

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 988 **VERSION:** AMENDED JUNE 22, 2021

AUTHOR: BAUER-KAHAN **SPONSOR:** NUMEROUS – SEE BELOW

RECOMMENDED POSITION: NONE

SUBJECT: MENTAL HEALTH: 988 CRISIS HOTLINE

Summary: This bill would implement a statewide 988 mental health crisis hotline system.

Existing Law:

- 1) Existing Federal Law establishes the National Suicide Hotline Designation Act of 2020. This law designates 988 as the universal telephone number for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline and through the Veterans Crisis Line. (“S. 2661 — 116th Congress: National Suicide Hotline Designation Act of 2020.”)

This Bill:

- 1) Defines the “988” number as that designated by the Federal Communications Commission in order to connect individuals experiencing a mental health crisis with suicide prevention and mental health crisis counselors, mobile crisis teams, and crisis receiving and stabilization services through the National Suicide Prevention Lifeline Network. (Government Code (GC) §53123.1(a))
- 2) Requires 988 centers to provide a person experiencing a behavioral health crisis access to a trained counselor to address their immediate needs 24 hours per day via a call beginning July 16, 2022. By January 1, 2027, these services must be available via call, text, and chat. (GC §53123.2(a))
- 3) Requires 988 centers to coordinate with the relevant programs for the deployment of mental health crisis services as follows (GC §53123.2(b)):
 - a) Mobile crisis teams shall respond to any individual in need of immediate suicidal or behavioral health crisis intervention in a timely manner in all jurisdictions 24 hours a day, 7 days a week.

- b) Any call made to 911 pertaining to a clearly articulated suicidal or behavioral health crisis shall be transferred to a 988 center unless certain specified conditions are met.
- 4) Requires 988 centers to provide follow-up services to individuals who access 988, consistent with guidance and policies established by the National Suicide Prevention Lifeline. (GC §53123.2(c))
 - 5) Requires the designated entities responsible for implementing the 988 system to ensure it is designed and implemented to ensure equitable access to services regardless of race, ethnicity, gender, socioeconomic status, sexual orientation, gender identity or expression, disability status, or geographic location. This must also include meeting the unique needs of specific populations, as specified. (GC §53123.3)
 - 6) Requires the Office of Emergency Services (OES) to implement, oversee, and enforce required provisions related to the operation of the 988 system, including adopting regulations, establishing training guidelines, and developing technology that is interoperable across crisis and emergency response systems, and that can track bed and service availability to responders (GC §53123.4(a)).
 - 7) Requires the California Health and Human Services Agency to provide direction and oversight of the implementation and administration of mental health crisis services accessible through 988, including establishing standards, maximizing available federal funding sources, coordinating timely reimbursement for services to counties with the Department of Insurance, overseeing local and regional planning and coordination of the system, and maintaining and evaluating data on usage and outcomes of the system. (GC §53123.5)
 - 8) Requires each county board of supervisors to appoint a 988 Local Planning Council by July 1, 2022, in order to implement the guidelines, standards, and regulations established by OES and the Health and Human Services Agency. (GC §53123.6)
 - 9) Creates a 988 monthly surcharge on phone service lines, similar to the existing 911 surcharge, to fund the program. (Revenue and Taxation Code §41020)

Comments:

- 1) **Author's Intent.** With the passage of the federal government's National Suicide Hotline Designation Act, which establishes a 988 mental health crisis hotline, the state must create a framework to receive callers and provide callers with care.

In their fact sheet, the author's office states the following:

"California is facing a mental health crisis. One in 6 Californians now live with a mental illness and suicides have increased by 35% over the last two decades – a tragic trend that has only been exacerbated by COVID-19. According to the CDC, in

direct response to COVID-19, surveys show twice as many people thought seriously about suicide this year compared to previous years. In Los Angeles, calls to a suicide hotline increased by 8000% since the start of the pandemic.

Well-intentioned but piecemeal approaches have failed to provide necessary mental health services amidst the state's growing mental health crisis. For many people with mental health and substance use disorders, particularly people of color and people who experience chronic homelessness, the criminal justice system has become the state's default mental health system when, in times of crisis, individuals and their families feel they have no option but to call the police for help.

Currently, the U.S. lacks a mental health crisis response system. Instead, we rely on law enforcement and confinement and put people suffering from mental illness through an expensive and traumatizing revolving-door as they shuttle between jails, emergency rooms, and the street. With 9-8-8, California has a historic opportunity to create a comprehensive crisis response system that promotes equity and provides services and supports to help individuals and communities thrive. A better system is possible – one that leads with treatment, not law enforcement.”

- 2) Background.** According to the bill's sponsor, states are mandated to implement 988 hotlines by July 2022. By that date, states and counties are expected to have infrastructure and funding in place to respond to increased numbers of crisis calls and to have at least one 988-crisis hotline center designated.

There are no specific federal penalties for not adopting the federal legislation. However, the state doesn't get to delay 988 implementation if AB 988 is not signed into law. Instead, the state will still have to implement the system, but without any funding or infrastructure in place, putting tremendous pressure on the entire system. The state also would not be able to take full advantage of all of the federal funding that was included in the American Rescue Act, which will help defray the costs of setting up these alternative crisis response systems.

Attachment A is an FAQ from the bill's sponsors providing additional background information on AB 988.

Support and Opposition.

Support (*previous version*)

- Steinberg Institute (cosponsor)
- The Kennedy Forum (cosponsor)
- Alameda County District Attorney's Office
- Alameda County Network of Mental Health Clients
- American Foundation for Suicide Prevention
- Association of Regional Center Agencies
- Black Lives Matter Committee of the African American and Friends of Rossmoor
- California Academy of Child and Adolescent Psychiatry

- California Association of Local Behavioral Health Boards and Commissions
- California Association of Marriage and Family Therapists
- California Commission on the Status of Women and Girls
- California Council of Community Behavioral Health Agencies
- California Pan-Ethnic Network
- California Psychological Association
- California State Association of Psychiatrists
- City of Concord
- City of Davis
- City of Dublin
- City of Lafayette
- City of Livermore
- City of Oakley
- City of Pleasanton
- City of San Diego
- City of San Ramon
- Congregation B'nai Tikvah
- Contra Costa County
- County of Los Angeles Board of Supervisors
- Democratic Party of Contra Cosa County
- Depression and Bipolar Support Alliance
- Didi Hirsch Mental Health Services
- Disability Rights California
- Everytown for Gun Safety Action Fund
- Genup
- Hathaway-Sycamores
- Indivisible Resisters Walnut Creek
- Jewish Family and Children's Services of San Francisco, The Peninsula, Marin and Sonoma Counties
- Kelechi Ubozoh Consulting
- Manzanita Services, Inc.
- Mental Health & Autism Insurance Project
- Mental Health America of California
- Mental Health Association of San Francisco
- Mobilize 4 Mental Health
- National Alliance for Mental Illness San Gabriel Valley
- National Alliance on Mental Illness
- National Union of Healthcare Workers
- Planned Parenthood Affiliates of California
- Restore Justice
- Shatterproof
- Showing up for Racial Justice (SURJ) Sacramento
- SURJ Contra Costa County
- Temple Akiba of Culver City

- The Mamahood
- The Miles Hall Foundation
- The Trevor Project
- Tides Advocacy
- Town of Danville
- Truth Love Justice – John C Carpenter
- Well Being Trust
- Wellspace Health
- Women’s March Contra Costa
- Numerous individuals

Oppose (*previous version*)

- California Taxpayers Association

History

2021

- 06/24/21 Re-referred to Coms. on G.O., HEALTH, and E., U. & C.
- 06/22/21 From committee chair, with author's amendments: Amend, and re-refer to committee. Read second time, amended, and re-referred to Com. on RLS.
- 06/16/21 Referred to Com. on RLS.
- 06/03/21 In Senate. Read first time. To Com. on RLS. for assignment.
- 06/02/21 Read third time. Passed. Ordered to the Senate. (Ayes 70. Noes 0.)
- 05/25/21 Read second time. Ordered to third reading.
- 05/24/21 Read second time and amended. Ordered returned to second reading.
- 05/20/21 From committee: Amend, and do pass as amended. (Ayes 12. Noes 4.) (May 20).
- 05/20/21 Joint Rule 62(a), file notice suspended.
- 05/19/21 In committee: Set, first hearing. Referred to APPR. suspense file.
- 05/17/21 Re-referred to Com. on APPR.
- 05/13/21 From committee chair, with author's amendments: Amend, and re-refer to Com. on APPR. Read second time and amended.
- 05/10/21 In committee: Hearing postponed by committee.
- 04/29/21 From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 0.) (April 28). Re-referred to Com. on APPR.
- 04/29/21 Coauthors revised.
- 04/21/21 From committee: Do pass and re-refer to Com. on C. & C. (Ayes 11. Noes 2.) (April 20). Re-referred to Com. on C. & C.
- 03/04/21 Referred to Coms. on HEALTH and C. & C.
- 02/19/21 From printer. May be heard in committee March 21.
- 02/18/21 Read first time. To print.

Attachments

Attachment A: AB 988 FAQs

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AMENDED IN SENATE JUNE 22, 2021
AMENDED IN ASSEMBLY MAY 24, 2021
AMENDED IN ASSEMBLY MAY 13, 2021
california legislature—2021–22 regular session

ASSEMBLY BILL

No. 988

**Introduced by Assembly Members Bauer-Kahan, Berman, Chiu,
Quirk-Silva, Ting, Gipson, and Ramos**
**(Coauthors: Assembly Members Aguiar-Curry, Bloom, Burke,
Gabriel, Cristina Garcia, Grayson, Low, McCarty, Mullin,
Luz Rivas, Robert Rivas, Rodriguez, Santiago, Stone, Villapudua,
Wicks, Lackey, Lee, Akilah Weber, and Wood)**
**(Coauthors: Senators Archuleta, Eggman, Glazer, Leyva, Wiener,
Nielsen, Ochoa Bogh, and Umberg)**

February 18, 2021

An act to amend Section 1714.55 of the Civil Code, to add Article 6.1 (commencing with Section 53123) to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, to add Section 324.9 to the Public Utilities Code, and to amend Sections 41007.2, 41007.3, 41013, 41020, 41021, 41022, 41023, 41024, 41026, 41028, 41030, 41031, 41032, 41046, 41050, 41098, 41100, 41128, 41135, 41136, and 41150 of, to amend Article 1 (commencing with Section 41020) and Article 2 (commencing with Section 41030) of Chapter 2 of Part 20 of Division 2 of, and to amend the heading of Chapter 2 (commencing with Section 41020) of Part 20 of Division 2 of, the Revenue and Taxation Code, relating to emergency ~~services~~ services, and declaring the urgency thereof, to take effect immediately.

legislative counsel's digest

AB 988, as amended, Bauer-Kahan. Mental health: 988 crisis hotline.

Existing law, the Warren-911-Emergency Assistance Act, requires every local public agency, as defined, to have an emergency communication system and requires the digits “911” to be the primary emergency telephone number within the system.

Existing law specifies provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law specifies that county mental health services should be organized to provide immediate response to individuals in precrisis and crisis and to members of the individual's support system, on a 24-hour, 7-day-a-week basis and authorizes provision of crisis services offsite, as mobile services.

Existing federal law, the National Suicide Hotline Designation Act, designates the 3-digit telephone number “988” as the universal number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline maintained by the Assistant Secretary for Mental Health and Substance Abuse and the Veterans Crisis Line maintained by the Secretary of Veterans Affairs.

