

**First Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0644.01 Shelby Ross x4510

SENATE BILL 21-154

SENATE SPONSORSHIP

Kolker and Simpson,

HOUSE SPONSORSHIP

Cutter and Soper,

Senate Committees

Health & Human Services
Finance

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE IMPLEMENTATION OF THE 988 NATIONAL SUICIDE**
102 **PREVENTION LIFELINE NETWORK IN COLORADO.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

On October 17, 2020, congress passed the "National Suicide Hotline Designation Act of 2020" designating 988 as the 3-digit number for the national suicide prevention lifeline to aid rapid access to suicide prevention and mental health support services. The bill implements 988 as the 3-digit number for crisis response services in Colorado.

On or before July 1, 2022, the department of human services

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

(department) shall contract with a nonprofit organization to create the 988 crisis hotline center to provide intervention services and crisis care coordination to individuals calling the 988 crisis hotline 24 hours a day, 7 days a week.

Beginning January 1, 2022, a 988 surcharge (surcharge) is imposed on service users in an amount to be established by the public utilities commission (commission) on an annual basis. The bill requires each service supplier to collect the surcharge from its service users and remit the collected surcharges to the commission on a monthly basis. The state treasurer shall credit the surcharge collections to the 988 surcharge cash fund (fund).

The bill imposes a prepaid wireless 988 charge on each retail transaction in an amount to be established by the commission on an annual basis. The bill requires each seller to collect the prepaid wireless 988 charge from the consumer on each retail transaction occurring in the state and remit the collected charges to the department of revenue. The state treasurer shall credit the prepaid wireless 988 charge to the fund.

The office of behavioral health in the department may expend money from the fund for the administration and operation of the 988 crisis hotline center.

Beginning January 1, 2023, and each January 1 thereafter, the department shall submit information about the usage of the 988 crisis hotline center to the federal substance abuse and mental health services administration, and information about the expenditures of the fund to the federal communications commission.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that on July 16, 2020, the federal communications commission
4 (FCC) adopted rules, and on October 17, 2020, congress passed the
5 "National Suicide Hotline Designation Act of 2020", designating 988 as
6 the three-digit number for the National Suicide Prevention Lifeline to aid
7 rapid access to suicide prevention and mental health support services.

8 (2) Therefore, the general assembly finds and declares that it is
9 imperative for Colorado to implement 988 as the three-digit number for
10 crisis response services in Colorado in order to comply with federal
11 regulations, improve quality and access to behavioral health crisis

1 services, especially underserved populations and rural areas of the state,
2 and reduce stigma surrounding suicide, mental health, and substance use
3 conditions.

4 **SECTION 2.** In Colorado Revised Statutes, **amend** 27-60-100.3
5 as follows:

6 **27-60-100.3. Definitions.** As used in this article 60, unless the
7 context otherwise requires:

8 (1) "988 CRISIS HOTLINE CENTER" MEANS A STATE-IDENTIFIED AND
9 STATE-FUNDED CENTER PARTICIPATING IN THE NATIONAL SUICIDE
10 PREVENTION LIFELINE NETWORK TO RESPOND TO STATEWIDE OR REGIONAL
11 BEHAVIORAL HEALTH CRISIS CALLS.

12 ~~(1)~~ (2) "Behavioral health" refers to an individual's mental and
13 emotional well-being and actions that affect an individual's overall
14 wellness. Behavioral health problems and ~~disorders~~ CONDITIONS include
15 substance use ~~disorders~~ CONDITIONS, serious psychological distress,
16 suicide, and other mental health ~~disorders~~ CONDITIONS. Problems ranging
17 from unhealthy stress or subclinical conditions to diagnosable and
18 treatable diseases are included in the term "behavioral health". The term
19 "behavioral health" is also used to describe service systems that
20 encompass prevention and promotion of emotional health, prevention and
21 treatment services for mental health and substance use ~~disorders~~
22 CONDITIONS, and recovery support.

23 ~~(1.5)~~ (3) "Criminal justice diversion program" means a program
24 created pursuant to section 27-60-106.5 or programs operated by cities or
25 counties that connect law enforcement officers with behavioral health
26 providers to assist individuals in need of behavioral health interventions
27 or to divert individuals from the criminal justice system.

1 ~~(2)~~(4) "Crisis intervention services" means the array of behavioral
2 health crisis services that are funded by public or private sources and exist
3 to serve individuals who are experiencing a behavioral health crisis.

4 ~~(3)~~(5) "Crisis response system" means the behavioral health crisis
5 response system developed and implemented pursuant to this article 60.

6 ~~(4)~~(6) "Crisis response system contractor" means an entity that
7 has been awarded a contract to provide one or more crisis intervention
8 services pursuant to section 27-60-103.

9 (7) "NATIONAL SUICIDE PREVENTION LIFELINE" MEANS A
10 NATIONAL NETWORK OF LOCAL CRISIS CENTERS MAINTAINED BY THE
11 FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
12 ADMINISTRATION THAT PROVIDES FREE AND CONFIDENTIAL EMOTIONAL
13 SUPPORT TO PEOPLE IN SUICIDAL CRISIS OR EMOTIONAL DISTRESS
14 TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK.

15 ~~(4.7)~~(8) "Office" means the office of behavioral health in the
16 department of human services.

17 ~~(5)~~(9) "State board" means the state board of human services
18 created and authorized pursuant to section 26-1-107.

19 ~~(6)~~(10) "State department" means the state department of human
20 services created pursuant to section 26-1-105.

21 (11) "VETERANS CRISIS LINE" MEANS THE VETERANS CRISIS LINE
22 MAINTAINED BY THE SECRETARY OF VETERANS AFFAIRS.

23 **SECTION 3.** In Colorado Revised Statutes, 27-60-103, **amend**
24 (6) as follows:

25 **27-60-103. Behavioral health crisis response system - services**
26 **- request for proposals - criteria - reporting - rules.**

27 (6) (a) Beginning in January 2014, and every January thereafter, the state

1 department shall report progress on the implementation of the crisis
2 response system, INCLUDING THE USAGE OF THE 988 CRISIS HOTLINE
3 CENTER, CREATED IN SECTION 27-60-103.5, THE SERVICES PROVIDED, AND
4 THE DEPOSITS AND EXPENDITURES FROM THE 988 SURCHARGE CASH FUND,
5 as well as information about and updates to the system, as part of its
6 "State Measurement for Accountable, Responsive, and Transparent
7 (SMART) Government Act" hearing required by section 2-7-203.

8 (b) ~~On or before November 1, 2017, the office of behavioral~~
9 ~~health within the state department shall prepare a report and submit such~~
10 ~~report to the joint judiciary committee; the joint health and human~~
11 ~~services committee; the joint budget committee; the governor; and the~~
12 ~~commission on criminal and juvenile justice, established in section~~
13 ~~16-11.3-102. At a minimum, the report must include details concerning~~
14 ~~the current status of funding and the implementation of the expansion of~~
15 ~~behavioral health crisis services.~~ ==

16 (c) ~~On or before May 1, 2018, but after January 31, 2018, the~~
17 ~~office of behavioral health within the state department shall present a~~
18 ~~report to the joint judiciary committee and the joint committee on health~~
19 ~~and human services concerning the current status of funding and the~~
20 ~~implementation of the expansion of behavioral health crisis services.~~

21 **SECTION 4.** In Colorado Revised Statutes, **add** 27-60-103.5 as
22 follows:

23 **27-60-103.5. 988 crisis hotline center - implementation - 988**
24 **surcharge cash fund - creation.** (1) ON OR BEFORE JULY 1, 2022, THE
25 STATE DEPARTMENT SHALL FUND A NONPROFIT ORGANIZATION TO
26 PROVIDE INTERVENTION SERVICES AND CRISIS CARE COORDINATION TO
27 INDIVIDUALS CALLING THE 988 CRISIS HOTLINE FROM ANY JURISDICTION

1 WITHIN COLORADO TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK.

2 (2) THE 988 CRISIS HOTLINE CENTER SHALL:

3 (a) HAVE AN ACTIVE AGREEMENT WITH THE ADMINISTRATOR OF
4 THE NATIONAL SUICIDE PREVENTION LIFELINE FOR PARTICIPATION WITHIN
5 THE NETWORK;

6 (b) MEET THE NATIONAL SUICIDE PREVENTION LIFELINE
7 REQUIREMENTS AND BEST PRACTICE GUIDELINES FOR OPERATIONAL AND
8 CLINICAL STANDARDS;

9 (c) MEET THE NATIONAL SUICIDE PREVENTION LIFELINE
10 REQUIREMENTS FOR SERVING HIGH-RISK AND SPECIALIZED POPULATIONS;

11 (d) DEPLOY MOBILE RESPONSE UNITS AND CO-RESPONDER
12 PROGRAMS THAT ARE PART OF THE CRISIS RESPONSE SYSTEM AND
13 COORDINATE ACCESS TO CRISIS WALK-IN CENTERS, AS APPROPRIATE; AND

14 (e) PROVIDE FOLLOW-UP SERVICES TO INDIVIDUALS ACCESSING THE
15 988 CRISIS HOTLINE.

16 (3) THE STATE DEPARTMENT SHALL COLLABORATE WITH THE
17 NATIONAL SUICIDE PREVENTION LIFELINE AND VETERANS CRISIS LINE FOR
18 THE PURPOSE OF ENSURING CONSISTENT PUBLIC MESSAGING ABOUT THE
19 988 CRISIS HOTLINE CENTER AND AVAILABLE SERVICES.

20 (4) (a) THE 988 SURCHARGE CASH FUND, REFERRED TO IN THIS
21 SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY.
22 THE FUND CONSISTS OF MONEY CREDITED TO THE FUND IN ACCORDANCE
23 WITH ARTICLE 17.5 OF TITLE 40.

24 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
25 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
26 FUND TO THE FUND.

27 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL

1 ASSEMBLY, THE OFFICE OF BEHAVIORAL HEALTH MAY EXPEND MONEY
2 FROM THE FUND FOR THE ADMINISTRATION AND OPERATION OF THE 988
3 CRISIS HOTLINE CENTER, INCLUDING CRISIS OUTREACH, STABILIZATION,
4 AND ACUTE CARE PROVIDED IN RESPONSE TO CALLS MADE TO THE 988
5 CRISIS HOTLINE CENTER, AND THE PUBLIC UTILITIES COMMISSION AND THE
6 DEPARTMENT OF REVENUE MAY EXPEND MONEY FROM THE FUND IN
7 ACCORDANCE WITH ARTICLE 17.5 OF TITLE 40.

