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MEMORANDUM

To: House Committee on Energy, Utilities and Telecommunications
From: Office of Revisor of Statutes
Date: March 10, 2022
Subject: Substitute for House Bill 2281 – Bill Brief

House Bill 2281 would provide for the establishment and implementation of the national suicide prevention and mental health crisis hotline 988 in Kansas. Recent federal legislation, including the Federal National Suicide Hotline Act, Public Law 116–172, of October 2020, and recent actions by the Federal Communications Commission to establish 988 have led to the development and implementation of the 988-dialing code at the federal and state level. Such federal efforts were intended to create an easy-to-remember dialing code and to strengthen local crisis response system capacity. Beginning July 16, 2022, all telecommunications providers must route calls and texts made to 988 to the national suicide prevention hotline.

HB 2281 would establish the structure for the state's implementation and administration of the federal 988 initiative. Prior to July 16, 2022, the Kansas Department for Aging and Disability Services would be required to:

1. Designate hotline centers to provide crisis intervention services and care coordination;
2. Create a system to ensure communication, coordination and deployment of real-time crisis care;
3. Convene mobile-crisis teams;
4. Develop guidelines for deploying and coordinating services, referrals and follow-ups;
5. Coordinate consistent public messaging regarding the hotline;
6. Require hotline center staff to be appropriately trained;
7. Develop plans for payment for KanCare members and uninsured services;
8. Create an advisory board for guidance and recommendations;
9. Hire a statewide suicide prevention coordinator; and

10. Adopt rules and regulations to implement such law.

Telecommunications providers would be required to appropriately route all calls using the 988 dialing code and the state's hotline centers would be required to comply with certain requirements relating to participation and receipt of calls, staff training, coordination of crisis-response and follow-up services, and call routing for veterans' services.

Section 5 of HB 2281 would impose a monthly 988 fee in the amount of \$0.20 on each billed service user of any exchange telecommunications service, wireless service, VoIP service other voice service capable of contacting a hotline center. Such fee would be required to be conspicuously stated as a 988 fee on each bill. Providers would be required to collect and remit all such fees to the state treasurer for deposit into the 988 suicide prevention and mental health crisis fund.

Section 6 of HB 2281 would impose a prepaid wireless 988 fee in the amount of 0.4% per retail transaction for prepaid wireless service. Sellers of prepaid wireless services would be required to collect such fees and remit such fees to the department of revenue pursuant to payment procedures established by the department. The department of revenue would then remit all such fees to the state treasurer for deposit into the fund.

Section 7 would establish the 988 suicide prevention and mental health crisis hotline fund. In addition to the 988 fees, HB 2281 would provide for a demand transfer of \$3.0 million from the state general fund to the 988 suicide prevention and mental health crisis hotline fund. Such fund would be administered by the secretary of KDADS and the moneys in such fund could only be used for:

1. Ensuring efficient and effective call routing; and
2. Personnel, provision of acute mental health, crisis outreach and stabilization services, public promotion, data collection and reporting.

Section 8 would require the secretary of KDADS to submit annual reports to certain House and Senate committees detailing outcomes relating to implementation of the 988 hotline with key performance indicators.

Section 9 would encourage each school district that use student identification cards for students in grades 6 through 12 to include the 988 hotline number on such cards.

Section 10 would establish a 988 coordinating council to monitor the delivery of services, develop strategies for future enhancements and to distribute available grant funds to organizations that provide associated services. The 988 council would be composed of the

following 15 voting members with such members appointed by the governor unless otherwise stated:

1. Two members representing IT personnel from governmental units;
2. One member representing the Kansas Sheriff's association;
3. One member representing the Kansas Association of Chiefs of Police;
4. One member representing the Kansas Association of Community Mental Health Centers;
5. One member representing Interhab;
6. One member from KDADS;
7. One member from DCF;
8. One member recommended by the Kansas commission for the deaf and hard of hearing;
9. Two members representing national suicide prevention lifeline centers in counties with a population less than 75,000;
10. Two members representing national suicide prevention lifeline centers in counties with a population greater than 75,000; and
11. Two members appointed by the LCC with one from the House Committee on Appropriations and one from the Senate Committee on Ways and Means.

The 988 coordinating council would also include the following nonvoting members appointed by the governor:

1. One member recommended by the Kansas rural independent telephone companies;
2. One member representing incumbent local exchange carriers with over 50,000 access lines;
3. One member representing large wireless providers;
4. One member representing VoIP providers;
5. One member recommended by the League of Kansas Municipalities;
6. One member recommended by the Kansas Geographic Information Systems Policy Board;
7. One member recommended by the Kansas Office of Information Technology Services; and

8. One member recommended by the Mid-America regional Council who is a resident of Kansas.

Members appointed by the governor would serve a 3-year term and could not serve more than two terms. The governor would select the chairperson of the council. HB 2281 would authorize the 988 coordinating council to adopt rules and regulations to implement the provisions of the bill, including, but not limited to:

1. Creating uniform reporting forms designating how moneys are expended by lifeline centers;
2. Requiring providers to notify the council when commencing operations;
3. Establishing standards for purchases of equipment; and
4. Recommending standards for general operations training of lifeline center personnel.

Council expenses would be paid from the 988 suicide prevention and mental health crisis hotline fund with not more than 2% of the collected fees being used for such expenses. The council would also have authority to ensure that annual reports are submitted by lifeline centers regarding how 988 moneys are expended. If a lifeline center fails to file such report or violates any other provision of HB 2281, the council would be authorized to withhold 10% of subsequent distributions of 988 fees. The council would also have authority to impose a civil penalty upon a telecommunications service provider in an amount not to exceed \$10,000 should any such provider violate the provisions of the act.

HB 2281 would require the 988 council to provide an annual report that provides a detailed description of all expenditures made from 988 fees. Such report would be provided to the House Energy, Utilities and Telecommunications Committee and the Senate Utilities Committee.