~~This bill would state the Legislature's intent to enact legislation that would implement the National Suicide Hotline Designation Act of 2020, in compliance with the Federal Communication Commission's rules adopted by July 16, 2022, designating “988” as a 3-digit number for the National Suicide Prevention Hotline.~~

This bill would require 988 centers, as defined, to, by July 16, 2022, provide a person experiencing a behavioral health crisis access to a trained counselor by call and, by January 1, 2027, provide access to a trained counselor by call, text, and chat. The bill would require mobile crisis teams, as defined, to respond to any individual in need of immediate suicidal or behavioral health crisis intervention in a timely manner in all jurisdictions, and would require any call made to 911 pertaining to a clearly articulated suicidal or behavioral health crisis to be transferred to a 988 center; except under specified circumstances. The bill would require 988 centers to provide follow-up services to individuals accessing 988 consistent with guidance and policies established by the National Suicide Prevention Lifeline and within specified timelines.

The bill would require the Office of Emergency Services to take specified actions to implement the provisions of the bill related to emergency communications system components and operations of the 988 system, including, not later than January 1, 2022, appointing a director to implement and oversee the administration coordinating emergency mental health crisis response with emergency crisis lines, determining an anticipated operating budget for fiscal years 2021–2022 and 2022–2023, and designating a 988 center or centers to provide crisis intervention services and crisis care coordination to individuals accessing the 988 system, as provided. The bill would establish the State 988 Technical Advisory Board consisting of enumerated individuals, including representatives of the National Suicide Prevention Lifeline call centers, county behavioral health directors, specified emergency personnel, and others, for the purposes of expediting the implementation of the 988 system prior to July 16, 2022, and would require the director to appoint and convene the board. The board would be responsible for advising on developing policies, practices, and procedures for 988 system communications, technical and operational standards for the California 988 system, and initial budget, funding, and reimbursement decisions. The bill would require the board to meet monthly beginning January 30, 2022, through December 31, 2022, and follow open meeting requirements. The bill would prohibit board members from receiving compensation for their service on the board, but would specify that the board may be reimbursed for travel and per diem for time spent in attending meetings of the board.

This bill would require the Office of Emergency Services to, no later than October 31, 2023, and in partnership with the California Health and Human Services Agency, to develop and release a plan to fully implement the provisions of the bill by January 1, 2027, as specified.

This bill would require the California Health and Human Services Agency to provide direction and oversight of the implementation and administration of mental health crisis services accessible through 988, through specified duties, including establishing standards for behavioral health crisis services accessible through 988, seeking to maximize all available federal funding sources for the purposes of 988 implementation, and coordinating with the Department of Insurance to ensure efficient and timely reimbursement to counties for medically necessary crisis intervention, mobile crisis, crisis stabilization, and crisis residential services, among others. The bill would require the agency to, no later than January 1, 2022, appoint a 988 crisis services

director with specified experience to provide direction and oversight of the implementation and administration of mental health crisis services, and to issue an administrative claiming policy and procedure letter in accordance for the local drawdown of federal reimbursement for services provided by, and operations of, the 988 system, as specified.

This bill would require the California Health and Human Services Agency to, beginning January 1, 2024, and annually thereafter, prepare a report, as specified, and deliver it to the Legislature, the Substance Abuse and Mental Health Services Administration, and the Federal Communications Commission.

This bill would require county boards of supervisors to, no later than July 1, 2022, appoint a 988 Local Planning Council, consisting of specified individuals and entities, to implement the guidelines, standards, and regulations established by the Office of Emergency Services and the California Health and Human Services Agency for the coordination of county behavioral health crisis services with 988 centers, emergency medical services, law enforcement, cities, and when appropriate, other specialty behavioral health warm lines and hotlines. The bill would require the California Health and Human Services Agency to oversee the local and regional planning and coordination of the 988 system by the 988 Local Planning Council. The bill would require, no later than January 1, 2023, the council to prepare and submit to the Office of Emergency Services and the California Health and Human Services Agency, a landscape analysis of existing local behavioral health crisis services, and the state of coordination and integration of services with National Suicide Prevention Lifeline Call Centers, and to, by January 1, 2026, submit a 988 Local Services Plan, as specified. Beginning January 1, 2024, counties seeking to coordinate with 988 centers for the deployment of mobile crisis teams would be required to submit a supplemental 988 Local Services Plan, as provided.

This bill would require that those entities responsible for implementing the 988 system shall ensure the system is designed and implemented to ensure equitable access to services, as provided.

Existing law, the Emergency Telephone Users Surcharges Act, generally imposes a surcharge on each access line for each month or part thereof for which a service user subscribes with a service supplier; at an amount no greater than \$0.80, based on the Office of Emergency Services' estimate of the number of access lines to which the surcharge will be applied per month for a calendar year period, that it estimates,

pursuant to a specified formula, will produce sufficient revenue to fund the current fiscal year's 911 costs.

Existing law imposes a surcharge on the purchase of prepaid mobile telephony services at the time of each retail transaction in this state, at the rate equal to the monthly surcharge amount per access line, to be paid by prepaid consumers and collected by sellers, as defined. Existing law exempts certain lines from the surcharge, including lines supplying lifeline service. Existing law requires the surcharge to be remitted to, and administered by, the California Department of Tax and Fee Administration, in accordance with specified provisions. Existing law makes certain violations of the Emergency Telephone Users Surcharge Act a crime.

Existing law requires amounts to be paid to the state pursuant to the Emergency Telephone Users Surcharge Act to be deposited into the State Emergency Telephone Number Account and that the amounts deposited, upon appropriation by the Legislature, be spent solely for specified purposes, including payment for the installation of, and ongoing expenses for, a basic system.

This bill would create a separate surcharge, beginning January 1, 2022, on each access line for each month or part thereof for which a service user subscribes with a service supplier, based on the Office of Emergency Services' estimate of 988 costs which would be calculated in the same fashion as the office's estimate of 911 charges, but in no event would the surcharge amount in any month be greater than \$0.80. The bill would provide that the 988 surcharge for the years 2022 and 2023 is set at the same amount as the 911 surcharge. This bill would make applicable relevant provisions of the Emergency Telephone Users Surcharge Act to the 988 surcharge, as provided, including existing surcharge exemptions. The bill would provide for specified costs to be paid by the fees prior to distribution to the Office of Emergency Services. The bill would make conforming changes in regard to the 988 surcharge.

This bill would create the 988 State Mental Health and Crisis Services Special Fund and would require the fees to be deposited along with other specified moneys into the fund. The bill would provide that the funds be used, upon appropriation by the Legislature, for specified purposes, in accordance with federal law and as prioritized, including funding 988 crisis hotline centers and the operation of mobile crisis teams. The bill would require counties to use funds made available through the 988 State Mental Health and Crisis Services Special Fund to expand access to mental health crisis services, as provided. The bill

would require the Office of Emergency Services to require an entity seeking funds available through the 988 State Mental Health and Crisis Services Special Fund to annually file an expenditure and outcomes report containing specified information.

Existing law requires the Public Utilities Commission to publish specified information on its internet website, including contract and audit information.

This bill would require the Public Utilities Commission to publish specified information on its internet website relevant to these provisions.

Existing law provides that a retail or wholesale service provider of telecommunications service, or other service, involved in providing 9-1-1 service is liable for any civil claim, damage, or loss caused by an act or omission in the design, development, installation, maintenance, or provision of 9-1-1 service, as prescribed, and except as specified.

This bill would extend that provision to 9-8-8 services, as prescribed, and except as specified.

By imposing new requirements on counties and by expanding the scope of crimes imposed by the Emergency Telephone Users Surcharge Act, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~ ^{2/3}. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) It is the intent of the Legislature to implement
- 2 the National Suicide Hotline Designation Act of 2020 by July 16,
- 3 2022, in compliance with the Federal Communication
- 4 Commission’s rules designating “988” as a three-digit number

1 *for the National Suicide Prevention Hotline to assure all persons*
2 *residing in and visiting the State of California have access to the*
3 *“988” suicide prevention and behavioral health crisis hotline and*
4 *care 24 hours a day, seven days a week.*

5 *(b) It is the intent of the Legislature that the 988 system in*
6 *California operate as an emergency suicidal and behavioral health*
7 *crisis system which provides compassionate, appropriate, and*
8 *easily-accessible care to reduce unnecessary hospitalizations and*
9 *arrests.*

10 *(c) It is the intent of the Legislature that the 988 system be*
11 *designed to provide individuals with the least restrictive care*
12 *necessary to stabilize an individual in crisis and to set them up for*
13 *success on their recovery and wellness journey.*

14 *(d) It is the intent of the Legislature that in order to provide the*
15 *most appropriate level of care that the 988 system provides a*
16 *continuum of crisis services, including high-quality crisis*
17 *counseling, in-person intervention by trained mental health*
18 *professionals as an alternative to law enforcement, and linking*
19 *individuals with crisis and ongoing services.*

20 *(e) It is the intent of the Legislature that in order to reduce*
21 *unnecessary hospitalizations and arrests, suicidal and behavioral*
22 *health crisis calls to 911 be transferred to 988 so that trained*
23 *mental health professionals respond to all suicidal and behavioral*
24 *health crises that are not criminal or medical in nature.*

25 *(f) It is the intent of the Legislature that the 988 system in*
26 *California reach full operability, including statewide 24 hours a*
27 *day, seven days a week mobile crisis teams, by January 1, 2027,*
28 *according to the following timeline:*

29 *(1) By July 16, 2022, the Congressionally established go-live*
30 *date for the 988 number nationwide, 988 centers will be designated*
31 *by the Office of Emergency Services and prepared to receive and*
32 *respond to the anticipated 30 percent rise in call volume. To ensure*
33 *the success of this transition, the Office of Emergency Services*
34 *and the California Health and Human Services Agency will provide*
35 *call centers with necessary technology, financing, and guidelines*
36 *by July 16, 2022.*

37 *(2) By January 1, 2024, the California Health and Human*
38 *Services Agency and the Office of Emergency Services will develop*
39 *a plan for the statewide coordination of 988, 911, and county*
40 *behavioral health crisis services, including mobile crisis teams.*

1 *The plan will be based on a landscape analysis of existing services*
 2 *and describe how to expand, improve, and link services to fully*
 3 *implement this act by January 1, 2027. Additionally, the plan will*
 4 *outline intermediary steps for 988 centers coordinating the*
 5 *deployment of existing mobile crisis teams prior to January 1,*
 6 *2027.*

7 *(3) By January 1, 2027, the 988 system will be fully implemented*
 8 *statewide and will function as an alternative suicidal and*
 9 *behavioral health emergency response system.*

10 *SEC. 2. Section 1714.55 of the Civil Code is amended to read:*

11 1714.55. (a) A retail or wholesale service provider of
 12 telecommunications service, or other service, involved in providing
 13 9-1-1 service in accordance with the Warren-911-Emergency
 14 Assistance Act (Article 6 (commencing with Section 53100) of
 15 Chapter 1 of Part 1 of Division 2 of Title 5 of the Government
 16 Code), or 9-8-8 service in accordance with the Miles Hall Lifeline
 17 and Suicide Prevention Act (Article 6.1 (commencing with Section
 18 53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the
 19 Government Code), shall not be liable for any civil claim, damage,
 20 or loss caused by an act or omission in the design, development,
 21 installation, maintenance, or provision of 9-1-1 or 9-8-8 service,
 22 unless the act or omission that proximately caused the claim,
 23 damage, or loss constituted gross negligence, wanton or willful
 24 misconduct, or intentional misconduct.

