

Amendment to SB 255-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 New Subparagraph; State Treasurer and State Accounts; Application of Receipts. Amend RSA
4 6:12, I(b) by inserting after subparagraph (399) the following new subparagraph:

5 (400) Moneys deposited in the 988 trust fund as established in RSA 135-C:70.

6 2 New Paragraph; Public Health; New Hampshire Mental Health Services System; Definitions.
7 Amend RSA 135-C:2 by inserting after paragraph X the following new paragraph:

8 X-a. "National Suicide Prevention Lifeline" or "988 Suicide and Crisis Lifeline" means the
9 national network of local crisis hotline centers that provide free and confidential support to people in
10 suicidal crisis or other behavioral health crisis 24 hours per day, 7 days per week, via a toll-free
11 telephone hotline number that receives calls made through the 988 system.

12 3 New Paragraphs; Public Health; New Hampshire Mental Health Services System; Definitions.
13 Amend RSA 135-C:2 by inserting after paragraph XVI the following new paragraphs:

14 XVII. "988" means the 3-digit telephone number designated by the Federal Communications
15 Commission for the purpose of connecting individuals experiencing a behavioral health crisis with
16 counselors trained in suicide prevention and behavioral health crisis and with the capacity to
17 connect callers to behavioral health crisis services through the National Suicide Prevention Lifeline
18 network.

19 XVIII. "988 Administrator" means the Administrator of the national 988 Suicide and Crisis
20 Lifeline system maintained by the Assistant Secretary for Mental Health and Substance Use.

21 XIX. "988 center" means a center operating on a county or regional basis in New Hampshire
22 and participating in the National Suicide Prevention Lifeline network to respond to statewide or
23 regional 988 calls, chats, and texts.

24 4 New Sections; Public Health; New Hampshire Mental Health Services System. Amend RSA
25 135-C by inserting after section 69 the following new sections:

26 135-C:70 988 Trust Fund; Fund Established.

27 I. There is hereby established in the state treasury the 988 trust fund that shall be kept
28 distinct and separate from all other funds. The 988 trust fund consists of:

29 (a) Revenues from the 988 coordinated crisis services telecommunications surcharge
30 established under RSA 135-C:74;

31 (b) Appropriations made by the general court;

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1 (c) Federal funds allocated to the state to implement the 988 suicide prevention and
2 behavioral health crisis system;

3 (d) Gifts, grants, and donations to the fund from public and private sources; and

4 (e) Moneys deposited into the fund from other sources.

5 II. The state treasurer shall be the trustee of the trust fund, and shall invest the trust fund
6 in accordance with RSA 6:8. Any earnings on trust fund moneys shall be added to the trust fund.
7 All moneys in the trust fund shall be nonlapsing and shall be continually appropriated to the state
8 treasury. The state treasurer shall disburse funds from the trust fund solely for the purposes and in
9 the manner set forth in RSA 135-C:71.

10 III. Moneys in the 988 trust fund may only be used for expenses that are not:

11 (a) Reimbursed through Medicaid, Medicare, federal or state-regulated health insurance
12 plans, disability insurers, and programs or funding not otherwise covered by another entity,
13 including municipal or county programs; and

14 (b) Covered because the service recipient's name and health coverage information cannot
15 be obtained or billed.

16 III-a. Moneys in the 988 trust fund originating from the 988 coordinated crisis services
17 telecommunications surcharge shall only be used to fund the equipment, communications services,
18 and direct costs for crisis hotline center personnel for 988 call-taking and appropriate call routing for
19 988 centers.

20 IV. The department of health and human services shall provide an annual report of deposits
21 into and expenditures from the 988 trust fund to the health and human services oversight
22 committee, the speaker of the house of representatives, the president of the senate, the house clerk,
23 the senate clerk, the governor, and to the Federal Communications Commission. The report shall
24 include all revenue generated by the 988 coordinated crisis services telecommunications surcharge
25 established under RSA 135-C:74.

26 V. A local or municipal government may not impose a tax, fee or surcharge on
27 telecommunications services for 988 services.

28 135-C:71 988 Trust Fund; Management and Distribution of Funds.