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

13 (5) THE STATE DEPARTMENT SHALL CONSIDER RECOMMENDATIONS
14 FROM THE STATE'S 988 PLANNING COMMITTEE TO DETERMINE HOW THE
15 988 CRISIS HOTLINE CENTER WILL INTERACT WITH THE
16 TWENTY-FOUR-HOUR TELEPHONE CRISIS SERVICES ESTABLISHED IN
17 SECTION 27-60-103 (1)(b)(I).

18 (6) BEGINNING JANUARY 1, 2023, AND EACH JANUARY 1
19 THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT INFORMATION
20 ABOUT THE USAGE OF THE 988 CRISIS HOTLINE CENTER AND SERVICES
21 PROVIDED TO THE FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH
22 SERVICES ADMINISTRATION, AND INFORMATION ABOUT THE EXPENDITURES
23 OF THE 988 SURCHARGE CASH FUND TO THE FEDERAL COMMUNICATIONS
24 COMMISSION.

25 **SECTION 5.** In Colorado Revised Statutes, **add** article 17.5 to
26 title 40 as follows:

27 **ARTICLE 17.5**

1 **988 Surcharge for the 988 Crisis Hotline Center**

2 **40-17.5-101. Legislative declaration.** (1) THE GENERAL
3 ASSEMBLY FINDS AND DECLARES THAT NOTHING IN THIS ARTICLE 17.5
4 SHALL BE CONSTRUED:

5 (a) TO ALTER THE METHOD OF REGULATION OR DEREGULATION OF
6 PROVIDERS OF TELECOMMUNICATIONS SERVICES AS SET FORTH IN ARTICLE
7 15 OF TITLE 40; OR

8 (b) TO IMPOSE A TAX. THE PRIMARY PURPOSE OF THE CHARGES
9 AND SURCHARGES AUTHORIZED IN THIS ARTICLE 17.5 IS TO DEFRAY THE
10 REASONABLE DIRECT AND INDIRECT COSTS OF PROVIDING SERVICES
11 THROUGH THE 988 CRISIS HOTLINE CENTER CREATED IN SECTION
12 27-60-103.5.

13 **40-17.5-102. Definitions.** AS USED IN THIS ARTICLE 17.5, UNLESS
14 THE CONTEXT OTHERWISE REQUIRES:

15 (1) "988" MEANS THE THREE-DIGIT ABBREVIATED DIALING CODE
16 USED TO REPORT A BEHAVIORAL HEALTH CRISIS.

17 (2) "988 ACCESS CONNECTION" MEANS ANY COMMUNICATIONS
18 SERVICE INCLUDING WIRELINE, WIRELESS CELLULAR, INTERCONNECTED
19 VOICE OVER INTERNET PROTOCOL , OR SATELLITE IN WHICH CONNECTIONS
20 ARE ENABLED, CONFIGURED, OR CAPABLE OF MAKING 988 CALLS. "988
21 ACCESS CONNECTION" DOES NOT INCLUDE FACILITIES-BASED BROADBAND
22 SERVICES. THE NUMBER OF 988 ACCESS CONNECTIONS IS DETERMINED BY
23 THE CONFIGURED CAPACITY FOR SIMULTANEOUS OUTBOUND CALLING. FOR
24 EXAMPLE, FOR A DIGITAL SIGNAL-1 (DS-1) LEVEL SERVICE OR
25 EQUIVALENT THAT IS CHANNELIZED AND SPLIT INTO SEPARATE CHANNELS
26 FOR VOICE COMMUNICATIONS, THE NUMBER OF 988 ACCESS CONNECTIONS
27 WOULD BE EQUAL TO THE NUMBER OF CHANNELS CAPABLE OF MAKING

1 SIMULTANEOUS CALLS.

2 (3) "988 SURCHARGE" MEANS THE SURCHARGE ESTABLISHED
3 PURSUANT TO SECTION 40-17.5-103.

4 (4) "COMMISSION" OR "PUBLIC UTILITIES COMMISSION" MEANS THE
5 PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO CREATED IN
6 SECTION 40-2-101.

7 (5) "PERSON" MEANS ANY INDIVIDUAL; FIRM; PARTNERSHIP;
8 COPARTNERSHIP; JOINT VENTURE; ASSOCIATION; COOPERATIVE
9 ORGANIZATION; CORPORATION, MUNICIPAL OR PRIVATE AND WHETHER
10 ORGANIZED FOR PROFIT OR NOT; GOVERNMENTAL AGENCY; STATE;
11 COUNTY; POLITICAL SUBDIVISION; STATE DEPARTMENT; COMMISSION;
12 BOARD; OR BUREAU, FRATERNAL ORGANIZATION, NONPROFIT
13 ORGANIZATION, ESTATE, TRUST, BUSINESS OR COMMON LAW TRUST,
14 RECEIVER, ASSIGNEE FOR THE BENEFIT OF CREDITORS, TRUSTEE, OR
15 TRUSTEE IN BANKRUPTCY; OR ANY OTHER SERVICE USER.

16 (6) "SERVICE SUPPLIER" MEANS A PERSON PROVIDING 988 ACCESS
17 CONNECTIONS TO ANY SERVICE USER IN THE STATE, EITHER DIRECTLY OR
18 BY RESALE.

19 (7) "SERVICE USER" MEANS A PERSON WHO IS PROVIDED A 988
20 ACCESS CONNECTION IN THE STATE.

21 **40-17.5-103. 988 surcharge - imposition - 988 surcharge cash**
22 **fund - rules.** (1) (a) EFFECTIVE JANUARY 1, 2022, A 988 SURCHARGE,
23 REFERRED TO IN THIS SECTION AS THE "SURCHARGE", IS HEREBY IMPOSED
24 ON SERVICE USERS IN AN AMOUNT TO BE ESTABLISHED ANNUALLY BY THE
25 COMMISSION BUT NOT TO EXCEED FIFTY CENTS PER MONTH PER 988
26 ACCESS CONNECTION.

27 (b) ON OR BEFORE OCTOBER 1, 2021, AND ON OR BEFORE OCTOBER

1 EACH YEAR THEREAFTER, THE COMMISSION SHALL ESTABLISH THE
2 AMOUNT OF THE SURCHARGE FOR THE NEXT CALENDAR YEAR. THE
3 AMOUNT OF THE SURCHARGE MUST BE REASONABLY CALCULATED TO
4 MEET THE NEEDS OF THE 988 CRISIS HOTLINE CENTER BASED ON THE
5 PROPOSED BUDGET PROVIDED TO THE COMMISSION BY THE OFFICE OF
6 BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES. UPON
7 ESTABLISHING THE AMOUNT OF THE SURCHARGE, THE COMMISSION SHALL
8 SEND NOTICE OF THE NEW AMOUNT TO ALL SERVICE SUPPLIERS. THE NEW
9 AMOUNT TAKES EFFECT ON THE FOLLOWING JANUARY 1.

10 (c) THE AMOUNT OF THE SURCHARGE IMPOSED PER 988 ACCESS
11 CONNECTION MUST BE UNIFORM, REGARDLESS OF THE TECHNOLOGY USED
12 TO PROVIDE THE 988 ACCESS CONNECTION.

13 (2) EACH SERVICE SUPPLIER SHALL COLLECT THE SURCHARGE
14 FROM ITS SERVICE USERS. THE SURCHARGE IS THE LIABILITY OF THE
15 SERVICE USER AND NOT OF THE SERVICE SUPPLIER; EXCEPT THAT THE
16 SERVICE SUPPLIER IS LIABLE TO REMIT ALL SURCHARGES THAT THE
17 SERVICE SUPPLIER COLLECTS FROM SERVICE USERS.

18 (3) (a) THE SERVICE SUPPLIER SHALL REMIT THE COLLECTED
19 SURCHARGES TO THE COMMISSION ON A MONTHLY BASIS IN A MANNER
20 ESTABLISHED BY THE COMMISSION. THE COMMISSION SHALL ESTABLISH
21 REMITTANCE PROCEDURES BY RULE. A SERVICE SUPPLIER IS SUBJECT TO
22 THE PENALTIES AND PROCEDURES IN SECTION 40-17.5-104 FOR THE
23 FAILURE TO COLLECT OR CORRECTLY REMIT A SURCHARGE IN
24 ACCORDANCE WITH THIS SECTION.

25 (b) A SERVICE SUPPLIER MAY DEDUCT AND RETAIN ONE PERCENT
26 OF THE SURCHARGES THAT ARE COLLECTED BY THE SERVICE SUPPLIER
27 FROM ITS SERVICE USERS.

1 (c) (I) THE STATE TREASURER SHALL CREDIT THE SURCHARGE
2 COLLECTIONS REMITTED TO THE COMMISSION PURSUANT TO SUBSECTION
3 (3)(a) OF THIS SECTION TO THE 988 SURCHARGE CASH FUND CREATED IN
4 SECTION 27-60-103.5 (4).

5 (II) SUBJECT TO ANNUAL APPROPRIATION, THE COMMISSION MAY
6 EXPEND AN AMOUNT, NOT TO EXCEED FOUR PERCENT OF THE COLLECTED
7 SURCHARGES IN THE 988 SURCHARGE CASH FUND, NECESSARY TO
8 REIMBURSE THE COMMISSION FOR ITS DIRECT AND INDIRECT COSTS OF
9 ADMINISTERING THE COLLECTION AND REMITTANCE OF SURCHARGES FOR
10 THE 988 CRISIS HOTLINE CENTER, INCLUDING COSTS RELATED TO
11 CONDUCTING AUDITS OF SERVICE SUPPLIERS IN ACCORDANCE WITH
12 SECTION 40-17.5-104.

13 (4) THE 988 SURCHARGE IMPOSED BY THIS SECTION IS THE ONLY
14 DIRECT 988 FUNDING OBLIGATION IMPOSED UPON SERVICE USERS IN THE
15 STATE. NO TAX, FEE, SURCHARGE, OR OTHER CHARGE TO FUND THE 988
16 CRISIS HOTLINE IS IMPOSED BY THE STATE, ANY POLITICAL SUBDIVISION OF
17 THE STATE, OR ANY INTERGOVERNMENTAL AGENCY UPON A SELLER OR
18 CONSUMER WITH RESPECT TO THE SALE, PURCHASE, USE, OR PROVISION OF
19 988 ACCESS CONNECTION IN THE STATE.

20 (5) THIS SECTION DOES NOT APPLY TO PREPAID WIRELESS
21 TELECOMMUNICATIONS SERVICES.

22 **40-17.5-104. Remittance of charges - administrative fees -**
23 **rules.** (1) EVERY SERVICE SUPPLIER SHALL COLLECT THE 988 SURCHARGE
24 IMPOSED IN ACCORDANCE WITH SECTION 40-17.5-103 FROM ITS SERVICE
25 USERS.

26 (2) THE DUTY TO COLLECT OR REMIT THE 988 SURCHARGE
27 COMMENCES ON JANUARY 1, 2022. THE 988 SURCHARGE MUST BE STATED

1 SEPARATELY OR ON THE SAME LINE ITEM AS THE 911 SURCHARGE CREATED
2 IN SECTION 29-11-102.3, PROVIDED THAT THE REVENUES COLLECTED FROM
3 THE 988 AND 911 SURCHARGES ARE NOT COMBINED IN ANY WAY AND ARE
4 COLLECTED AND REMITTED TO THE COMMISSION SEPARATELY.

5 (3) A SERVICE SUPPLIER IS LIABLE ONLY FOR THE 988 SURCHARGE
6 COLLECTED PURSUANT TO THIS ARTICLE 17.5 UNTIL IT IS REMITTED TO THE
7 COMMISSION. THE AMOUNT REMITTED BY THE SERVICE SUPPLIER MUST
8 REFLECT THE ACTUAL COLLECTIONS BASED ON THE ACTUAL 988 ACCESS
9 CONNECTIONS BILLED.

10 (4) A SERVICE SUPPLIER SHALL REMIT THE 988 SURCHARGE IN
11 ACCORDANCE WITH SECTION 40-17.5-103 AND RULES ADOPTED BY THE
12 COMMISSION.

13 (5) (a) THE SERVICE SUPPLIER SHALL MAINTAIN A RECORD OF THE
14 AMOUNT OF EACH 988 SURCHARGE COLLECTED AND REMITTED BY SERVICE
15 USER ADDRESS FOR A PERIOD OF THREE YEARS AFTER THE TIME THE
16 CHARGE WAS COLLECTED AND REMITTED.

17 (b) IF A SERVICE SUPPLIER FAILS TO TIMELY FILE A REPORT AND
18 REMIT THE 988 SURCHARGE AS REQUIRED BY THIS SECTION, OR IF A
19 SERVICE SUPPLIER FILES AN INCORRECT REPORT OR FAILS TO REMIT THE
20 CORRECT AMOUNT, THE COMMISSION SHALL ESTIMATE THE AMOUNT OF
21 THE REMITTANCE DUE FOR THE PERIOD OR PERIODS FOR WHICH THE
22 SERVICE SUPPLIER IS DELINQUENT. THE COMMISSION SHALL MAKE THE
23 ESTIMATE BASED UPON THE INFORMATION AVAILABLE. THE COMMISSION
24 SHALL COMPUTE AND ASSESS A PENALTY EQUAL TO FIFTEEN PERCENT OF
25 THE ESTIMATE OF THE DELINQUENT AMOUNT, AND SHALL ASSESS INTEREST
26 ON THE DELINQUENT CHARGES AT THE RATE OF ONE PERCENT EACH MONTH
27 FROM THE DATE WHEN DUE UNTIL THE DATE PAID.

1 (c) EXCEPT AS PROVIDED IN THIS SECTION AND UNLESS SUCH TIME
2 IS EXTENDED BY AGREEMENT PURSUANT TO SUBSECTION (5)(d) OF THIS
3 SECTION, THE AMOUNT OF A DELINQUENT REMITTANCE AND THE PENALTY
4 AND INTEREST OWED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION,
5 OTHER THAN INTEREST ACCRUING THEREAFTER, MUST BE ASSESSED
6 WITHIN THREE YEARS AFTER THE DATE THE INCORRECT REPORT WAS FILED
7 OR THE DELINQUENT REPORT WAS TO BE FILED. THE COMMISSION SHALL
8 NOT FILE A NOTICE OF LIEN, ISSUE A DISTRAINT WARRANT, INSTITUTE A
9 SUIT FOR COLLECTION, OR TAKE OTHER ACTION TO COLLECT THE AMOUNT
10 AFTER THE EXPIRATION OF SUCH PERIOD UNLESS THE COMMISSION ISSUES
11 A NOTICE OF ASSESSMENT FOR THE AMOUNT WITHIN SUCH PERIOD OR
12 WITHIN AN EXTENDED PERIOD PURSUANT TO SUBSECTION (5)(d) OF THIS
13 SECTION.