25 (b) For purposes of this section:

26 ~~(1) “Public safety agency” means a public safety agency as~~
 27 ~~defined in accordance with the Warren 911-Emergency Assistance~~
 28 ~~Act (Article 6 (commencing with Section 53100) of Chapter 1 of~~
 29 ~~Part 1 of Division 2 of Title 5 of the Government Code).~~

30 ~~(2)~~

31 (1) “9-1-1 service” means a telecommunications service, or
 32 other wireline or wireless service, that provides to the user of the
 33 public telephone system the ability to reach a public safety agency
 34 by utilizing the digits 9-1-1 or otherwise facilitates the provision
 35 of emergency services pursuant to the Warren-911-Emergency
 36 Assistance Act (Article 6 (commencing with Section 53100) of
 37 Chapter 1 of Part 1 of Division 2 of Title 5 of the Government
 38 Code). “9-1-1 service” includes a 9-1-1 service that utilizes in
 39 whole or in part an Internet Protocol.

1 (2) "9-8-8 center" shall have the same meaning as defined in
2 Section 53123.1 of the Miles Hall Lifeline and Suicide Prevention
3 Act (Article 6.1 (commencing with Section 53123) of Chapter 1 of
4 Part 1 of Division 2 of Title 5 of the Government Code)

5 (3) "9-8-8 service" means a telecommunications service, or
6 other wireline or wireless service, that provides to the user of the
7 public telephone system the ability to reach a 9-8-8 center by
8 utilizing the digits 9-8-8 or otherwise facilitates the provision of
9 services pursuant to Miles Hall Lifeline and Suicide Prevention
10 Act (Article 6.1 (commencing with Section 53123) of Chapter 1 of
11 Part 1 of Division 2 of Title 5 of the Government Code). "9-8-8
12 service" includes a 9-8-8 service that utilizes in whole or in part
13 an Internet Protocol.

14 (4) "Behavioral health crisis services" shall have the same
15 meaning as defined in Section 53123.1 of the Miles Hall Lifeline
16 and Suicide Prevention Act (Article 6.1 (commencing with Section
17 53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the
18 Government Code).

19 (5) "Public safety agency" shall have the same meaning as
20 defined in Section 53102 of the Warren-911-Emergency Assistance
21 Act (Article 6 (commencing with Section 53100) of Chapter 1 of
22 Part 1 of Division 2 of Title 5 of the Government Code).

23 (c) This section shall not apply to services provided under tariff.

24 (d) This section shall not be construed to modify the liability
25 of a manufacturer, distributor, or other person arising from a claim,
26 damage, or loss, related to the operation or performance of an
27 end-user device that is not related to the provision of 9-1-1 service
28 or 9-8-8 services.

29 SEC. 3. Article 6.1 (commencing with Section 53123) is added
30 to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government
31 Code, to read:

32

33 Article 6.1. Miles Hall Lifeline and Suicide Prevention Act

34

35 53123. This article is known and may be cited as the "Miles
36 Hall Lifeline and Suicide Prevention Act."

37 53123.1. (a) "988" means the three-digit phone number
38 designated by the Federal Communications Commission for the
39 purpose of connecting individuals experiencing a mental health
40 crisis with suicide prevention and mental health crisis counselors,

1 *mobile crisis teams, and crisis receiving and stabilization services*
2 *and other behavioral health crisis services through the National*
3 *Suicide Prevention Lifeline Network.*

4 (b) *“988 Center” means a county or county contractor operated*
5 *center, operating on a county or regional basis and participating*
6 *in the National Suicide Prevention Lifeline Network to respond to*
7 *statewide or regional 988 calls.*

8 (c) *“988 Local Planning Council” means the regional or county*
9 *advisory body of designated stakeholders as defined in section*
10 *53123.6 working on a county or regional basis to plan, coordinate,*
11 *and oversee the dispatch or deployment of county behavioral health*
12 *crisis services and crisis receiving and stabilization services*
13 *accessible through 988.*

14 (d) *“Agency” shall mean the California Health and Human*
15 *Services Agency.*

16 (e) *“Behavioral health crisis services” means the continuum*
17 *of services to address crisis intervention, crisis stabilization, and*
18 *crisis residential treatment needs that are wellness, resiliency, and*
19 *recovery oriented. These include, but are not limited to, crisis*
20 *intervention, including counseling provided by 988 centers, mobile*
21 *crisis teams, and crisis receiving and stabilization services.*

22 (f) *“Mobile crisis team” means a jurisdiction-based behavioral*
23 *health team, as defined in the American Rescue Plan Act of 2021*
24 *(Section 1947(b)(2) of Public Law 117-2). Mobile crisis teams*
25 *provide onsite interventions including de-escalation, stabilization,*
26 *and referrals to behavioral health and other social services to*
27 *individuals who are experiencing a behavioral health crisis. mobile*
28 *crisis teams may include:*

29 (1) *Teams that include both medical professionals and a team*
30 *of behavioral health professionals that are embedded in emergency*
31 *medical services.*

32 (2) *Specialized teams that can provide coordinated care for*
33 *individuals experiencing chronic homelessness.*

34 (g) *“Coresponder teams” means a jurisdiction-based behavioral*
35 *health team in which a trained mental health professional and law*
36 *enforcement officer jointly respond to a suicidal or mental health*
37 *crisis. Coresponder mobile crisis teams shall include at least one*
38 *mental health professional and officers shall dress in plain clothes*
39 *and travel in unmarked vehicles.*

1 (h) “Crisis receiving and stabilization services” means facilities
2 with capacity for diagnosis, initial management, observation, crisis
3 stabilization, and followup referral services. They include crisis
4 stabilization units, sobering centers, crisis residential treatment,
5 peer respite services, and services related to involuntary
6 commitments under the Lanterman-Petris-Short Act (Part 1
7 (commencing with Section 5000) of Division 5 of the Welfare and
8 Institutions Code).

9 (i) “National Suicide Prevention Lifeline” means the national
10 network of local crisis hotline centers that provide free and
11 confidential emergency support to people in suicidal crisis or
12 emotional distress 24 hours a day, 7 days a week via a toll-free
13 hotline number, which receives calls made through the 988 system.
14 The toll-free number is maintained by the Assistant Secretary for
15 Mental Health and Substance Use under Section 520E-3 of the
16 Public Health Service Act, Section 290bb-36c of Title 42 of the
17 United States Code (42 U.S.C. Sec. 290bb-36c).

18 (j) “Office” shall mean the Office of Emergency Services.

19 (k) “Substance Abuse and Mental Health Services
20 Administration” means that agency of the United States
21 Department of Health and Human Services.

22 (l) “Veterans Crisis Line” means the hotline which provides
23 crisis intervention to veterans and that is maintained by the
24 Secretary of Veterans Affairs under Section 1720F(h) of Title 38
25 of the United States Code (38 U.S.C. Sec. 1720F(h)).

26 53123.2. (a) By January 1, 2027, 988 centers shall provide a
27 person experiencing a behavioral health crisis access to a trained
28 counselor to address their immediate needs 24 hours a day, seven
29 days a week via call, text, and chat. Beginning July 16, 2022, these
30 services shall be provided by call.

31 (b) By January 1, 2027, 988 centers shall coordinate with the
32 relevant program or programs, as determined by the 988 Local
33 Planning Council, for the deployment of mental health crisis
34 services, including mobile crisis teams, and coordinate access to
35 crisis receiving and stabilization services, as follows:

36 (1) Mobile crisis teams shall respond to any individual in need
37 of immediate suicidal or behavioral health crisis intervention in
38 a timely manner in all jurisdictions 24 hours a day, seven days a
39 week.

1 (2) (A) Any call made to 911 pertaining to a clearly articulated
2 suicidal or behavioral health crisis shall be transferred to a 988
3 center unless both of the following conditions are met in which
4 case 988 and 911 operators shall coordinate the simultaneous
5 deployment of law enforcement, medical, or fire with mobile crisis
6 teams:

7 (i) Based on the information provided and known facts available
8 at the time of a call, a 911 operator has reason to believe there is
9 a medical emergency, someone is in immediate danger, other than
10 the suicidal person, the person is threatening others' personal
11 safety, or there are reported conditions where law enforcement is
12 mandated to investigate a potential crime, or crimes, by federal
13 or state statute.

14 (ii) The situation cannot be reasonably managed without law
15 enforcement, medical, or fire assistance.

16 (B) Law enforcement, medical, or fire may only be deployed
17 independently if the simultaneous deployment of a mobile crisis
18 team would delay a timely response that a reasonable person would
19 believe will lead to personal injury or death.

20 (i) In the event that a law enforcement response is authorized
21 under subparagraph (A), any available coresponder team shall
22 respond or law enforcement shall be deployed simultaneously with
23 a mobile crisis team. If a coresponder team or a mobile crisis team
24 deployed with law enforcement is present, mental health
25 professionals shall have primary jurisdiction over the situation.

26 (ii) Only in the event that no coresponder team is available and
27 the simultaneous deployment of a mobile crisis team would delay
28 a timely response that a reasonable person would believe will lead
29 to personal injury or death may uniformed law enforcement officers
30 respond independently.

31 (iii) If law enforcement other than a coresponder team responds
32 independently to a suicidal or behavioral health crisis and it is
33 determined that none of the conditions in subparagraph (A) are
34 met, law enforcement shall request the response of a mobile crisis
35 team.

36 (c) The 988 centers shall provide follow-up services to
37 individuals accessing 988 consistent with guidance and policies
38 established by the National Suicide Prevention Lifeline and within
39 the timeframes established by all plan letters pursuant to Section
40 1374.73 of the Health and Safety Code.

1 53123.3. *The Office of Emergency Services, the California*
2 *Health and Human Services Agency, the 988 Local Planning*
3 *Council, and all other entities responsible for implementing the*
4 *988 system shall ensure the system is designed and implemented*
5 *to ensure equitable access to services regardless of an individual's*
6 *race, ethnicity, gender, socioeconomic status, sexual orientation,*
7 *gender identity or expression, disability status, or geographic*
8 *location. This shall include meeting the unique needs of specific*
9 *populations, including all of the following:*

10 (a) *Populations at greater risk of suicide as identified by the*
11 *Substance Abuse and Mental Health Services Administration.*

12 (b) *Black, Hispanic, Latino, Asian, Pacific Islander, Native*
13 *American, Native Hawaiian, Alaska Native, and other underserved*
14 *communities, and the diverse communities and backgrounds within*
15 *these categories.*

16 (c) *Individuals experiencing homelessness, housing instability,*
17 *or who are at risk of experiencing homelessness in the future.*

18 (d) *Children and youth.*

19 (e) *Older adults.*

20 (f) *Individuals with disabilities.*

21 (g) *Lesbian, gay, bisexual, transgender, nonbinary, queer, and*
22 *questioning individuals.*

23 (h) *Immigrants and refugees.*

24 (i) *Individuals who are limited-English proficient.*

25 (j) *Low-income persons.*

26 (k) *Religious communities.*

27 (l) *Individuals who are incarcerated or those who have been*
28 *incarcerated.*

29 (m) *Veterans.*

30 53123.4. (a) *The Office of Emergency Services shall*
31 *implement, oversee, and enforce the provisions of this act related*
32 *to emergency communications system components and operations*
33 *of the 988 system. Duties shall include all of the following:*

34 (1) *Adopting regulations for the purposes of implementing this*
35 *act, which shall be regularly reviewed and updated.*

36 (2) *Developing technology that does both of the following:*

37 (A) *Is interoperable between and across crisis and emergency*
38 *response systems used throughout the state, including 911,*
39 *emergency services, behavioral health crisis services, and other*
40 *nonbehavioral health crisis services. This shall include ensuring*

1 interoperability of phone calls, texts, chats, and other similar
2 capabilities consistent with the county's implementation of Next
3 Generation 911 pursuant to Section 53121.

4 (B) Tracks bed and service availability to crisis responders and
5 individuals in crisis for all mental health bed types, such as crisis
6 stabilization, psychiatric inpatient, substance use disorder inpatient
7 treatment, withdrawal management, and peer crisis respite.

8 (3) Establishing training guidelines, in collaboration with the
9 California Health and Human Services Agency, for employees
10 involved in the implementation of 988 including 988 center staff,
11 911 operators, emergency medical services, law enforcement, and
12 firefighters. Training guidelines shall be written consistent with
13 Section 53123.3.

14 (b) The office, in partnership with the agency, shall hold
15 quarterly stakeholder convenings until December 31, 2026, to
16 provide input and guidance during, and following, the adoption
17 of regulations. Beginning January 1, 2027, the office shall hold
18 biannual stakeholder convenings. The convenings shall include,
19 but not be limited to, representatives from all of the following:

20 (1) Organizations representing behavioral health consumers
21 and peers who are receiving or have received mental health
22 services and their relatives.

23 (2) Behavioral health and disability rights advocates.

24 (3) Local governments, including county behavioral health
25 departments and California Indian tribes as defined in subdivision
26 (c) of Section 8012 of the Health and Safety Code.

27 (4) Mental health and suicide hotline centers.

28 (5) First responders, including law enforcement, emergency
29 medical services, fire, and 911 operators.

30 (c) The office may adopt emergency regulations implementing
31 this act by July 16, 2022. The office may readopt any emergency
32 regulation authorized by this section that is the same as or
33 substantially equivalent to an emergency regulation previously
34 adopted under this section.

35 (d) No later than January 1, 2022, the office shall do all of the
36 following:

37 (1) Appoint a 988 crisis hotline system director to implement
38 and oversee the administration coordinating emergency mental
39 health crisis response with emergency crisis lines.

1 (2) (A) Determine the anticipated operating budget for the
2 fiscal years 2021–2022 and 2022–2023 pursuant to Section 41030
3 of the Revenue and Taxation Code. This budget shall be used to
4 establish the 988 surcharge rate under Section 41020 of the
5 Revenue and Taxation Code to be assessed on access lines and
6 prepaid lines beginning January 1, 2022.

7 (B) If the office determines that the anticipated operating budget
8 will exceed anticipated 988 surcharge revenue generated within
9 fiscal years 2021–22 and 2022–23, the office may seek an
10 emergency appropriation outside of the Budget Act of 2022. The
11 Director of Finance shall recommend an appropriation to provide
12 additional resources to the Office of Emergency Services for the
13 purposes of implementing the 988 system. The Director of Finance
14 shall not approve any augmentation unless the approval is made
15 in writing to the Chairperson of the Joint Legislative Budget
16 Committee and the chairpersons of the committees in each house
17 of the Legislature that considers appropriations not later than 30
18 days prior to the effective date of the approval, or not sooner than
19 whatever lesser time the chairperson of the joint committee, or
20 their designee, may determine. Additional funding shall be
21 available for encumbrance or expenditure until June 30, 2022.

22 (3) (A) Designate a 988 center or centers to provide crisis
23 intervention services and crisis care coordination to individuals
24 accessing 988. Each designated 988 center shall do both of the
25 following:

26 (i) Meet federal Substance Abuse and Mental Health Services
27 Administration requirements and national best practice guidelines
28 for operational and clinical standards, including training
29 requirements and policies for transferring callers to an appropriate
30 specialized center, or subnetworks, within or external to, the
31 National Suicide Prevention Lifeline network.

32 (ii) Maintain an active agreement with the administrator of the
33 National Suicide Prevention Lifeline for participation within the
34 network.

35 (B) Ensure that designated 988 centers utilize technology that
36 allows for transfers between 988 centers as well as between 988
37 centers and 911 public safety answering points beginning July 16,
38 2022.

39 (4) Appoint and convene the State 988 Technical Advisory
40 Board, which is, by this reference hereby established, for the

1 *purposes of expediting the implementation of 988 prior to July 16,*
2 *2022.*
3 *(A) The board shall advise the office on all of the following:*
4 *(i) Developing policies, practices, and procedures for 988 system*
5 *communications.*
6 *(ii) Technical and operational standards for the California 988*
7 *system.*
8 *(iii) Initial budget, funding, and reimbursement decisions.*
9 *(B) The board shall be comprised of all of the following:*
10 *(i) Two representatives from National Suicide Prevention*
11 *Lifeline call centers.*
12 *(ii) Two County Behavioral Health Directors.*
13 *(iii) One regional representative from a 911 Public Safety*
14 *Answering Point from the Northern, Southern, Central, and Los*
15 *Angeles regions.*
16 *(iv) One 911 County Coordinator representative with significant*
17 *experience as a County Coordinator to ensure that the details of*
18 *receiving and transferring calls is represented.*
19 *(v) One representative from the California Highway Patrol*
20 *Communications Support Section.*
21 *(vi) Two representatives from secondary fire and emergency*
22 *medical services Public Safety Answering Points.*
23 *(vii) One police chief.*
24 *(viii) One sheriff.*
25 *(ix) One fire chief.*
26 *(x) One chief emergency medical services officer.*
27 *(xi) Two representatives on the recommendation of the*
28 *California Health and Human Services Agency.*
29 *(C) Board members shall not receive compensation for their*
30 *service on the board, but may be reimbursed for travel and per*
31 *diem for time spent in attending meetings of the board.*
32 *(D) The board shall begin meeting no later than January 30,*
33 *2022, and shall meet monthly through December 31, 2022, at*
34 *which point the advisory board may be disbanded by the office.*
35 *(E) The board shall meet in public sessions in accordance with*
36 *the Bagley-Keene Open Meeting Act (Article 9 (commencing with*
37 *Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2).*
38 *The board shall, at its first meeting, adopt bylaws and operating*
39 *procedures consistent with this article and establish committees*
40 *as necessary.*

1 (e) No later than October 31, 2023, the office, in partnership
2 with the California Health and Human Services Agency, shall
3 develop and release a plan to fully implement this act by January
4 1, 2027. This plan shall be informed by the local landscape
5 analyses provided by the 988 Local Planning Council pursuant to
6 Section 53123.5. The plan shall include guidelines to allow 988
7 centers to coordinate with counties for the deployment of existing
8 mobile crisis teams beginning January 1, 2024.

9 53123.5. (a) The California Health and Human Services
10 Agency shall provide direction and oversight of the implementation
11 and administration of mental health crisis services accessible
12 through 988. The duties of the agency shall include all of the
13 following:

14 (1) Establishing standards for behavioral health crisis services
15 accessible through 988.

16 (2) Seeking to maximize all available federal funding sources
17 for the purposes of 988 implementation, including federal Medicaid
18 reimbursement for services; federal Medicaid reimbursement for
19 administrative expenses, including the development and
20 maintenance of information technology to support the 988 system
21 and crisis services; and federal grants, including the funding of
22 mental health crisis services.

23 (3) Coordinating with the Department of Insurance to ensure
24 efficient and timely reimbursement to counties for medically
25 necessary crisis intervention, mobile crisis, crisis stabilization,
26 and crisis residential services by health care service plans and
27 disability insurers, pursuant to Section 1374.72 of the Health and
28 Safety Code and Section 10144.5 of the Insurance Code and
29 consistent with the requirements of the federal Mental Health
30 Parity and Addiction Equity Act of 2008 (29 U.S.C. 1189(a)). The
31 Department of Managed Health Care and the Department of
32 Insurance shall issue guidance and may adopt emergency
33 regulations relating to efficient and timely reimbursement to
34 counties. The departments may readopt any emergency regulation
35 authorized by this subdivision that is the same as or substantially
36 equivalent to an emergency regulation previously adopted under
37 this subdivision.

38 (4) Overseeing the local and regional planning and coordination
39 of the 988 system by the 988 Local Planning Council, including
40 approving the 988 Local Services Plans, pursuant to Section

1 53123.6. *In consultation with the Office of Emergency Services,*
2 *the agency shall approve or deny a 988 Local Services Plan within*
3 *30 business days of receiving a completed proposal.*

4 (5) *Maintaining and evaluating data on the usage of, services*
5 *provided for, and outcomes from the 988 system.*

6 (b) *No later than January 1, 2022, the agency shall appoint a*
7 *988 crisis services director to provide direction and oversight of*
8 *the implementation and administration of mental health crisis*
9 *services. The director shall have experience in suicide prevention*
10 *and behavioral health crisis services, including coordination of*
11 *county and state mental health administrative services*
12 *organizations for the provision of mental health and substance*
13 *use disorder services.*

14 (c) *No later than January 1, 2022, the agency shall issue an*
15 *administrative claiming policy and procedure letter for the local*
16 *drawdown of federal reimbursement for services provided by and*
17 *operations of the 988 system, including any federal reimbursement*
18 *opportunities included in the American Rescue Plan Act of 2021*
19 *(Public Law 117-2).*

20 (d) *Beginning January 1, 2024, and annually thereafter, the*
21 *agency shall prepare a report and deliver it to the Legislature, the*
22 *Substance Abuse and Mental Health Services Administration, and*
23 *the Federal Communications Commission, in compliance with*
24 *Section 9795 and including information on all of the following:*

25 (1) *Data gathered pursuant to paragraph (4) of subdivision (a).*

26 (2) *Revenue generated by the 988 surcharge as reported by the*
27 *California Department of Tax and Fee Administration pursuant*
28 *to Section 41135 of the Revenue and Taxation Code.*

29 (3) *Deposits made to and expenditures from the Mental Health*
30 *and Crisis Services Special Fund as reported by the State Treasurer*
31 *per subdivision (e) of the Section 53123.7.*

32 (4) *The state of county behavioral health crisis services, how*
33 *funds from the Mental Health and Crisis Services Special Fund*
34 *are being used to support these services, and how additional funds*
35 *would be used to improve, create, or expand access to mental*
36 *health crisis services pursuant to paragraph (4) of subdivision (e)*
37 *of Section 53123.7.*

38 53123.6. *No later than July 1, 2022, each county board of*
39 *supervisors shall appoint a 988 Local Planning Council to*
40 *implement the guidelines, standards, and regulations established*

1 *by the Office of Emergency Services and the Health and Human*
2 *Services Agency for the coordination of county behavioral health*
3 *crisis services with 988 centers, emergency medical services, law*
4 *enforcement, cities, and when appropriate, other specialty*
5 *behavioral health warm lines and hotlines.*

6 *(a) The council shall include, but not be limited to, the following:*

7 *(1) Organizations representing mental health consumers and*
8 *peers who are receiving or have received mental health services*
9 *and relatives of mental health consumers.*

10 *(2) The 988 center or centers.*

11 *(3) The County Behavioral Health Director or directors.*

12 *(4) Mental health and substance use disorder service providers,*
13 *including public service employees.*

14 *(5) First responders, including law enforcement, emergency*
15 *medical services, fire, and 911 operators.*

16 *(6) California Indian tribes, as defined in subdivision (c) of*
17 *Section 8012 of the Health and Safety Code.*

18 *(b) No later than January 1, 2023, the council shall prepare*
19 *and submit to the office and the agency a landscape analysis of*
20 *existing local behavioral health crisis services, including mobile*
21 *crisis teams and coresponse teams, and the state of coordination*
22 *and integration of services with National Suicide Prevention*
23 *Lifeline Call Centers, which may or may not be designated 988*
24 *centers.*

25 *(c) By January 1, 2026, the council shall prepare and submit*
26 *the 988 Local Services Plan outlining how the county or region*
27 *will implement the plan developed by the office and the agency.*

28 *(1) Beginning January 1, 2024, counties seeking to coordinate*
29 *with 988 centers for the deployment of mobile crisis teams, at the*
30 *discretion of the council, shall submit a supplemental 988 Local*
31 *Services Plan outlining a proposal for mobile crisis team*
32 *deployment to the agency and the office.*

33 *(2) In the event that the council cannot reach consensus on the*
34 *988 Local Services Plan, the local or regional planning shall be*
35 *completed by the agency.*

36 *53123.7. (a) The 988 State Mental Health and Crisis Services*
37 *Special Fund is hereby established in the State Treasury.*

38 *(b) The fund shall consist of all of the following:*

39 *(1) Revenue generated by the 988 surcharge assessed on users*
40 *under Section 41020 of the Revenue and Taxation Code.*

1 (2) Appropriations made by the Legislature.

2 (3) Grants and gifts intended for deposit in the fund.

3 (4) Interest, premiums, gains, or other earnings on the fund.

4 (5) Money from any other source that is deposited in or
5 transferred to the fund.

6 (c) Notwithstanding Section 11754 of the Health and Safety
7 Code, federal funds payable directly to the state by the Substance
8 Abuse and Mental Health Services Administration to implement
9 988 may be made directly to the fund.

10 (d) Money in the fund is subject to all of the following:

11 (1) Money shall not revert at the end of any fiscal year and shall
12 remain available for the purposes of the fund in subsequent state
13 fiscal years.

14 (2) Money shall not be subject to transfer to any other fund or
15 to transfer, assignment, or reassignment for any other use or
16 purpose outside of those specified in this article.

17 (3) Money in the fund shall be available, upon appropriation
18 by the Legislature, for the purposes specified in this article.

19 (e) (1) All revenue generated by the 988 surcharge assessed
20 on users under Section 41020 of the Revenue and Taxation Code
21 shall only be expended on purposes authorized by the National
22 Suicide Hotline Designation Act of Section 251a(a)(2) of Title 47
23 of the United States Code (47 U.S.C. 251a(a)(2)).

24 (2) The revenue generated by the 988 surcharge shall be
25 prioritized to fund the following, in order of priority:

26 (A) The 988 centers, including the efficient and effective routing
27 of calls, personnel, and the provision of acute mental health
28 services through call, text, and chat to the 988 number.

29 (B) The operation of mobile crisis support teams.

30 (C) All other eligible expenses under the federal act.

31 (3) The revenue generated by the 988 surcharge shall be used
32 to supplement and not supplant federal, state, and local funding
33 for mobile crisis services and crisis receiving and stabilization
34 services as calculated in fiscal year 2019–2020.

35 (4) The revenue generated by the 988 surcharge may only be
36 used to fund service and operation expenses that are not
37 reimbursable through federal Medicaid match, Medicare, health
38 care service plans, or disability insurers.

39 (f) The Office of Emergency Services may adopt regulations
40 regarding the process for counties to receive funds.

1 (g) The office shall require an entity seeking funds available
2 through the 988 State Mental Health and Crisis Services Special
3 Fund to annually file an expenditure and outcomes report with
4 information including, but not limited to, the following, as
5 applicable to each modality, including call center, mobile crisis
6 services, and crisis receiving and stabilization services:

7 (1) The total budget, by fund source.

8 (2) Number and job classification of personnel allocated to each
9 modality.

10 (3) The number of individuals served.

11 (4) The outcomes for individuals served.

12 (5) The health coverage status of individuals served, if known.

13 (6) The amount billed to and reimbursed by Medi-Cal or other
14 public and private health care service plans or insurers.

15 (7) Measures of system performance, including capacity, wait
16 time, and the ability to meet demand for services.

17 (h) The State Treasurer shall report annually to the office on
18 fund deposits and expenditures.

19 SEC. 4. Section 324.9 is added to the Public Utilities Code, to
20 read:

21 324.9. The California Public Utilities Commission shall publish
22 on its internet website relevant information regarding the Miles
23 Hall Lifeline and Suicide Prevention Act (Article 6.1 (commencing
24 with Section 53123) Chapter 1 of Part 1 of Division 2 of Title 5
25 of the Government Code) and Federal Communications
26 Commission and North American Numbering Plan Administrator
27 guidelines regarding 988 implementation, including customer
28 education and network modification.

29 SEC. 5. Section 41007.2 of the Revenue and Taxation Code is
30 amended to read:

31 41007.2. (a) “Wireline communications service” shall mean
32 a local exchange service provided at a physical location in this
33 state that allows the user to make an outbound communication to
34 the 911 emergency communications ~~system~~ or 988 crisis hotline.

35 (b) For the purposes of the surcharge imposed by Chapter 2
36 (commencing with Section 41020):

37 (1) A wireline communications service access line does not
38 include a direct inward dialing number, extension, or other similar
39 feature that routes an inbound call and cannot provide access to
40 the 911 emergency communications system.

1 (2) The number of surcharges imposed shall not exceed the total
 2 number of concurrent outbound calls that can be placed to the
 3 emergency communications system at a single point of time.

4 (c) This definition shall apply only to this part.

5 (d) *Commencing January 1, 2022, the definition shall include*
 6 *a local exchange service provided at a physical location in this*
 7 *state that allows the user to make an outbound communication to*
 8 *the 988 crisis hotline as defined in the Miles Hall Lifeline and*
 9 *Suicide Prevention Act (Article 6.1 (commencing with Section*
 10 *53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the*
 11 *Government Code).*

12 *SEC. 6. Section 41007.3 of the Revenue and Taxation Code is*
 13 *amended to read:*

14 41007.3. (a) “Wireless communications service line” shall
 15 mean a telecommunications service provided to an end user with
 16 a place of primary use in this state that allows the end user to make
 17 an outbound communication to the 911 emergency communications
 18 system. A wireless communications service line shall not include
 19 prepaid mobile telephony service.

20 (b) For the purposes of the surcharge imposed by Chapter 2
 21 (commencing with Section 41020), not more than one surcharge
 22 may be imposed per wireless communications service line number
 23 assigned to an end user of mobile telecommunications service.

24 (c) This definition shall apply only to this part.

25 (d) *Commencing January 1, 2022, the definition shall include*
 26 *a local exchange service provided at a physical location in this*
 27 *state that allows the user to make an outbound communication to*
 28 *the 988 crisis hotline as defined in the Miles Hall Lifeline and*
 29 *Suicide Prevention Act (Article 6.1 (commencing with Section*
 30 *53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the*
 31 *Government Code).*

32 *SEC. 7. Section 41013 of the Revenue and Taxation Code is*
 33 *amended to read:*

34 41013. “Surcharge” means a tax or taxes levied by this state.
 35 “Surcharge,” or “surcharges” as used in this part, refers to two
 36 separate charges, one related to 911 service and one related to
 37 988 service.

38 *SEC. 8. The heading of Chapter 2 (commencing with Section*
 39 *41020) of Part 20 of Division 2 of the Revenue and Taxation Code*
 40 *is amended to read:*

Chapter 2. The ~~Surcharge~~ Surcharges

SEC. 9. *The heading of Article 1 (commencing with Section 41020) of Chapter 2 of Part 20 of Division 2 of the Revenue and Taxation Code is amended to read:*

Article 1. Imposition of the ~~Surcharge~~ Surcharges

SEC. 10. *Section 41020 of the Revenue and Taxation Code is amended to read:*

41020. (a) (1) (A) On and after January 1, 2020, a 911 surcharge is hereby imposed on each access line for each month or part thereof for which a service user subscribes with a service supplier, at an amount determined under Article 2 (commencing with Section 41030). *Beginning January 1, 2022, a separate 988 surcharge is hereby imposed on each access line for each month or part thereof for which a service user subscribes with a service supplier, at an amount determined under Article 2 (commencing with Section 41030).*

(B) ~~The surcharge~~ surcharges shall be paid by the service user as hereinafter provided.

(2) On and after January 1, 2020, the purchase of prepaid mobile telephony services in this state shall be subject to a surcharge set forth under Article 2 (commencing with Section 41030). The surcharge shall be paid by the prepaid consumer in accordance with Section 41028 and remitted and administered in accordance with this part. *Beginning January 1, 2022, a separate 988 surcharge is hereby imposed on the purchase of prepaid mobile telephony services, at an amount determined under Article 2 (commencing with Section 41030).*

(b) ~~The surcharge~~ surcharges imposed shall not apply to either of the following:

(1) In accordance with the Mobile Telecommunications Sourcing Act (Public Law 106-252), which is incorporated herein by reference, to any charges for mobile telecommunications services billed to a customer where those services are provided, or deemed provided, to a customer whose place of primary use is outside this state. Mobile telecommunications services shall be deemed provided by a customer's home service provider to the customer if those services are provided in a taxing jurisdiction to the

1 customer, and the charges for those services are billed by or for
2 the customer's home service provider.

3 (2) To any charges for VoIP service billed to a customer where
4 those services are provided to a customer whose place of primary
5 use of VoIP service is outside this state.

6 (c) For purposes of this section:

7 (1) "Access line in this state" means a telephone line as defined
8 in Section 233 of the Public Utilities Code associated with a billing
9 address located in California.

10 (2) "Charges for mobile telecommunications services" means
11 any charge for, or associated with, the provision of commercial
12 mobile radio service, as defined in Section 20.3 of Title 47 of the
13 Code of Federal Regulations, as in effect on June 1, 1999, or any
14 charge for, or associated with, a service provided as an adjunct to
15 a commercial mobile radio service, that is billed to the customer
16 by or for the customer's home service provider, regardless of
17 whether individual transmissions originate or terminate within the
18 licensed service area of the home service provider.

19 (3) "Customer" means (A) the person or entity that contracts
20 with the home service provider for mobile telecommunications
21 services, or with a VoIP service provider for VoIP service, or (B)
22 if the end user of mobile telecommunications services or VoIP
23 service is not the contracting party, the end user of the mobile
24 telecommunications service or VoIP service. This paragraph applies
25 only for the purpose of determining the place of primary use. The
26 term "customer" does not include (A) a reseller of mobile
27 telecommunications service or VoIP communication service, or
28 (B) a serving carrier under an arrangement to serve the mobile
29 customer outside the home service provider's licensed service
30 area.

31 (4) "Home service provider" means the facilities-based carrier
32 or reseller with which the customer contracts for the provision of
33 mobile telecommunications services.

34 (5) "Licensed service area" means the geographic area in which
35 the home service provider is authorized by law or contract to
36 provide commercial mobile radio service to the customer.

37 (6) "Mobile telecommunications service" means commercial
38 mobile radio service, as defined in Section 20.3 of Title 47 of the
39 Code of Federal Regulations, as in effect on June 1, 1999.

1 (7) “Place of primary use” means the street address
2 representative of where the customer’s use of the mobile
3 telecommunications service or VoIP service primarily occurs, that
4 must be:

5 (A) The residential street address or the primary business street
6 address of the customer.

7 (B) With respect to mobile telecommunications service, within
8 the licensed service area of the home service provider.

9 (8) (A) “Reseller” means a provider who purchases
10 telecommunications services or VoIP service from another
11 telecommunications service provider or VoIP service and then
12 resells the services, or uses the services as a component part of,
13 or integrates the purchased services into, a mobile
14 telecommunications service or VoIP service.

15 (B) “Reseller” does not include a serving carrier with which a
16 home service provider arranges for the services to its customers
17 outside the home service provider’s licensed service area.

18 (9) “Serving carrier” means a facilities-based carrier providing
19 mobile telecommunications service to a customer outside a home
20 service provider’s or reseller’s licensed area.

