



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2020-1

Prescription Drug Task Force

Department of Health and Human Services

Over the past six years, the average price of drugs prescribed to treat diabetes, heart disease, depression, and other common conditions has more than doubled. These prices are set with little transparency but with tremendous consequence. Many of the problems Michiganders face in health care are the result of the skyrocketing costs of prescription drugs – from plans that are too expensive, to deductibles that are too high, to vital medications too expensive for many people who need them.

No one should ever have to worry about choosing between filling a life-saving prescription or paying rent. But that worry is increasingly the reality. Michigan urgently needs solutions to this problem, and leaders must act quickly and cooperatively to find them.

The health and well-being of this state and its residents, communities, and businesses would benefit from a task force devoted to bringing transparency and affordability to the pricing of prescription drugs.

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 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 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 obligates the governor to take care that the laws be faithfully executed.

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

1. Creating the Prescription Drug Task Force

- (a) The Prescription Drug Task Force (“Task Force”) is created as an advisory body within the Department of Health and Human Services (“Department”).
- (b) The Task Force must include the following members from the executive branch of state government appointed by the governor:
 - (1) The director of the Department and a designee of the director from within the Department; or two designees of the director from within the Department.
 - (2) The director of the Department of Insurance and Financial Services, or the director’s designee from within that department.
 - (3) The director of the Department of Licensing and Regulatory Affairs, or the director’s designee from within that department.
- (c) The following officers of the legislative branch of state government may also participate as members of the Task Force:
 - (1) Three members of the Michigan House of Representatives designated by the governor.
 - (2) Two members of the Michigan Senate designated by the governor.
- (d) Members of the Task Force are ex officio members and serve at the pleasure of the governor.
- (e) A vacancy on the Task Force must be filled in the same manner as the original appointment.

2. Charge to the Task Force

- (a) The Task Force must act in an advisory capacity to the governor and must do the following:
 - (1) Analyze the scope and causes of the problem of high-cost prescription drugs in Michigan and the impact of this problem on this state’s residents, communities, and businesses.
 - (2) Analyze the way prescription drug prices are set in Michigan and identify strategies for increasing the transparency of that process.
 - (3) Recommend legislative and administrative actions that can be taken, and policy-related changes that can be implemented by governmental and non-governmental agencies, relevant to lowering prescription drug prices for consumers in Michigan.

- (4) Recommend legislative and administrative actions that can be taken, and policy-related changes that can be implemented by governmental and non-governmental agencies, relevant to increasing transparency in the pricing of prescription drugs in Michigan.
 - (5) Provide other information or advice or take other actions as requested by the governor.
- (b) The Task Force must complete its work and submit a final report to the governor detailing its findings and recommendations by August 15, 2020.

3. Operations of the Task Force

- (a) The Department must 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 must be performed under the direction and supervision of the director of the Department.
- (b) The Task Force must adopt procedures, consistent with this order and applicable law, governing its organization and operations.
- (c) The Task Force must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.
- (d) The director of the Department, or the director's designee from within the Department, must serve as the chairperson of the Task Force.
- (e) The Task Force may select from among its members a vice chairperson.
- (f) The Task Force may select from among its members a secretary. Task Force staff must assist the secretary with recordkeeping responsibilities.
- (g) The Task Force must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Task Force.
- (h) 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 members.
- (i) 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.
- (j) 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.

- (k) 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.
- (l) The Task Force may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.
- (m) Members of the Task Force must not receive additional compensation for participation on the Task Force. Members of the Task Force may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, and subject to available funding.
- (n) Members of the Task Force must refer all legal, legislative, and media contacts to the Department.
- (o) The Task Force will dissolve 90 days after issuance of its final report.

4. Implementation

- (a) All departments, committees, commissioners, or officers of this state must 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) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.
- (c) Nothing in this order should 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.
- (d) If any portion of this order is found to be unenforceable, the rest of the order remains in effect.
- (e) This order is effective upon filing.

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

Date: February 21, 2020



GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE