

115TH CONGRESS
2D SESSION

H. R. 5892

IN THE SENATE OF THE UNITED STATES

JUNE 14, 2018

Received; read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

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,*

1 **SECTION 1. ESTABLISHMENT OF AN ADVISORY COMMITTEE**
2 **ON OPIOIDS AND THE WORKPLACE.**

3 (a) ESTABLISHMENT.—Not later than 90 days after
4 enactment of this Act, the Secretary of Labor shall estab-
5 lish an Advisory Committee on Opioids and the Workplace
6 (referred to in this Act as the “Advisory Committee”) to
7 advise the Secretary on actions the Department of Labor
8 can take to provide informational resources and best prac-
9 tices on how to appropriately address the impact of opioid
10 abuse on the workplace and support workers abusing
11 opioids.

12 (b) MEMBERSHIP.—

13 (1) COMPOSITION.—The Secretary of Labor
14 shall appoint as members of the Advisory Committee
15 19 individuals with expertise in employment, work-
16 place health programs, human resources, substance
17 use disorder, and other relevant fields. The Advisory
18 Committee shall be composed as follows:

19 (A) Four of the members shall be individ-
20 uals representative of employers or other orga-
21 nizations representing employers.

22 (B) Four of the members shall be individ-
23 uals representative of workers or other organi-
24 zations representing workers, of which at least
25 two must be representatives designated by labor
26 organizations.

1 (C) Three of the members shall be individ-
2 uals representative of health benefit plans, em-
3 ployee assistance plan providers, workers' com-
4 pensation program administrators, and work-
5 place safety and health professionals.

6 (D) Eight of the members shall be individ-
7 uals representative of substance abuse treat-
8 ment and recovery experts, including medical
9 doctors, licensed addiction therapists, and sci-
10 entific and academic researchers, of which one
11 individual may be a representative of a local or
12 State government agency that oversees or co-
13 ordinates programs that address substance use
14 disorder.

15 (2) CHAIR.—From the members appointed
16 under paragraph (1), the Secretary of Labor shall
17 appoint a chairperson.

18 (3) TERMS.—Each member of the Advisory
19 Committee shall serve for a term of 3 years. A mem-
20 ber appointed to fill a vacancy shall be appointed
21 only for the remainder of such term.

22 (4) QUORUM.—A majority of members of the
23 Advisory Committee shall constitute a quorum and
24 action shall be taken only by a majority vote of the
25 members.

1 (5) VOTING.—The Advisory Committee shall es-
2 ablish voting procedures.

3 (6) NO COMPENSATION.—Members of the Advi-
4 sory Committee shall serve without compensation.

5 (7) DISCLOSURE.—Every member of the Advi-
6 sory Committee must disclose the entity, if applica-
7 ble, that he or she is representing.

8 (c) DUTIES.—

9 (1) ADVISEMENT.—

10 (A) IN GENERAL.—The Advisory Com-
11 mittee established under subsection (a) shall
12 advise the Secretary of Labor on actions the
13 Department of Labor can take to provide infor-
14 mational resources and best practices on how to
15 appropriately address the impact of opioid
16 abuse on the workplace and support workers
17 abusing opioids.

18 (B) CONSIDERATIONS.—In providing such
19 advice, the Advisory Committee shall take into
20 account—

21 (i) evidence-based and other employer
22 substance abuse policies and best practices
23 regarding opioid use or abuse, including
24 benefits provided by employee assistance

1 programs or other employer-provided bene-
2 fits, programs, or resources;

3 (ii) the effect of opioid use or abuse
4 on the safety of the workplace as well as
5 policies and procedures addressing work-
6 place safety and health;

7 (iii) the impact of opioid abuse on
8 productivity and absenteeism, and assess-
9 ments of model human resources policies
10 that support workers abusing opioids, such
11 as policies that facilitate seeking and re-
12 ceiving treatment and returning to work;

13 (iv) the extent to which alternative
14 pain management treatments other than
15 opioids are or should be covered by em-
16 ployer-sponsored health plans;

17 (v) the legal requirements protecting
18 employee privacy and health information in
19 the workplace, as well as the legal require-
20 ments related to nondiscrimination;

21 (vi) potential interactions of opioid
22 abuse with other substance use disorders;

23 (vii) any additional benefits or re-
24 sources available to an employee abusing

1 opioids that promote retaining employment
2 or reentering the workforce;

3 (viii) evidence-based initiatives that
4 engage employers, employees, and commu-
5 nity leaders to promote early identification
6 of opioid abuse, intervention, treatment,
7 and recovery;

8 (ix) workplace policies regarding
9 opioid abuse that reduce stigmatization
10 among fellow employees and management;
11 and

12 (x) the legal requirements of the Men-
13 tal Health Parity and Addiction Equity
14 Act and other laws related to health cov-
15 erage of substance abuse and mental
16 health services and medications.

17 (2) REPORT.—Prior to its termination as pro-
18 vided in subsection (j), the Advisory Committee shall
19 issue a report to the Secretary of Labor and to the
20 Committee on Education and the Workforce of the
21 House of Representatives and the Committee on
22 Health, Education, Labor, and Pensions of the Sen-
23 ate, detailing successful programs and policies in-
24 volving workplace resources and benefits, including
25 recommendations or examples of best practices for

1 how employers can support and respond to employ-
2 ees impacted by opioid abuse.

3 (d) MEETINGS.—The Advisory Committee shall meet
4 at least twice a year at the call of the chairperson.

5 (e) STAFF SUPPORT.—The Secretary of Labor shall
6 make available staff necessary for the Advisory Committee
7 to carry out its responsibilities.

8 (f) FEDERAL ADVISORY COMMITTEE ACT.—The
9 Federal Advisory Committee Act shall apply to the Advi-
10 sory Committee established under this Act.

11 (g) NO APPROPRIATED FUNDS.—No additional
12 funds are authorized to be appropriated to carry out this
13 Act. Expenses of the Advisory Committee shall be paid
14 with funds otherwise appropriated to Departmental Man-
15 agement within the Department of Labor.

16 (h) EX OFFICIO.—Three nonvoting representatives
17 from agencies within the Department of Health and
18 Human Services whose responsibilities include opioid pre-
19 scribing guidelines, workplace safety, and monitoring of
20 substance abuse and prevention programs shall be ap-
21 pointed by the Secretary of Labor and designated as ex
22 officio members.

23 (i) AGENDA.—The Secretary of Labor or a represent-
24 ative of the Secretary shall consult with the Chair in es-
25 tablishing the agenda for Committee meetings.

1 (j) TERMINATION.—The Advisory Committee estab-
2 lished under this Act shall terminate 3 years after the date
3 of enactment of this Act.

Passed the House of Representatives June 13, 2018.

Attest:

KAREN L. HAAS,
Clerk.