical doctors,
 4 licensed addiction therapists, and scientific and
 5 academic researchers, of which 1 individual may
 6 be a representative of a local or State govern7 ment agency that oversees or coordinates pro8 grams that address substance use disorder.
 - (2) CHAIR.—From the members appointed under paragraph (1), the Secretary of Labor shall appoint a chairperson.
 - (3) TERMS.—Each member of the Advisory Committee shall serve for a term of three years. A member appointed to fill a vacancy shall be appointed only for the remainder of such term.
 - (4) QUORUM.—A majority of members of the Advisory Committee shall constitute a quorum and action shall be taken only by a majority vote of the members.
 - (5) VOTING.—The Advisory Committee shall establish voting procedures.
 - (6) No compensation.—Members of the Advisory Committee shall serve without compensation.

1	(7) DISCLOSURE.—Every member of the Advi-
2	sory Committee must disclose the entity, if applica-
3	ble, that he or she is representing.
4	(c) Duties.—
5	(1) Advisement.—
6	(A) IN GENERAL.—The Advisory Com-
7	mittee established under subsection (a) shall
8	advise the Secretary of Labor on actions the
9	Department of Labor can take to provide infor-
10	mational resources and best practices on how to
11	appropriately address the impact of opioid
12	abuse on the workplace and support workers
13	abusing opioids.
14	(B) Considerations.—In providing such
15	advice, the Advisory Committee shall take into
16	account—
17	(i) evidence-based and other employer
18	substance abuse policies and best practices
19	regarding opioid use or abuse, including
20	benefits provided by employee assistance
21	programs or other employer-provided bene-
22	fits, programs, or resources;
23	(ii) the effect of opioid use or abuse
24	on the safety of the workplace as well as

1	policies and procedures addressing work-
2	place safety and health;
3	(iii) the impact of opioid abuse on
4	productivity and absenteeism, and assess-
5	ments of model human resources policies
6	that support workers abusing opioids, such
7	as policies that facilitate seeking and re-
8	ceiving treatment and returning to work;
9	(iv) the extent to which alternative
10	pain management treatments other than
11	opioids are or should be covered by em-
12	ployer-sponsored health plans;
13	(v) the legal requirements protecting
14	employee privacy and health information in
15	the workplace, as well as the legal require-
16	ments related to nondiscrimination;
17	(vi) potential interactions of opioid
18	abuse with other substance use disorders;
19	(vii) any additional benefits or re-
20	sources available to an employee abusing
21	opioids that promote retaining employment
22	or reentering the workforce;
23	(viii) evidence-based initiatives that
24	engage employers, employees, and commu-
25	nity leaders to promote early identification

1	of opioid abuse, intervention, treatment,
2	and recovery;
3	(ix) workplace policies regarding
4	opioid abuse that reduce stigmatization
5	among fellow employees and management;
6	and
7	(x) the legal requirements of the Men-
8	tal Health Parity and Addiction Equity
9	Act and other laws related to health cov-
10	erage of substance abuse and mental
11	health services and medications.
12	(2) Report.—Prior to its termination as pro-
13	vided in subsection (j), the Advisory Committee shall
14	issue a report to the Secretary of Labor and to the
15	Committee on Education and the Workforce of the
16	House of Representatives and the Committee on
17	Health, Education, Labor, and Pensions of the Sen-
18	ate, detailing successful programs and policies in-
19	volving workplace resources and benefits, including
20	recommendations or examples of best practices for
21	how employers can support and respond to employ-
22	ees impacted by opioid abuse.
23	(d) Meetings.—The Advisory Committee shall meet

at least twice a year at the call of the chairperson.

- 1 (e) Staff Support.—The Secretary of Labor shall
- 2 make available staff necessary for the Advisory Committee
- 3 to carry out its responsibilities.
- 4 (f) Federal Advisory Committee Act.—The
- 5 Federal Advisory Committee Act shall apply to the Advi-
- 6 sory Committee established under this Act.
- 7 (g) No Appropriated Funds.—No additional
- 8 funds are authorized to be appropriated to carry out this
- 9 Act. Expenses of the Advisory Committee shall be paid
- 10 with funds otherwise appropriated to Departmental Man-
- 11 agement within the Department of Labor.
- 12 (h) Ex Officio.—Three nonvoting representatives
- 13 from agencies within the Department of Health and
- 14 Human Services whose responsibilities include opioid pre-
- 15 scribing guidelines, workplace safety, and monitoring of
- 16 substance abuse and prevention programs shall be ap-
- 17 pointed by the Secretary of Labor and designated as ex
- 18 officio members.
- 19 (i) AGENDA.—The Secretary of Labor or a represent-
- 20 ative of the Secretary shall consult with the Chair in es-
- 21 tablishing the agenda for Committee meetings.
- 22 (j) Termination.—The Advisory Committee estab-
- 23 lished under this Act shall terminate three years after the
- 24 date of enactment of this Act.