29 I. The commissioner of the department of health and human services, in consultation with
30 the behavioral health crisis services advisory commission established in RSA 135-C:72, shall
31 administer the 988 trust fund established in RSA 135-C:70. The commissioner shall draw from the
32 988 trust fund for qualifying purposes under paragraph II.

33 II. The purpose of the 988 trust fund shall be to establish, operate, maintain, promote
34 awareness of, and improve 988 and the behavioral health crisis services system. The 988 trust fund
35 shall be expended to offset costs that are or can be reasonably attributed to:

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1 (a) Implementing, maintaining, and improving the National Suicide Prevention Lifeline
2 including staffing and technological infrastructure enhancements necessary to achieve operational
3 and clinical standards and best practices set forth by the National Suicide Prevention Lifeline;

4 (b) Provision of acute behavioral health, mobile crisis response teams, and receiving and
5 stabilization services by directly responding to the National Suicide Prevention Lifeline;

6 (c) Personnel for the 988 centers and acute mental health, mobile crisis response teams,
7 and stabilization services, which should include individuals that reflect the demographics of the
8 community served and have specialized training to serve at risk communities, including culturally
9 and linguistically competent services for LGBTQIA+ individuals, children, youth, and young people,
10 and racially, ethnically, and linguistically diverse communities;

11 (d) Provision of data, reporting, participation in evaluations and related quality
12 improvement activities as required by the 988 administrator, department of health and human
13 services, and the general court; and

14 (e) Administration, oversight, and evaluation of the fund.

15 135-C:72 Behavioral Health Crisis Services Advisory Commission Established.

16 I. There is hereby established a behavioral health crisis services advisory commission.

17 II. Notwithstanding RSA 14:49, the commission shall consist of the following members:

18 (a) The state treasurer, or designee.

19 (b) One member of the house of representatives, appointed by the speaker of the house of
20 representatives.

21 (c) One member of the senate, appointed by the president of the senate.

22 (d) The commissioner of the department of health and human services, or designee.

23 (e) The director of the department of safety, division of emergency services and
24 communications ("E911"), or designee.

25 (f) The commissioner of the insurance department, or designee.

26 (g) One representative from the National Alliance on Mental Illness of New Hampshire,
27 appointed by that organization.

28 (h) One representative of the New Hampshire Community Behavioral Health
29 Association, appointed by the association.

30 (i) One representative of the New Hampshire Hospital Association, appointed by the
31 association.

32 (j) One representative of New Futures, appointed by the organization.

33 (k) One representative from each of New Hampshire's 2 centers participating in the
34 National Suicide Prevention Lifeline network.

35 (l) One representative of America's Health Insurance Plans (AHIP), appointed by the
36 association.

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1 (m) One representative of community health centers appointed by the Bi-State Primary
2 Care Association.

3 (n) One representative from the New Hampshire Psychological Association, appointed by
4 that organization.

5 III. Members appointed under subparagraphs (b) through (c) shall serve a term coterminous
6 with their term in office, or for 2 years, whichever is shorter. Members appointed under
7 subparagraphs (g) through (n) shall serve 2 years, or until a successor is appointed and qualified in
8 the case of a vacancy, and shall be eligible for reappointment at the end of their term. The term of
9 office for all other members shall be coterminous with the term of office for the position that qualifies
10 that member to serve on the advisory council. A vacancy shall be filled in the same manner, but only
11 for the unexpired term. The advisory commission shall elect a chairperson every year with no
12 person serving as chairperson for more than 2 consecutive one-year terms.

13 IV. Each member of the advisory commission shall have one vote, with all actions being
14 taken by an affirmative vote of the majority of present members. Eight members shall constitute a
15 quorum.

16 V. Legislative members shall receive the receive mileage at the legislative rate while
17 attending to the duties of the commission.

18 VI. Meetings of the advisory commission shall be conducted in accordance with RSA 91-A
19 and take place no less than 4 times per year.

20 VII. The department of health and human services shall provide administrative support to
21 the advisory commission.

22 135-C:73 Behavioral Health Crisis Services Advisory Commission; Duties. The behavioral
23 health crisis services advisory commission established in RSA 135-C:72 shall be responsible for:

24 I. Consulting with and advising the commissioner of the department of health and human
25 services on the administration and management of the 988 trust fund under RSA 135-C:70, and
26 advise and make recommendations on expenditures from that fund under RSA 135-C:71.

