

**SENATE FISCAL AGENCY
 MEMORANDUM**

DATE: October 27, 2022
TO: Members of the Michigan Senate
FROM: John Maxwell, Senior Fiscal Analyst
RE: Executive Order 2022-12

Executive Order 2022-12

On September 29, 2022 Governor Whitmer issued Executive Order (E.O.) 2022-12, which would reconstitute the Michigan Opioids Task Force as an advisory body within the Department of Health and Human Services (DHHS) to address the opioid epidemic in Michigan. E.O. 2022-12 rescinded E.O. 2019-18 and abolished the Michigan Opioids Task Force as established under E.O. 2019-18.

Executive Order 2022-12 was effective upon filing, September 29, 2022. It was not an E.O. that required the force of law and is, therefore, not subject to legislative disapproval.

Task Force Membership

The Michigan Opioids Task Force reconstituted under E.O. 2022-12 would serve as an advisory body to address the opioid epidemic in Michigan. Members of the Task Force would be ex officio members and serve at the pleasure of the Governor with the Governor designating the chairperson of the Task Force. Membership of the Task Force would be made up of the following:

- The Director of the Department of Health and Human Services or their designee
- The State's Chief Medical Executive
- The Director of the Department of Licensing and Regulatory Affairs of their designee
- The Director of the Michigan State Police or their designee
- The Director of the Department of Corrections or their designee
- The Director of the Department of Environment, Great Lakes, and Energy or their designee
- The Director of the Department of Insurance and Financial Services or their designee
- The Director of the Department of Military and Veterans Affairs or their designee
- The Director of the Department of Labor and Economic Opportunity of their designee
- The Attorney General of their designee
- The Superintendent of Public Instruction or their designee
- Ten representatives appointed by the Governor, one for each region established by DHHS for specialty prepaid inpatient health plans, called PIHP regions.

Additionally, the Chief Justice of the Michigan Supreme Court or their designee may serve as a Task Force member.

Task Force Responsibilities

The Task Force is charged with providing recommendations, and developing and coordinating response action activities among departments and agencies to do the following:

- Identify and evaluate the opioid epidemic's root cause and contributing factors, and the effectiveness of response actions;
- Identify and evaluate the nature and scope of the epidemic's impact on locations and communities throughout the State;
- Identify and evaluate what financial and other resources are available on all levels to combat the opioid epidemic;
- Increase public awareness of the opioid epidemic, its causes and effects, the resources available to people afflicted, and actions that can be taken to combat opioid addiction;
- Develop communication and information-sharing protocols between Task Force members and other stakeholders;
- Perform outreach to ensure all stakeholders in impacted areas are informed, educated, and empowered;
- Perform outreach to the general public regarding the opioid epidemic and the work of the Task Force;
- Create measurable goals and objectives along an established timeline;
- Recommended changes in Michigan law; and,
- Provide other information and advice and perform other duties as requested by the Director of the Department or the Governor.

The Task Force would be required to report regularly to the Governor on its activities.

Operations and Implementations

The Task Force must comply with the Freedom of Information Act, 1976 PA 442. The Task Force is empowered to create advisory workgroups composed of existing members. It is also empowered to accept donations of labor, services, or other items of value from any public or private entity. The Task Force may hire or retain contractors, advisors, and consultants, and may enter into contracts related to the performance of its duties under the discretion of the Director and subject to available funding. Departments are required to provide any assistance or information to the Task Force, as permitted by law.

Types of Transfers

Article V, Section 2 of the State Constitution authorizes the Governor to organize the Executive branch of government by Executive Order. Three types of reorganizations are identified in the Executive Organization Act:

Type I Transfer. Under a Type I transfer, an existing department, board, commission, or agency is transferred intact to another principal department. The entity is administered under the supervision of the new principal department; however, the prescribed statutory powers, duties, and functions are exercised by the entity as a relatively autonomous entity.

Type II Transfer. Under a Type II transfer, all of the statutory authority, powers, duties, and functions, as well as records, personnel, property, unspent balances of appropriations and other funds associated with an entity, and the entity itself, are transferred to and placed under the authority of the principal department.

Type III Transfer. A Type III transfer abolishes an existing entity. The statutory authority, powers, duties, functions, records, personnel, and funding are not abolished, but are transferred to a principal department.

The creation of the Task Force does not involve a Type I, II, or III transfer as identified under the Executive Organization Act.

Fiscal Impact

Executive Order 2022-12 requires the DHHS to use existing appropriations to support the basic functions of the Michigan Opioids Task Force. The DHHS would be responsible for providing personnel, budgeting, procurement, and other operational needs to the Task Force. Support for the Task Force will consist of reimbursement for necessary travel expenses consistent with applicable law, rules, and procedures, and subject to available funds. The Task Force may accept donations of labor, services, or other things of value from any public or private agency or person. Should the Task Force choose to exercise its authority to hire outside contractors, advisors, or contractors, additional funding could be required.

Summary

Executive Order 2022-12 would establish the Michigan Opioids Task Force as a permanent advisory body within the Department of Health and Human Services to address the opioid epidemic in Michigan.

The Governor issued this E.O. on September 29, 2022. As an advisory body, the creation of the Task Force does not require the force of law and is, therefore, not subject to legislative disapproval.

If you have any questions on E.O. 2022-12, please do not hesitate to contact me.

/jw

c: Kathryn Summers, Director
Josh Sefton, Associate Director