14 (d) IF, BEFORE THE EXPIRATION OF THE TIME PRESCRIBED FOR THE
15 ASSESSMENT OF DELINQUENT AMOUNTS IN SUBSECTION (5)(c) OF THIS
16 SECTION, THE COMMISSION AND THE SERVICE SUPPLIER CONSENT IN
17 WRITING TO AN ASSESSMENT AFTER SUCH TIME, THE AMOUNT
18 CALCULATED IN ACCORDANCE WITH SUBSECTION (5)(b) OF THIS SECTION
19 MAY BE ASSESSED AT ANY TIME PRIOR TO THE EXPIRATION OF THE PERIOD
20 AGREED UPON. THE PERIOD AGREED UPON MAY BE EXTENDED BY
21 SUBSEQUENT AGREEMENTS IN WRITING MADE BEFORE THE EXPIRATION OF
22 THE PERIOD PREVIOUSLY AGREED UPON. THE COMMISSION MAY FILE A LIEN
23 AGAINST THE PROPERTY OF THE SERVICE SUPPLIER FOR UP TO ONE YEAR
24 AFTER THE EXPIRATION OF ANY SUCH PERIOD, UNLESS OTHERWISE
25 SPECIFICALLY PROVIDED IN THIS ARTICLE 17.5.

26 (e) THE COMMISSION MAY CONDUCT AN AUDIT OF A SERVICE
27 SUPPLIER'S BOOKS AND RECORDS CONCERNING THE COLLECTION AND

1 REMITTANCE OF THE CHARGES AUTHORIZED BY THIS ARTICLE 17.5. A
2 PUBLIC INSPECTION OF THE AUDIT AND OF DOCUMENTS REVIEWED IN THE
3 AUDIT IS SUBJECT TO SECTION 24-72-204. THE COMMISSION IS RESPONSIBLE
4 FOR EXPENSES THE COMMISSION MAY INCUR TO CONDUCT THE AUDIT. IN
5 CONNECTION WITH AUDITS PERFORMED, SERVICE SUPPLIERS SHALL MAKE
6 RELEVANT RECORDS AVAILABLE TO THE AUDITORS AT NO CHARGE. THE
7 COMMISSION SHALL PROMULGATE RULES GOVERNING THE AUDIT AND
8 APPEAL PROCEDURES.

9 (f) THE COMMISSION SHALL DEPOSIT ANY PENALTIES OR INTEREST
10 IN THE 988 SURCHARGE CASH FUND CREATED IN SECTION 27-60-103.5 (4).

11 **40-17.5-105. Imposition of charge on prepaid wireless - rules**
12 **- definitions - repeal.** (1) AS USED IN THIS SECTION:

13 (a) "CONSUMER" MEANS A PERSON WHO PURCHASES PREPAID
14 WIRELESS TELECOMMUNICATIONS SERVICE IN A RETAIL TRANSACTION.

15 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

16 (c) "PREPAID WIRELESS 988 CHARGE" OR "CHARGE" MEANS THE
17 CHARGE IMPOSED UNDER SUBSECTION (2) OF THIS SECTION TO PAY FOR THE
18 EXPENSES AUTHORIZED IN SECTION 27-60-103.5.

19 (d) "RETAIL TRANSACTION" MEANS THE PURCHASE OF PREPAID
20 WIRELESS TELECOMMUNICATIONS SERVICE FROM A SELLER FOR ANY
21 PURPOSE OTHER THAN RESALE.

22 (e) "SELLER" MEANS A PERSON WHO SELLS PREPAID WIRELESS
23 TELECOMMUNICATIONS SERVICE TO ANOTHER PERSON.

24 (2) (a) A PREPAID WIRELESS 988 CHARGE IS HEREBY IMPOSED ON
25 EACH RETAIL TRANSACTION. THE PRIMARY PURPOSE OF THE PREPAID
26 WIRELESS 988 CHARGE IS TO DEFRAY THE COSTS OF ADMINISTERING AND
27 OPERATING THE 988 CRISIS HOTLINE CENTER.

1 (b) (I) (A) ON AND BEFORE DECEMBER 31, 2021, THE PREPAID
2 WIRELESS 988 CHARGE IS ONE AND FOUR-TENTHS PERCENT OF THE PRICE
3 OF THE RETAIL TRANSACTION.

4 (B) THIS SUBSECTION (2)(b)(I) IS REPEALED, EFFECTIVE JULY 1,
5 2022.

6 (II) EFFECTIVE JANUARY 1, 2022, THE CHARGE IS IN AN AMOUNT
7 TO BE ESTABLISHED ANNUALLY BY THE COMMISSION IN ACCORDANCE
8 WITH SUBSECTION (2)(c) OF THIS SECTION. THE CHARGE MUST BE A FLAT
9 AMOUNT IMPOSED ON EACH RETAIL TRANSACTION IN WHICH PREPAID
10 WIRELESS SERVICE IS PURCHASED IN COLORADO.