21 (10) “Taxing jurisdiction” means any of the several states, the
22 District of Columbia, or any territory or possession of the United
23 States, any municipality, city, county, township, parish,
24 transportation district, or assessment jurisdiction, or any other
25 political subdivision within the territorial limits of the United States
26 with the authority to impose a tax, charge, or fee.

27 (11) “VoIP service provider” means that provider of VoIP
28 service with whom the end user customer contracts for the
29 provision of VoIP services for the customer’s own use and not for
30 resale.

31 *SEC. 11. Section 41021 of the Revenue and Taxation Code is*
32 *amended to read:*

33 41021. (a) A service supplier shall collect the ~~surcharge~~
34 *surcharges* from each service user at the time it collects its billings
35 from the service user, provided that the duty to collect the surcharge
36 from a service user shall commence with the beginning of the first
37 regular billing period applicable to that person which starts on or
38 after the operative date of the surcharge imposed by this part. If
39 the stations or lines of more than one service supplier are utilized
40 in furnishing the telephone communication services to the service

1 user, the service supplier that bills the customer shall collect the
2 surcharge from the customer.

3 (b) Only one payment under this part shall be required with
4 respect to the ~~surcharge~~ *surcharges* on a service, notwithstanding
5 that the lines or stations of one or more service suppliers are used
6 in furnishing that service.

7 *SEC. 12. Section 41022 of the Revenue and Taxation Code is*
8 *amended to read:*

9 41022. The ~~surcharge~~ *surcharges* required to be collected by
10 the service supplier shall be added to and stated separately in its
11 billings to the service user.

12 *SEC. 13. Section 41023 of the Revenue and Taxation Code is*
13 *amended to read:*

14 41023. The ~~surcharge~~ *surcharges* required to be collected by
15 the service supplier, and any amount unreturned to the service user
16 which is not a surcharge but was collected from the service user
17 as representing a surcharge, constitute debts owed by the service
18 supplier to this state.

19 A service supplier that has collected any amount of ~~surcharge~~
20 *surcharges* in excess of the amount of ~~surcharge~~ *surcharges*
21 imposed by this part and actually due from a service user, may
22 refund such amount to the service user, even though such surcharge
23 amount has already been paid over to the board and no
24 corresponding credit or refund has yet been secured. Any service
25 supplier making a refund of any charge to a service user upon
26 which surcharge is collected under this part from the service user
27 may repay therewith the amount of the surcharge paid. The service
28 supplier may claim credit for such overpayment against the amount
29 of ~~surcharge~~ *surcharges* imposed by this part which is due upon
30 any other quarterly return, providing such credit is claimed in a
31 return dated no later than three years from the date of overpayment.

32 *SEC. 14. Section 41024 of the Revenue and Taxation Code is*
33 *amended to read:*

34 41024. Every service user in this state is liable for the ~~surcharge~~
35 *surcharges* until it has been paid to this state, except that payment
36 to a service supplier registered under this part is sufficient to relieve
37 the user from further liability for the tax.

38 Any surcharge collected from a service user which has not been
39 remitted to the board shall be deemed a debt owed to the State of
40 California by the person required to collect and remit such

1 surcharge. Nothing in this part shall impose any obligation upon
2 a service supplier to take any legal action to enforce the collection
3 of the utility users surcharge imposed by this part. The service
4 supplier shall provide the board with amounts uncollected which
5 total three dollars (\$3) or more on a cumulative basis with respect
6 to a single service user along with the names, addresses and reasons
7 of the service users refusing to pay the ~~surcharge~~ *surcharges*
8 imposed by this part.

9 *SEC. 15. Section 41026 of the Revenue and Taxation Code is*
10 *amended to read:*

11 41026. In the payment of the ~~surcharge~~ *surcharges* imposed
12 by this part, a fractional part of a cent shall be disregarded unless
13 it amounts to one-half or more, in which case it shall be increased
14 to one cent.

15 *SEC. 16. Section 41028 of the Revenue and Taxation Code is*
16 *amended to read:*

17 41028. (a) (1) On and after January 1, 2020, the surcharge
18 ~~amount~~ *amounts* imposed by Section 41020 on the purchase of
19 prepaid mobile telephony services in this state shall be collected
20 by a seller from each prepaid consumer at the time of each retail
21 transaction in this state.

22 (2) The amount of the ~~surcharge~~ *surcharges* shall be separately
23 stated on an invoice, receipt, or other similar document that is
24 provided to the prepaid consumer of mobile telephony services by
25 the seller, or otherwise disclosed electronically to the prepaid
26 consumer, at the time of the retail transaction.

27 (b) (1) The ~~surcharge~~ *surcharges* that is required to be collected
28 by a seller and any amount unreturned to the prepaid consumer of
29 mobile telephony services that is not owed as part of the surcharge,
30 but was collected from the prepaid consumer under the
31 representation by the seller that it was owed as part of the
32 surcharge, constitutes debts owed by the seller to this state.

33 (2) A seller that has collected any amount of surcharge in excess
34 of the amount of the surcharge imposed by this part and actually
35 due from a prepaid consumer may refund that amount to the
36 prepaid consumer, even though the surcharge amount has already
37 been paid over to the department and no corresponding credit or
38 refund has yet been secured. Any seller making a refund of any
39 charge to a prepaid consumer may repay therewith the amount of
40 the surcharge paid. The seller may claim credit for such

1 overpayment against the amount of surcharge imposed by this part
2 which is due upon any other quarterly return, providing such credit
3 is claimed in a return dated no later than three years from the date
4 of overpayment.

5 (c) (1) Every prepaid consumer of prepaid mobile telephony
6 services in this state is liable for the ~~surcharge~~ *surcharges* until it
7 has been paid to this state, except that payment to a seller registered
8 under this part relieves the prepaid consumer from further liability
9 for the ~~surcharge~~ *surcharges*. Any surcharge collected from a
10 prepaid consumer that has not been remitted to the department
11 shall be a debt owed to the state by the person required to collect
12 and remit the surcharge. Nothing in this part shall impose any
13 obligation upon a seller to take any legal action to enforce the
14 collection of the surcharge imposed by this section.

15 (2) A credit shall be allowed against, but shall not exceed, the
16 surcharge ~~amount~~ *amounts* imposed on any prepaid consumer of
17 mobile telephony services by this part to the extent that the prepaid
18 consumer has paid emergency telephone users charges on the
19 purchase to any other state, political subdivision thereof, or the
20 District of Columbia. The credit shall be apportioned to the charges
21 against which it is allowed in proportion to the amounts of those
22 charges.

23 (d) A seller is relieved from liability to collect the prepaid MTS
24 surcharge imposed by this part that became due and payable,
25 insofar as the base upon which the surcharge is imposed is
26 represented by accounts that have been found to be worthless and
27 charged off for income tax purposes by the seller or, if the seller
28 is not required to file income tax returns, charged off in accordance
29 with generally accepted accounting principles. A seller that has
30 previously paid the surcharge may, under rules and regulations
31 prescribed by the board, take as a deduction on its return the
32 amount found worthless and charged off by the seller. If any such
33 accounts are thereafter in whole or in part collected by the seller,
34 the amount so collected shall be included in the first return filed
35 after such collection and the surcharge shall be paid with the return.

36 (e) For purposes of this part, all of the following definitions
37 shall apply:

38 (1) “Prepaid consumer” means a person who purchases prepaid
39 mobile telephony services in a retail transaction.

1 (2) “Retail transaction” means the purchase of prepaid mobile
2 telephony services, either alone or in combination with mobile
3 data or other services, from a seller for any purpose other than
4 resale in the regular course of business. For these purposes, a
5 “purchase” means any transfer of title or possession, exchange, or
6 barter, conditional or otherwise.

7 (3) “Seller” means a person that sells prepaid mobile telephony
8 service to a person in a retail transaction.

9 (f) For purposes of this section, a retail transaction occurs in
10 the state under any of the following circumstances:

11 (1) The prepaid consumer makes the retail transaction in person
12 at a business location in the state (point-of-sale transaction).

13 (2) If paragraph (1) is not applicable, the prepaid consumer’s
14 address is in the state (known-address transaction). A
15 known-address transaction occurs in the state under any of the
16 following circumstances:

17 (A) The retail sale involves shipping of an item to be delivered
18 to, or picked up by, the prepaid consumer at a location in the state.

19 (B) If the prepaid consumer’s address is known by the seller to
20 be in the state, including if the seller’s records maintained in the
21 ordinary course of business indicate that the prepaid consumer’s
22 address is in the state and the records are not made or kept in bad
23 faith.

24 (C) The prepaid consumer provides an address during
25 consummation of the retail transaction that is in the state, including
26 an address provided with respect to the payment instrument if no
27 other address is available and the address is not given in bad faith.

28 (3) If an address is not available to the seller to determine
29 whether any of the circumstances in paragraph (2) exist, the
30 transaction will be deemed to be a known-address transaction
31 occurring in this state if the mobile telephone number is associated
32 with a location in this state.

33 (g) The surcharge amounts imposed under this section shall be
34 remitted by every seller, except a service supplier, as prescribed
35 under Part 1 (commencing with Section 6001), along with a return
36 filed using electronic media. The department shall administer such
37 remittance and returns as prescribed under Part 1 (commencing
38 with Section 6001).

39 (h) The purchase in a retail transaction in this state of prepaid
40 mobile telephony services, either alone or in combination with

1 mobile data or other services, by a prepaid consumer is exempt
 2 from the ~~surcharge~~ *surcharges* if all of the following apply:

3 (1) The prepaid consumer is certified as eligible for the state
 4 lifeline program or federal lifeline program.

5 (2) The seller is authorized to provide lifeline service under the
 6 state lifeline program or federal lifeline program.

7 (3) The exemption is applied only to the amount paid for the
 8 portion of the prepaid mobile telephony service that the lifeline
 9 program specifies is exempt from the surcharges and fees.

10 *SEC. 17. The heading of Article 2 (commencing with Section*
 11 *41030) of Chapter 2 of Part 20 of Division 2 of the Revenue and*
 12 *Taxation Code is amended to read:*

13
 14 Article 2. Adjustment of Surcharge ~~Amount~~ *Amounts*

15
 16 *SEC. 18. Section 41030 of the Revenue and Taxation Code is*
 17 *amended to read:*

18 41030. (a) The Office of Emergency Services shall determine
 19 annually, on or before October 1, to be effective on January 1 of
 20 the following year, a surcharge amount pursuant to subdivision
 21 (b) that it estimates will produce sufficient revenue to fund the
 22 current fiscal year’s 911 *and 988* costs.

23 (b) For determinations made that are applicable to the calendar
 24 year beginning on January 1, 2020, and each calendar year
 25 thereafter, the surcharge amount shall be determined annually by
 26 dividing the costs, including incremental costs, the Office of
 27 Emergency Services estimates for the current fiscal year ~~911~~ *of*
 28 *the following:*

29 (1) *The 911* costs approved pursuant to Article 6 (commencing
 30 with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title
 31 5 of the Government Code, less the available balance in the State
 32 Emergency Telephone Number Account in the General Fund, by
 33 its estimate of the number of access lines to which the surcharge
 34 will apply per month for the period of January 1 to December 31,
 35 inclusive, of the next succeeding calendar year, but in no event
 36 shall the surcharge amount in any month be greater than eighty
 37 cents (\$0.80) per access line per month.

