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GOVERNOR

STATE OF MICHIGAN  
OFFICE OF THE GOVERNOR  
LANSING

GARLIN GILCHRIST II  
LT. GOVERNOR

## EXECUTIVE ORDER

No. 2022-12

### Michigan Opioids Task Force

#### Department of Health and Human Services

The epidemic of opioid abuse has plagued Michigan for years. While more recent response efforts have made some headway in combating this epidemic, it remains a significant public-health crisis, afflicting Michigan residents of all backgrounds, age groups, and income levels.

Michigan has taken a coordinated and comprehensive approach to combating the opioid epidemic. Fighting an epidemic of this size and impact has required a coordinated and comprehensive approach: one that identifies and confronts the full scope of the epidemic's root causes and contributing factors in Michigan; that pools, optimizes, and augments the efforts and resources on all levels—public and private; local, state, and federal—that are available to address the epidemic; and that raises public awareness of the epidemic, its causes and effects, the resources available to those afflicted by it, and the actions that can be taken to combat it.

We have also vigorously pursued the companies and individuals who created the crisis by putting corporate profits ahead of human welfare. This strategy has resulted in several large settlements against opioid manufacturers, as well as those who distributed the drugs that created such harm in our communities.

On August 21, 2019, Executive Order 2019-18 established the Michigan Opioids Task Force to inform the state's strategy for addressing the opioid epidemic. Progress has been made, but much more remains to be done. The Task Force must be updated to optimize its work and to allow it to efficiently receive and distribute resources.

Section 51 of article 4 of the Michigan Constitution of 1963 declares the public health and general welfare of the people of the State of Michigan as matters of primary public concern.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the

State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 places each principal department of state government under the supervision of the governor unless otherwise provided.

Section 8 of article 5 of the Michigan Constitution of 1963 also obligates the governor to take care that the laws be faithfully executed.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

**1. Creation of the Michigan Opioids Task Force**

- (a) The Michigan Opioids Task Force (“Task Force”) is reconstituted as an advisory body within the Department of Health and Human Services (“Department”).
- (b) The Task Force shall consist of the following members:
  - (1) State Representatives
    - (A) The director of the Department, or the director’s designee from within the Department.
    - (B) The chief medical executive of the State of Michigan.
    - (C) The director of the Department of Licensing and Regulatory Affairs, or the director’s designee from within that department.
    - (D) The director of the Michigan State Police, or the director’s designee from within that department.
    - (E) The director of the Department of Corrections, or the director’s designee from within that department.
    - (F) The director of the Department of Environment, Great Lakes, and Energy, or the director’s designee from within that department.
    - (G) The director of the Department of Insurance and Financial Services, or the director’s designee from within that department.
    - (H) The director of the Department of Military and Veterans Affairs, or the director’s designee from within that department.
    - (I) The director of the Department of Labor and Economic Opportunity, or the director’s designee from within that department.
    - (J) The attorney general, or the attorney general’s designee from

within the Department of Attorney General.

- (K) The superintendent of public instruction, or the superintendent's designee from within the Department of Education.
- (2) Representatives from Local Governments
  - (A) One representative appointed by the Governor from each of the ten regions established by the Department for specialty Prepaid Inpatient Health Plans for Medicaid mental health and substance use disorder services and supports ("PIHP Regions").
- (3) Representative from the Michigan Supreme Court
  - (A) The chief justice of the Michigan Supreme Court, or the chief justice's designee, may also participate as a member of the Task Force.
- (c) The Task Force, as a group, should possess experience, expertise, and education with respect to one or more of the following: public health, substance use, or health equity. Membership by individuals with direct lived experience in substance use and related services is a priority.
- (d) Members of the Task Force appointed under section (1)(b)(1) are ex officio members and serve at the pleasure of the governor.
- (e) Members of the Task Force appointed under section (1)(b)(2) shall serve for four-year terms. Of the members initially appointed, two shall serve for one-year terms, three shall serve for two-year terms, two shall serve for three-year terms, and three shall serve for four-year terms. A vacancy on the Task Force shall be filled in the same manner as the original appointment for the balance of the unexpired term.
- (f) The director of the Department shall designate the chairperson of the Task Force from among the State Representatives. For purposes of allocation decisions under Section 2(a) of this Order, the chairperson will be a non-voting member.

## **2. Charge to the Task Force**

- (a) The Task Force shall act as a Government Participation Mechanism for purposes of any opioid-related bankruptcy or settlement in which a government participation mechanism is needed to effectuate Michigan's collection of the claim.
- (b) The Task Force shall provide recommendations to the State of Michigan, Director of the Department, and the heads of other departments or agencies, and coordinate activities among departments and agencies.
- (c) The Task Force shall research, identify, recommend, and implement response actions to the opioid epidemic in Michigan, which may include the following:

- (1) Identify and evaluate the epidemic's root causes and contributing factors in Michigan, and the effectiveness of response actions on all levels that have been undertaken or are currently being undertaken. Develop strategies for supporting or otherwise improving the efficacy of those response actions.
  - (2) Identify and evaluate the nature and scope of the epidemic's impact on various locations and communities throughout the state and what response actions would be most effective in helping each of those impacted areas. Develop strategies for implementing those response actions.
  - (3) Identify and evaluate what financial and other resources are available on all levels to combat the epidemic in Michigan. Develop strategies for securing, coordinating, augmenting, and deploying those resources.
  - (4) Develop strategies for increasing public awareness of the epidemic in Michigan, its causes and effects, the resources available to those afflicted by it, and the actions that can be taken to combat it.
  - (5) Develop routine communication and information-sharing protocols between members of the Task Force and stakeholders on all levels.
  - (6) Perform outreach to ensure all stakeholders in impacted areas are informed, educated, and empowered. Stakeholders will include, but are not limited to, residents, community members, other partner organizations, tribal governments, local government officials, and other elected officials representing the impacted areas.
  - (7) Perform outreach to the general public regarding the epidemic and the work of the Task Force.
  - (8) Create measurable goals and objectives along an established timeline.
  - (9) Recommend changes in Michigan law relevant to combating the epidemic.
  - (10) Provide other information and advice and perform other duties as requested by the director of the Department or the governor.
- (d) The Task Force shall report regularly to the governor on its activities.

### **3. Operations of the Task Force**

- (a) The Department shall assist the Task Force in the performance of its duties and provide personnel to staff the Task Force. The budgeting, procurement, and related management functions of the Task Force shall be performed under the direction and supervision of the director of the Department.
- (b) The Task Force shall adopt procedures consistent with Michigan law and this order governing its organization and operations.

- (c) The Task Force shall hold no fewer than four public meetings per year and shall comply at those meetings with the Open Meetings Act, MCL 15.261 *et seq.*
- (d) The Task Force shall promote stakeholder participation, including from the former Opioid Task Force Stakeholders Advisory Group.
- (e) The Task Force shall comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.
- (f) The Task Force may select from among its members a vice chairperson.
- (g) The Task Force may select from among its members a secretary. Task Force staff shall assist the secretary with record keeping responsibilities.
- (h) The Task Force shall meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Task Force.
- (i) A majority of the members of the Task Force serving constitutes a quorum for the transaction of the business of the Task Force. The Task Force must act by a majority vote of its serving members.
- (j) The Task Force may establish advisory workgroups composed of individuals or entities participating in Task Force activities or other members of the public as deemed necessary by the Task Force to assist it in performing its duties and responsibilities. The Task Force may adopt, reject, or modify any recommendations proposed by an advisory workgroup.
- (k) The Task Force may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Task Force also may consult with outside experts in order to perform its duties, including experts in the private sector, organized labor, government agencies, and at institutions of higher education.
- (l) The Task Force may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the exercise of the powers of the Task Force and the performance of its duties as the director of the Department deems advisable and necessary, consistent with this order and applicable law, rules and procedures, and subject to available funding.
- (m) The Task Force may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations shall be received and used in accordance with law.
- (n) Members of the Task Force shall serve without compensation but may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, and subject to available funding.

- (o) Members of the Task Force shall coordinate all legislative and media contacts that directly involve the work of the Task Force.

**4. Implementation**

- (a) All departments, committees, commissioners, or officers of this state shall give to the Task Force, or to any member or representative of the Task Force, any necessary assistance required by the Task Force, or any member or representative of the Task Force, in the performance of the duties of the Task Force so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Task Force, consistent with applicable law.
- (b) Nothing in this order shall be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.
- (c) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded and the rest of the order should remain in effect as issued.
- (d) Executive Order 2019-18 is rescinded. The Michigan Opioids Task Force established under Executive Order 2019-18 is abolished.
- (e) This order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan.

Date: September 29, 2022

Time: 6:58am



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GRETCHEN WHITMER  
GOVERNOR

By the Governor:



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SECRETARY OF STATE