11 (c) ON OR BEFORE OCTOBER 1, 2021, AND ON OR BEFORE OCTOBER
12 1 EACH YEAR THEREAFTER, THE COMMISSION SHALL ESTABLISH THE
13 AMOUNT OF THE PREPAID WIRELESS 988 CHARGE FOR THE NEXT CALENDAR
14 YEAR. THE AMOUNT OF THE CHARGE MUST BE REASONABLY CALCULATED
15 TO MEET THE NEEDS OF THE 988 CRISIS HOTLINE CENTER BASED ON THE
16 PROPOSED BUDGET PROVIDED TO THE COMMISSION BY THE OFFICE OF
17 BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES. THE NEW
18 AMOUNT TAKES EFFECT ON THE FOLLOWING JANUARY 1.

19 (d) (I) THE SELLER SHALL COLLECT THE PREPAID WIRELESS 988
20 CHARGE FROM THE CONSUMER ON EACH RETAIL TRANSACTION OCCURRING
21 IN THE STATE. THE AMOUNT OF THE PREPAID WIRELESS 988 CHARGE SHALL
22 BE EITHER DISCLOSED TO THE CONSUMER OR SEPARATELY STATED ON AN
23 INVOICE, RECEIPT, OR OTHER SIMILAR DOCUMENT THE SELLER PROVIDES
24 TO THE CONSUMER. A SELLER SHALL ELECT TO EITHER DISCLOSE OR
25 SEPARATELY STATE THE CHARGE AND SHALL NOT CHANGE THE ELECTION
26 WITHOUT THE WRITTEN CONSENT OF THE DEPARTMENT. THE SELLER IS
27 DEEMED TO HAVE COLLECTED THE CHARGE NOTWITHSTANDING THE

1 SELLER'S FAILURE TO SEPARATELY DISCLOSE OR STATE THE CHARGE ON AN
2 INVOICE, RECEIPT, OR OTHER SIMILAR DOCUMENT THE SELLER PROVIDES
3 TO THE CONSUMER.

4 (II) FOR PURPOSES OF THIS SECTION, A RETAIL TRANSACTION
5 OCCURS IN COLORADO IF:

6 (A) THE CONSUMER EFFECTS THE RETAIL TRANSACTION IN PERSON
7 AT A BUSINESS LOCATION IN COLORADO;

8 (B) IF SUBSECTION (2)(d)(II)(A) OF THIS SECTION DOES NOT APPLY,
9 THE PRODUCT IS DELIVERED TO THE CONSUMER AT A COLORADO ADDRESS
10 PROVIDED TO THE SELLER;

11 (C) IF SUBSECTIONS (2)(d)(II)(A) AND (2)(d)(II)(B) OF THIS
12 SECTION DO NOT APPLY, THE SELLER'S RECORDS, MAINTAINED IN THE
13 ORDINARY COURSE OF BUSINESS, INDICATE THAT THE CONSUMER'S
14 ADDRESS IS IN COLORADO AND THE RECORDS ARE NOT MADE OR KEPT IN
15 BAD FAITH;

16 (D) IF SUBSECTIONS (2)(d)(II)(A) TO (2)(d)(II)(C) OF THIS SECTION
17 DO NOT APPLY, THE CONSUMER GIVES A COLORADO ADDRESS DURING THE
18 CONSUMMATION OF THE SALE, INCLUDING THE CONSUMER'S PAYMENT
19 INSTRUMENT IF NO OTHER ADDRESS IS AVAILABLE, AND THERE IS NO
20 INDICATION THAT THE ADDRESS IS GIVEN IN BAD FAITH; OR

21 (E) IF SUBSECTIONS (2)(d)(II)(A) TO (2)(d)(II)(D) OF THIS SECTION
22 DO NOT APPLY, THE MOBILE TELEPHONE NUMBER IS ASSOCIATED WITH A
23 COLORADO LOCATION.

24 (e) THE PREPAID WIRELESS 988 CHARGE IS THE LIABILITY OF THE
25 CONSUMER AND NOT OF THE SELLER; EXCEPT THAT THE SELLER IS LIABLE
26 TO REMIT ALL PREPAID WIRELESS 988 CHARGES THAT THE SELLER
27 COLLECTS FROM CONSUMERS AS PROVIDED IN SUBSECTION (3) OF THIS

1 SECTION.

2 (f) THE AMOUNT OF THE PREPAID WIRELESS 988 CHARGE THAT IS
3 COLLECTED BY A SELLER FROM A CONSUMER IS NOT INCLUDED IN THE BASE
4 FOR MEASURING ANY TAX, FEE, SURCHARGE, OR OTHER CHARGE THAT IS
5 IMPOSED BY THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR
6 ANY INTERGOVERNMENTAL AGENCY.

7 (3) (a) THE SELLER SHALL REMIT ANY COLLECTED PREPAID
8 WIRELESS 988 CHARGES TO THE DEPARTMENT AT THE TIMES AND IN THE
9 MANNER PROVIDED IN PART 1 OF ARTICLE 26 OF TITLE 39. THE
10 DEPARTMENT SHALL ESTABLISH, BY RULE, REGISTRATION AND PAYMENT
11 PROCEDURES THAT SUBSTANTIALLY COINCIDE WITH THE REGISTRATION
12 AND PAYMENT PROCEDURES THAT APPLY UNDER PART 1 OF ARTICLE 26 OF
13 TITLE 39. A SELLER IS SUBJECT TO THE PENALTIES UNDER PART 1 OF
14 ARTICLE 26 OF TITLE 39 FOR FAILURE TO COLLECT OR REMIT A PREPAID
15 WIRELESS 988 CHARGE IN ACCORDANCE WITH THIS SECTION.