38 (2) *For the calendar years 2022 and 2023, the 988 surcharge*
 39 *shall be set at the same amount as the 911 surcharge.*

1 (3) For the year beginning January 1, 2023, and each calendar
2 year thereafter, 988 costs approved pursuant to Article 6.1
3 (commencing with Section 53123) of Chapter 1 of Part 1 of
4 Division 2 of Title 5 of the Government Code, less the available
5 balance in the State Mental Health and Crisis Services Special
6 Fund, by its estimate of the number of access lines to which the
7 surcharge will apply per month for the period of January 1 to
8 December 31, inclusive, of the next succeeding calendar year, but
9 in no event shall the surcharge amount in any month be greater
10 than eighty cents (\$0.80) per access line per month.

11 (c) When determining the surcharge amount pursuant to this
12 section, the office shall include the costs it expects to incur to plan,
13 test, implement, and operate Next Generation 911 technology and
14 services, including text to 911 service, and alerts and warnings,
15 consistent with the plan and timeline required by Section 53121
16 of the Government Code.

17 (d) (1) Service suppliers shall report the total number of access
18 lines to the Office of Emergency Services, on or before August 1,
19 for the previous period of January 1 to December 31, inclusive.

20 (2) The total number of access lines required to be reported in
21 paragraph (1) shall include all lines from the categories of wireline
22 communication service line, wireless communication service line,
23 prepaid mobile telephony service line, and VoIP service line. The
24 number of access line figures shall be reported individually for
25 these categories.

26 (e) The office shall perform a validation of the number of access
27 lines using subscription data or other comparable data collected
28 by appropriate federal or state agencies. This subscription data or
29 other comparable data shall be used to validate the access line data
30 required to be reported by service suppliers in subdivision (d).

31 (f) (1) The office shall notify the department of the surcharge
32 amount imposed under this part, determined pursuant to this section
33 on or before October 1 of each year.

34 (2) The surcharge imposed on the purchase of prepaid mobile
35 telephony services shall be equal to the amount set forth in
36 subdivision (b) for each retail transaction in this state.

37 (g) (1) At least 30 days prior to determining the surcharge
38 pursuant to subdivision (a), the Office of Emergency Services shall
39 prepare a summary of the calculation of the proposed surcharge
40 and make it available to the public, the Legislature, the 911

1 ~~Advisory Board~~, *Advisory Board, the Mental Health Services*
 2 *Oversight and Accountability Commission, the State Department*
 3 *of Public Health*, and on its internet website.

4 (2) For determinations made on or before October 1, 2019, the
 5 summary shall contain all of the following:

6 (A) The prior year revenues to fund 911 costs, including, but
 7 not limited to, revenues from prepaid service.

8 (B) Projected expenses and revenues from all sources, including,
 9 but not limited to, prepaid service to fund 911 costs.

10 (C) The rationale for adjustment to the surcharge determined
 11 pursuant to subdivision (b), including, but not limited to, all
 12 impacts from the surcharge collected pursuant to Part 21
 13 (commencing with Section 42001).

14 (h) For purposes of this section, for the determination made by
 15 the office on or before October 1, 2019, that is applicable for the
 16 calendar year beginning on January 1, 2020, and ending on
 17 December 31, 2020, the following definitions shall apply:

18 (1) "Service supplier" shall mean a person supplying an access
 19 line to a service user in this state.

20 (2) "Service user" means any person that subscribes for the right
 21 to utilize an access line in this state who is required to pay a
 22 surcharge under the provisions of this part.

23 *SEC. 19. Section 41031 of the Revenue and Taxation Code is*
 24 *amended to read:*

25 41031. The Office of Emergency Services shall make its
 26 determination of the surcharge ~~amount~~ *amounts* each year no later
 27 than October 1 and shall notify the department of the new ~~amount~~,
 28 *amounts* which shall be fixed by the department to be effective
 29 with respect to access lines on or after January 1 of the next
 30 succeeding calendar year.

31 *SEC. 20. Section 41032 of the Revenue and Taxation Code is*
 32 *amended to read:*

33 41032. Immediately upon notification by the Office of
 34 Emergency Services and fixing the surcharge ~~amount~~, *amounts*
 35 the department shall each year no later than November 15 publish
 36 in its minutes the new amount, and it shall notify every service
 37 supplier registered with it of the new amount by a means, or means
 38 determined by the department, that may include, but is not limited
 39 to, mail, electronic mail, or internet website postings.

1 *SEC. 21. Section 41046 of the Revenue and Taxation Code is*
2 *amended to read:*

3 41046. (a) There are exempt from the ~~surcharge~~ *surcharges*
4 the following access lines and nonaccess line services:

- 5 (1) Those lines supplying lifeline service.
- 6 (2) Those lines connected to public telephones.
- 7 (3) Those lines for which no charges are billed by a service
8 supplier to a service user.

9 (b) This section shall become operative on January 1, 2020.

10 *SEC. 22. Section 41050 of the Revenue and Taxation Code is*
11 *amended to read:*

12 41050. The ~~surcharge~~ *surcharges* imposed by Section 41020
13 ~~attaches~~ *attach* at the time charges for the intrastate telephone
14 communication services and VoIP service are billed by the service
15 supplier to the service user and shall be paid by the service user
16 when paying for such services.

17 *SEC. 23. Section 41098 of the Revenue and Taxation Code is*
18 *amended to read:*

19 41098. (a) If the board finds that a person's failure to make a
20 timely return or payment is due to the person's reasonable reliance
21 on written advice from the board, the person may be relieved of
22 the ~~surcharge~~ *surcharges* imposed by this part and any penalty or
23 interest added thereto.

24 (b) For purposes of this section, a person's failure to make a
25 timely return or payment shall be considered to be due to
26 reasonable reliance on written advice from the board, only if the
27 board finds that all of the following conditions are satisfied:

28 (1) The person requested in writing that the board advise ~~him~~
29 ~~or her~~ *them* whether a particular activity or transaction is subject
30 to the surcharge under this part. The specific facts and
31 circumstances of the activity or transaction shall be fully described
32 in the request.

33 (2) The board responded in writing to the person regarding the
34 written request for advice, stating whether or not the described
35 activity or transaction is subject to the ~~surcharge~~ *surcharges*, or
36 stating the conditions under which the activity or transaction is
37 subject to the ~~surcharge~~ *surcharges*.

38 (3) The liability for surcharges applied to a particular activity
39 or transaction which occurred before either of the following:

1 (A) Before the board rescinded or modified the advice so given,
2 by sending written notice to the person of rescinded or modified
3 advice.

4 (B) Before a change in statutory or constitutional law, a change
5 in the board's regulations, or a final decision of a court, which
6 renders the board's earlier written advice no longer valid.

7 (c) Any person seeking relief under this section shall file with
8 the board all of the following:

9 (1) A copy of the person's written request to the board and a
10 copy of the board's written advice.

11 (2) A statement under penalty of perjury setting forth the facts
12 on which the claim for relief is based.

13 (3) Any other information which the board may require.

14 (d) Only the person making the written request shall be entitled
15 to rely on the board's written advice to that person.

16 *SEC. 24. Section 41100 of the Revenue and Taxation Code is*
17 *amended to read:*

18 41100. If the department determines that any amount, penalty,
19 or interest has been paid more than once or has been erroneously
20 or illegally collected or computed, the department shall set forth
21 that fact in the records of the department, certify the amount
22 collected in excess of the amount legally due and the person from
23 whom it was collected or by whom paid, and credit the excess
24 amount collected or paid on any amounts then due and payable
25 from the person from whom the excess amount was collected or
26 by whom it was paid under this part, and the balance shall be
27 refunded to the person, or their successors, administrators, or
28 executors. Any proposed determination by the department pursuant
29 to this section with respect to an amount in excess of fifty thousand
30 dollars (\$50,000) shall be available as a public record for at least
31 10 days prior to the effective date of that determination.

32 Any overpayment of ~~the~~ a surcharge by a service user to a service
33 supplier or seller who is required to collect the surcharge shall be
34 credited or refunded by the state to the service user. However, if
35 the service supplier or seller has paid the amount to the department
36 and establishes to the satisfaction of the department that it has not
37 collected the amount from the service user or has refunded the
38 amount to the service user, the overpayment may be credited or
39 refunded by the state to the service supplier.

1 *SEC. 25. Section 41128 of the Revenue and Taxation Code is*
2 *amended to read:*

3 41128. The board shall enforce the provisions of this part and
4 may prescribe, adopt, and enforce rules and regulations relating
5 to the administration and enforcement of this part. The board shall
6 not prescribe, adopt or enforce any rule or regulation which has
7 the effect, directly or indirectly, of altering the terms and conditions
8 of service of a service supplier serving the general public, other
9 than the imposition of the ~~surcharge~~ surcharges.

10 *SEC. 26. Section 41135 of the Revenue and Taxation Code is*
11 *amended to read:*

12 41135. (a) All amounts required to be paid to the state under
13 this part shall be paid to the department in the form of remittances
14 payable to the California Department of Tax and Fee
15 Administration. The department shall transmit the payments to the
16 State Treasurer to be deposited in the State Treasury to *either* the
17 credit of the State Emergency Telephone Number Account in the
18 ~~General Fund, which is hereby created.~~ *Fund, or the 988 State*
19 *Mental Health and Crisis Services Special Fund depending on the*
20 *apportionment of the surcharge arising from the 911 emergency*
21 *communication system or the 988 crisis hotline.*

22 (b) *The department, in consultation with the Office of Emergency*
23 *Services, may adopt regulations to implement the apportionment*
24 *of the surcharge.*

25 (c) *The department shall submit an annual report to the Office*
26 *of Emergency Services on revenue generated by the 988 surcharge.*

27 *SEC. 27. Section 41136 of the Revenue and Taxation Code is*
28 *amended to read:*

29 41136. (a) From the funds in the State Emergency Telephone
30 Number Account, all amounts of the surcharge collected shall,
31 when appropriated by the Legislature, be spent solely for the
32 following purposes:

33 (a)

34 (1) To pay refunds authorized by this part.

35 (b)

36 (2) To pay the department for the cost of the administration of
37 this part.

38 (c)

39 (3) To pay the Office of Emergency Services for its costs in
40 administration of the “911” emergency telephone number system.

1 ~~(4)~~
 2 (4) To pay bills submitted to the Office of Emergency Services
 3 by service suppliers or communications equipment companies for
 4 the installation of, and ongoing expenses for, the following
 5 communications services supplied to local agencies in connection
 6 with the “911” emergency phone number system:

7 ~~(1)~~
 8 (A) A basic system, defined as 911 systems, including, but not
 9 limited to, Next Generation 911, and the subsequent technologies,
 10 and interfaces needed to deliver 911 voice and data information
 11 from the 911 caller to the emergency responder and the subsequent
 12 technologies, and interfaces needed to send information, including,
 13 but not limited to, alerts and warnings, to potential 911 callers.

14 ~~(2)~~
 15 (B) A basic system with telephone central office identification.

16 ~~(3)~~
 17 (C) A system employing automatic call routing.

18 ~~(4)~~
 19 (D) Approved incremental costs.

20 ~~(e)~~
 21 (5) To pay claims of local agencies for approved incremental
 22 costs, not previously compensated for by another governmental
 23 agency.

24 ~~(f)~~
 25 (6) To pay claims of local agencies for incremental costs and
 26 amounts, not previously compensated for by another governmental
 27 agency, incurred prior to the effective date of this part, for the
 28 installation and ongoing expenses for the following communication
 29 services supplied in connection with the “911” emergency
 30 telephone number system:

31 ~~(1)~~
 32 (A) A basic system, defined as 911 systems, including, but not
 33 limited to, Next Generation 911, and the subsequent technologies,
 34 and interfaces needed to deliver 911 voice and data information
 35 from the 911 caller to the emergency responder and the subsequent
 36 technologies, and interfaces needed to send information, including,
 37 but not limited to, alerts and warnings, to potential 911 callers.

