

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 7, 2021

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB21-154 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

- 1 Amend printed bill, page 4, line 24, strike "(1)(b)(I) and".
- 2 Page 4, line 26, strike "(1) (b) The".
- 3 Page 4, strike line 27.
- 4 Page 5, strike lines 1 through 8.
- 5 Page 5, line 12, after "CENTER," insert "CREATED IN SECTION
- 6 27-60-103.5,".
- 7 Page 5, strike lines 24 through 27 and substitute "~~behavioral health crisis~~
- 8 ~~services~~:".
- 9 Page 6, strike lines 1 through 3.
- 10 Page 6, line 13, strike "CONTRACT WITH" and substitute "FUND".
- 11 Page 6, strike line 14 and substitute "TO PROVIDE INTERVENTION".
- 12 Page 7, line 19, after "CENTER," insert "INCLUDING CRISIS OUTREACH,
- 13 STABILIZATION, AND ACUTE CARE PROVIDED IN RESPONSE TO CALLS MADE
- 14 TO THE 988 CRISIS HOTLINE CENTER,".
- 15 Page 7, after line 21 insert:



1 "(d) ANY REVENUE GENERATED THROUGH THE 988 SURCHARGE OR
2 THE PREPAID WIRELESS 988 CHARGE CREATED IN ARTICLE 17.5 OF TITLE 40
3 DO NOT SUPPLANT AND ARE IN ADDITION TO ANY MONEY APPROPRIATED
4 TO THE STATE DEPARTMENT FOR THE BEHAVIORAL HEALTH CRISIS
5 RESPONSE SYSTEM CREATED IN SECTION 27-60-103.

6 (5) THE STATE DEPARTMENT SHALL CONSIDER RECOMMENDATIONS
7 FROM THE STATE'S 988 PLANNING COMMITTEE TO DETERMINE HOW THE
8 988 CRISIS HOTLINE CENTER WILL INTERACT WITH THE
9 TWENTY-FOUR-HOUR TELEPHONE CRISIS SERVICES ESTABLISHED IN
10 SECTION 27-60-103 (1)(b)(I).

11 (6) BEGINNING JANUARY 1, 2023, AND EACH JANUARY 1
12 THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT INFORMATION
13 ABOUT THE USAGE OF THE 988 CRISIS HOTLINE CENTER AND SERVICES
14 PROVIDED TO THE FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH
15 SERVICES ADMINISTRATION, AND INFORMATION ABOUT THE EXPENDITURES
16 OF THE 988 SURCHARGE CASH FUND TO THE FEDERAL COMMUNICATIONS
17 COMMISSION."

18 Page 7, after line 25 insert:

19 "**40-17.5-101. Legislative declaration.** (1) THE GENERAL
20 ASSEMBLY FINDS AND DECLARES THAT NOTHING IN THIS ARTICLE 17.5
21 SHALL BE CONSTRUED:

22 (a) TO ALTER THE METHOD OF REGULATION OR DEREGULATION OF
23 PROVIDERS OF TELECOMMUNICATIONS SERVICES AS SET FORTH IN ARTICLE
24 15 OF TITLE 40; OR

25 (b) TO IMPOSE A TAX. THE PRIMARY PURPOSE OF THE CHARGES
26 AND SURCHARGES AUTHORIZED IN THIS ARTICLE 17.5 IS TO DEFRAY THE
27 REASONABLE DIRECT AND INDIRECT COSTS OF PROVIDING SERVICES
28 THROUGH THE 988 CRISIS HOTLINE CENTER CREATED IN SECTION
29 27-60-103.5".

30

31 Page 7, line 26, strike "**40-17.5-101.**" and substitute "**40-17.5-102.**".

32 Page 8, line 16, strike "**40-17.5-102.**" and substitute "**40-17.5-103.**".

33 Page 9, line 7, strike "**40-17.5-102.**" and substitute "**40-17.5-103.**".

34 Page 10, line 8, strike "**40-17.5-103**" and substitute "**40-17.5-104**".

35 Page 10, line 25, strike "**40-17.5-103.**" and substitute "**40-17.5-104.**".



1 Page 10, after line 25 insert:

2 "(4) THE 988 SURCHARGE IMPOSED BY THIS SECTION IS THE ONLY
3 DIRECT 988 FUNDING OBLIGATION IMPOSED UPON SERVICE USERS IN THE
4 STATE. NO TAX, FEE, SURCHARGE, OR OTHER CHARGE TO FUND THE 988
5 CRISIS HOTLINE IS IMPOSED BY THE STATE, ANY POLITICAL SUBDIVISION OF
6 THE STATE, OR ANY INTERGOVERNMENTAL AGENCY UPON A SELLER OR
7 CONSUMER WITH RESPECT TO THE SALE, PURCHASE, USE, OR PROVISION OF
8 988 ACCESS CONNECTION IN THE STATE."

9 Renumber succeeding subsections accordingly.

10 Page 11, line 1, strike "**40-17.5-103.**" and substitute "**40-17.5-104.**".

11 Page 11, line 3, strike "40-17.5-102" and substitute "40-17.5-103".

12

13 Page 11, strike lines 7 and 8 and substitute "SEPARATELY OR ON THE SAME
14 LINE ITEM AS THE 911 SURCHARGE CREATED IN SECTION 29-11-102.3,
15 PROVIDED THAT THE REVENUES COLLECTED FROM THE 988 AND 911
16 SURCHARGES ARE NOT COMBINED IN ANY WAY AND ARE COLLECTED AND
17 REMITTED TO THE COMMISSION SEPARATELY."

18 Page 11, line 15, strike "40-17.5-102" and substitute "40-17.5-103".

19 Page 13, line 15, strike "**40-17.5-104.**" and substitute "**40-17.5-105.**".

20 Page 17, after line 20 insert:

21 "**40-17.5-105. Immunity of providers.** NO SERVICE PROVIDER OR
22 SERVICE SUPPLIER, OR ANY EMPLOYEE OR AGENT THEREOF, SHALL BE
23 LIABLE FOR ANY DAMAGES IN A CIVIL ACTION FOR INJURIES, DEATH, OR
24 LOSS TO PERSON OR PROPERTY INCURRED AS A RESULT OF ANY ACT OR
25 OMISSION OF SUCH SERVICE PROVIDER, SERVICE SUPPLIER, EMPLOYEE, OR
26 AGENT IN CONNECTION WITH DEVELOPING, ADOPTING, IMPLEMENTING,
27 MAINTAINING, ENHANCING, OR PROVIDING 988 ACCESS CONNECTION OR
28 SERVICE, UNLESS SUCH DAMAGE OR INJURY WAS INTENTIONALLY CAUSED
29 BY OR RESULTED FROM GROSS NEGLIGENCE OF THE PROVIDER, SUPPLIER,
30 EMPLOYEE, OR AGENT."

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