

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.

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## 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

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## 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

1 advise the Secretary on actions the Department of Labor  
2 can take to provide informational resources and best prac-  
3 tices 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.

21 (C) 3 of the members shall be individuals  
22 representative of health benefit plans, employee  
23 assistance plan providers, workers' compensa-  
24 tion program administrators, and workplace  
25 safety and health professionals.

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 govern-  
7           ment agency that oversees or coordinates pro-  
8           grams that address substance use disorder.

9           (2) CHAIR.—From the members appointed  
10          under paragraph (1), the Secretary of Labor shall  
11          appoint a chairperson.

12          (3) TERMS.—Each member of the Advisory  
13          Committee shall serve for a term of three years. A  
14          member appointed to fill a vacancy shall be ap-  
15          pointed only for the remainder of such term.

16          (4) QUORUM.—A majority of members of the  
17          Advisory Committee shall constitute a quorum and  
18          action shall be taken only by a majority vote of the  
19          members.

20          (5) VOTING.—The Advisory Committee shall es-  
21          tablish voting procedures.

22          (6) NO COMPENSATION.—Members of the Advi-  
23          sory 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  
24 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.

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