38 ~~(2)~~
 39 (B) A basic system with telephone central office identification.

40 ~~(3)~~

1 (C) A system employing automatic call routing.

2 (4)

3 (D) Approved incremental costs. Incremental costs shall not be
4 allowed unless the costs are concurred in by the Office of
5 Emergency Services.

6 (b) (1) *From the funds in the 988 State Mental Health and*
7 *Crisis Services Special Fund, all amounts of the 988 surcharge*
8 *collected shall be spent for purposes identified in Section 53123.7*
9 *of the Government Code. However, before funds are disbursed as*
10 *provide in Section 53123.7 of the Government Code, funds shall*
11 *be used for all of the following:*

12 (A) *To pay refunds authorized by this part.*

13 (B) *To pay the department for the cost of the administration of*
14 *this part.*

15 (C) *To pay the Office of Emergency Services for its costs in*
16 *administration of the 988 crisis hotline.*

17 (2) *The remainder of the revenue shall be disbursed to the Office*
18 *of Emergency Services for the purposes identified in Section*
19 *53123.7 of the Government Code.*

20 SEC. 28. *Section 41150 of the Revenue and Taxation Code is*
21 *amended to read:*

22 41150. (a) *The Legislature hereby declares and finds that to*
23 *enable public agencies to implement “911” emergency phone*
24 *systems required by the provisions of Chapter 1005 of the 1972*
25 *Regular Session (Article 6 (commencing with Section 53100) of*
26 *Chapter 1 of Part 1 of Division 2 of Title 5 of the Government*
27 *Code) it is necessary that a surcharge be imposed upon access lines*
28 *purchased by every person in the state for access to the 911*
29 *emergency communication system. This act will provide funding*
30 *for basic 911, as defined in Section 41136, and the technology and*
31 *interfaces needed to deliver 911 voice and data information from*
32 *the 911 caller to the emergency responder and the subsequent*
33 *technologies, and interfaces needed to send information, including,*
34 *but not limited to, alerts and warnings, to potential 911 callers. In*
35 *addition, this part will provide funding for incremental costs.*

36 (b) *The Legislature hereby finds and declares that to enable*
37 *public agencies to implement the 988 hotline required by the*
38 *provisions of the Miles Hall Lifeline and Suicide Prevention Act*
39 *(Article 6.1 (commencing with Section 53123) of Chapter 1 of Part*
40 *1 of Division 2 of Title 5 of the Government Code) it is necessary*

1 *that a surcharge be imposed upon access lines purchased by every*
 2 *person in the state for access to the 988 crisis hotline. This act, as*
 3 *amended by the act adding this subdivision, will provide funding,*
 4 *in part, for 988 centers operated by counties and mobile crisis*
 5 *teams and crisis receiving and stabilization services.*

6 *SEC. 29. No reimbursement is required by this act pursuant*
 7 *to Section 6 of Article XIII B of the California Constitution for*
 8 *certain costs that may be incurred by a local agency or school*
 9 *district because, in that regard, this act creates a new crime or*
 10 *infraction, eliminates a crime or infraction, or changes the penalty*
 11 *for a crime or infraction, within the meaning of Section 17556 of*
 12 *the Government Code, or changes the definition of a crime within*
 13 *the meaning of Section 6 of Article XIII B of the California*
 14 *Constitution.*

15 *However, if the Commission on State Mandates determines that*
 16 *this act contains other costs mandated by the state, reimbursement*
 17 *to local agencies and school districts for those costs shall be made*
 18 *pursuant to Part 7 (commencing with Section 17500) of Division*
 19 *4 of Title 2 of the Government Code.*

20 *SEC. 30. This act is an urgency statute necessary for the*
 21 *immediate preservation of the public peace, health, or safety within*
 22 *the meaning of Article IV of the California Constitution and shall*
 23 *go into immediate effect. The facts constituting the necessity are:*

24 *The national 988 system will be fully operationalized on July*
 25 *16, 2022, by which point California must establish the means to*
 26 *answer and respond to calls. Given the Office of Emergency*
 27 *Services, counties, and 988 crisis hotline centers must implement*
 28 *this act within less than one year of its passage, it is necessary for*
 29 *this act to take immediate effect.*

30 ~~SECTION 1. It is the intent of the Legislature to enact~~
 31 ~~legislation to implement the National Suicide Hotline Designation~~
 32 ~~Act of 2020, in compliance with the Federal Communication~~
 33 ~~Commission's rules adopted by July 16, 2022, designating "988"~~
 34 ~~as a three-digit number for the National Suicide Prevention Hotline.~~

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ATTACHMENT A



AB 988 Frequently Asked Questions

What is 9-8-8?

9-8-8 is the new three-digit number for the National Suicide Prevention Lifeline – the new “9-1-1” for mental health crises – designed by the Federal Communications Commission (FCC) in July 2020. The number will have trained staff answer calls from individuals at risk for suicide as well as those experiencing other mental health emergencies. By July 2022, all phone companies are required to route callers dialing 9-8-8 to the National Suicide Prevention Lifeline.

Individuals calling 9-8-8 will be connected with counselors trained to assist people in emotional distress or suicidal crises and, when necessary, deploy mobile crisis teams, link callers with crisis receiving and stabilization services, and refer individuals to ongoing services.

How will 9-8-8 differ from 2-1-1, 3-1-1, and Family Urgent Response System (FURS), 9-1-1, and the current suicide hotline number (1-800-273-TALK)?

2-1-1 and 3-1-1 are both non-emergency numbers for local resources. 2-1-1 can provide callers with help finding community resources, such as food banks and shelters. 3-1-1 can connect callers with non-emergency municipal services.

FURS is a coordinated statewide, regional, and county-level system designed to support current and former foster youth and their caregivers. FURS provides collaborative and timely state-level phone-based response and county-level in-home, in-person mobile response during situations of instability, to preserve the relationship of the caregiver and the child or youth.

9-1-1 is currently used for all emergencies, including mental health emergencies. Although law enforcement response is often not appropriate or for mental health crisis emergencies, police are typically the first responders activated by 9-1-1 calls.

9-8-8 will be a mental health crisis number to access counselors through the National Suicide Prevention Lifeline (currently accessible through the 10-digit number 1-800-273-TALK). National Suicide Prevention Lifeline counselors are highly trained to assist people in emotional distress or suicidal crisis. In fact, based on data provided by Lifeline call centers, approximately 98% of answered Lifeline calls do not require an emergency response. Under the new 9-8-8 system for individuals that do require an emergency response, counselors will be able to deploy trained mental health professionals and peers to respond to people in the field instead of law enforcement.

Who responds when you call 9-8-8?

9-8-8 will be a mental health crisis number, and calls will be handled by National Suicide Prevention Lifeline counselors. These counselors are highly trained to assist people in emotional distress or suicidal crises. In fact, based on data provided by Lifeline call centers, approximately 98% of answered Lifeline calls do not require an emergency response. Of the 2% of the calls that do require emergency response, over 60% of those calls are ones where the caller agrees that emergency services are needed and collaborates with the Lifeline counselor to receive those services.

Are National Suicide Prevention Lifeline (NSPL) centers prepared to accept mental health emergency calls and the anticipated call volume increase?

NSPL centers are already adept at handling many types of mental health emergencies. In fact, only 25% of the calls they currently receive are from someone who is suicidal. Furthermore, the NSPL has factored into its cost projections for 988 for the need for additional staff and training.

What happens when a caller needs an emergency response?

In the case of situations that cannot be resolved over the phone, callers will be connected with mental health services including, but not limited to, mobile crisis teams, crisis receiving and stabilization services, and ongoing services.

For situations where someone presents a public safety risk or is in a medical emergency, calls will be transferred to 911.

What is a mobile crisis team?

Mobile crisis teams include licensed mental health professionals and peer support specialists, and may include medical and health professionals.

Mobile crisis support teams provide onsite interventions including deescalation, stabilization, and referrals to mental health and other social services to individuals who are experiencing a mental health crisis.

What is the role for law enforcement?

Law enforcement may only respond when there is an explicit threat to public safety, and the situation cannot be managed without law enforcement assistance.

How can 988 improve the lives of people who experience a mental health crisis?

For many people with mental health and substance use disorders, particularly people of color, people in the LGBTQ+ community, and people who experience chronic homelessness, a law enforcement response to a mental health emergency has ended in tragedy or poor outcomes, including trauma, incarceration, injury, and death. Just as calls to the Lifeline are currently answered, future calls to 988 will be answered by someone trained in mental health crisis response who can often resolve the situation by phone, text, or chat.

Currently, the U.S. lacks a mental health crisis response system. With 988, California has a historic opportunity to create a crisis response system that promotes equity and provides services and supports to help individuals and communities thrive.

With non-existent or inadequate crisis care, costs escalate due to an overdependence on restrictive, longer-term hospital stays, hospital readmissions, overuse of law enforcement and human tragedies that result from a lack of access to care. Comprehensive crisis systems prevent these tragedies, save municipalities money and resources, and increase access to comprehensive care.

How does 988 improve health care and public safety costs?

The 9-8-8 crisis response model offers an opportunity for significant ongoing savings for the state and local governments. Call centers will be able to divert many calls from 911, resulting in substantial cost-savings for health and safety crisis and emergency systems. Reducing the dispatch of law enforcement to persons in non-emergency mental health crises frees more resources to respond to public safety needs, and reduces the hesitation associated with reporting mental health crises.

For example, one crisis continuum program in Eugene, Oregon, CAHOOTS, is estimated to save the city an estimated \$8.5 million in public safety spending annually. In 2019, Eugene's CAHOOTS team answered 17% of the police department's overall call volume; out of 24,000 calls, police backup was requested only 150 times.

Another crisis continuum program model implemented in Phoenix, Crisis Now, is estimated to have reduced inpatient spending by \$260 million, preventing \$37 million in costs to hospital emergency departments in 2016. Phoenix saved the equivalent of 37 full-time police officers and further reduced city fire department costs.

Why is 9-8-8 housed under the Office of Emergency Services?

Placing oversight authority within OES will allow for the seamless coordination between 9-8-8 and 9-1-1, which is paramount to the success of 9-8-8 implementation. To address concerns that OES does not have expertise in mental health, we require a director position be created within OES to lead 9-8-8 implementation, which must be filled by someone with experience in mental health crisis response and services. Furthermore, in drafting any regulations the director must consult with a range of mental health experts, including consumers and a representative from the Office of Suicide Prevention.

How will 9-8-8 be funded?

California's 9-8-8 system will be self-funded through the assessment of a fee on telephone lines. The National Suicide Hotline Designation Act allows states to assess a fee to fund call routing, personnel, and provision of mental health and crisis outreach services in response to 9-8-8 calls. This mirrors the funding model for 9-1-1.

Additionally, Medi-Cal and private insurers will cover the costs of providing healthcare to callers.

The federal government has also included unprecedented levels of funding for alternative crisis response for individuals with a mental illness. The federal government will reimburse 85% of the costs of mobile crisis teams.

What is California's 9-1-1 fee?

Each year the Office of Emergency Services does an assessment of the annual operating costs for 9-1-1. That total is then divided by the total number of telephone lines in the state to determine what the monthly fee on telephone lines will be. California currently assesses a \$0.30 cent fee generating approximately \$175 million per year to fund 9-1-1 operations.

Adjusting the fee each year based on the actual costs of operations as opposed to a flat fee ensures a lower fee for California telephone customers as well as a well-funded emergency response system.