16 (b) A SELLER MAY DEDUCT AND RETAIN THREE AND THREE-TENTHS
17 PERCENT OF THE PREPAID WIRELESS 988 CHARGES THAT ARE COLLECTED
18 BY THE SELLER FROM CONSUMERS.

19 (c) THE AUDIT AND APPEAL PROCEDURES APPLICABLE TO THE
20 STATE SALES TAX UNDER PART 1 OF ARTICLE 26 OF TITLE 39 APPLY TO
21 PREPAID WIRELESS 988 CHARGES.

22 (d) THE DEPARTMENT SHALL, BY RULE, ESTABLISH PROCEDURES BY
23 WHICH A SELLER MAY DOCUMENT THAT A TRANSACTION IS NOT A RETAIL
24 TRANSACTION, WHICH PROCEDURES MUST SUBSTANTIALLY COINCIDE WITH
25 THE PROCEDURES FOR DOCUMENTING THAT A SALE WAS WHOLESALE FOR
26 PURPOSES OF THE SALES TAX UNDER PART 1 OF ARTICLE 26 OF TITLE 39.

27 (e) (I) THE STATE TREASURER SHALL CREDIT THE PREPAID

1 WIRELESS 988 CHARGES REMITTED TO THE DEPARTMENT PURSUANT TO
2 SUBSECTION (3)(a) OF THIS SECTION TO THE 988 SURCHARGE CASH FUND
3 CREATED IN SECTION 27-60-103.5 (4).

4 (II) SUBJECT TO ANNUAL APPROPRIATION, THE DEPARTMENT MAY
5 EXPEND AN AMOUNT, NOT TO EXCEED THREE PERCENT OF THE COLLECTED
6 CHARGES IN THE 988 SURCHARGE CASH FUND, NECESSARY TO REIMBURSE
7 THE DEPARTMENT FOR ITS DIRECT COSTS OF ADMINISTERING THE
8 COLLECTION AND REMITTANCE OF PREPAID WIRELESS 988 CHARGES.

9 (4) THE PREPAID WIRELESS 988 CHARGE IMPOSED BY THIS SECTION
10 IS THE ONLY DIRECT 988 FUNDING OBLIGATION IMPOSED WITH RESPECT TO
11 PREPAID WIRELESS TELECOMMUNICATIONS SERVICE IN THE STATE. NO
12 TAX, FEE, SURCHARGE, OR OTHER CHARGE TO FUND THE 988 CRISIS
13 HOTLINE IS IMPOSED BY THE STATE, ANY POLITICAL SUBDIVISION OF THE
14 STATE, OR ANY INTERGOVERNMENTAL AGENCY UPON A SELLER OR
15 CONSUMER WITH RESPECT TO THE SALE, PURCHASE, USE, OR PROVISION OF
16 PREPAID WIRELESS TELECOMMUNICATIONS SERVICE.

17 **40-17.5-105. Immunity of providers. No service provider or**
18 **service supplier, or any employee or agent thereof, shall be**
19 **liable for any damages in a civil action for injuries, death, or**
20 **loss to person or property incurred as a result of any act or**
21 **omission of such service provider, service supplier, employee, or**
22 **agent in connection with developing, adopting, implementing,**
23 **maintaining, enhancing, or providing 988 access connection or**
24 **service, unless such damage or injury was intentionally caused**
25 **by or resulted from gross negligence of the provider, supplier,**
26 **employee, or agent.**

27 **SECTION 6.** In Colorado Revised Statutes, 24-75-402, **add**

1 (5)(rr) as follows:

2 **24-75-402. Cash funds - limit on uncommitted reserves -**
3 **reduction in the amount of fees - exclusions.** (5) Notwithstanding any
4 provision of this section to the contrary, the following cash funds are
5 excluded from the limitations specified in this section:

6 (rr) THE 988 SURCHARGE CASH FUND CREATED IN SECTION
7 27-60-103.5 (4).

8 **SECTION 7.** In Colorado Revised Statutes, 15-18.7-201, **amend**
9 (3) and (7)(c) as follows:

10 **15-18.7-201. Definitions.** As used in this part 2, unless the
11 context otherwise requires:

12 (3) "Behavioral health" has the same meaning as set forth in
13 ~~section 27-60-100.3 (1)~~ SECTION 27-60-100.3 (2).

14 (7) "Emergency medical service personnel" means:

15 (c) A crisis response system contractor, as defined in ~~section~~
16 ~~27-60-100.3 (4)~~ SECTION 27-60-100.3 (6).

17 **SECTION 8. Act subject to petition - effective date.** This act
18 takes effect at 12:01 a.m. on the day following the expiration of the
19 ninety-day period after final adjournment of the general assembly; except
20 that, if a referendum petition is filed pursuant to section 1 (3) of article V
21 of the state constitution against this act or an item, section, or part of this
22 act within such period, then the act, item, section, or part will not take
23 effect unless approved by the people at the general election to be held in
24 November 2022 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.