27 II. Advising and making recommendations to the governor, general court, department of
28 health and human services, and other necessary stakeholders on strategies to support and fund the
29 behavioral health crisis system.

30 III. Overseeing and making recommendations about the provision of 988 and behavioral
31 health crisis services throughout the state.

32 135-C:74 988 Coordinated Crisis Services Telecommunications Surcharge Established.

33 I. In compliance with the National Suicide Hotline Designation Act of 2020, and by
34 recommendation of the commission on behavioral health crisis services, the equipment,
35 communications services, and direct costs for crisis hotline center personnel for 988 call-taking and
36 appropriate call routing for 988 centers shall be funded, in part, through a surcharge to be levied
37 upon each residence and business telephone exchange line, including PBX trunks and Centrex lines,

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1 each individual commercial mobile radio service number and each VoIP service number with a place
2 of primary use within New Hampshire, and each semi-public and public coin and public access line.

3 (a) For purposes of this subparagraph, "place of primary use" shall have the same
4 meaning as the definition contained in 4 U.S.C. section 124(8). No such surcharge shall be imposed
5 upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or
6 more than 25 commercial mobile radio service exchange lines or VoIP service lines or channels per
7 customer billing account. No other services shall be funded using revenue from the 988 coordinated
8 crisis services telecommunications surcharge.

9 II. In the case of local exchange telephone companies, the surcharge shall be contained
10 within tariffs or rate schedules filed with the public utilities commission and shall be billed on a
11 monthly basis by each local exchange telephone company.

12 III. In the case of an entity which provides commercial mobile radio service the surcharge
13 shall be billed to each customer on a monthly basis and shall not be subject to any state or local tax;
14 the surcharge shall be collected by the commercial mobile radio service provider, and may be
15 identified on the customer's bill. For prepaid commercial mobile radio service, the provisions of
16 paragraph VI of this section shall apply.

17 IV. In the case of a VoIP provider, the surcharge shall be billed to each customer on a
18 monthly basis and shall not be subject to any state or local tax; the surcharge shall be collected by
19 the VoIP provider, and may be identified on the customer's bill.

20 V. Each local exchange telephone company, VoIP service provider, or entity which provides
21 commercial mobile radio service, including prepaid commercial mobile radio service except as
22 otherwise provided in subparagraph VI (i), shall remit the surcharge amounts on a monthly basis to
23 the department of health and human services, which shall be forwarded to the state treasurer for
24 deposit in the 988 trust fund. The state treasurer shall disburse funds from the 988 trust fund solely
25 for the purposes and in the manner set forth in RSA 135-C:71. 988 coordinated crisis services
26 telecommunications surcharge revenue shall be used to supplement any federal, state or local
27 funding for suicide prevention or behavioral health crisis services. Surcharge amounts shall be
28 reviewed after the budget has been approved or modified, and if appropriate, new tariffs or rate
29 schedules shall be filed with the public utilities commission reflecting the surcharge amount.

30 VI. Prepaid commercial mobile radio service.

31 (a) In this paragraph:

32 (1) "Consumer" means a natural person or any other person who purchases prepaid
33 commercial mobile radio service in a retail transaction.

34 (2) "Commissioner" means the commissioner of the department of health and human
35 services.

36 (3) "Division" means the division of behavioral health of the department of health
37 and human services.

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1 (4) "Entity" means a natural person or any other person, including any firm,
2 corporation, partnership, or business organization.

3 (5) "Provider" means an entity that provides prepaid commercial mobile radio
4 service pursuant to a license issued by the Federal Communications Commission.

5 (6) "Retail transaction" means the purchase of prepaid commercial mobile radio
6 service from a seller for any purpose other than resale.

7 (7) "Seller" means an entity, including a provider, who sells prepaid commercial
8 mobile radio service to a consumer.

9 (b) There is hereby imposed a prepaid commercial mobile radio service 988 coordinated
10 crisis services telecommunications surcharge that shall be levied on each retail transaction sourced
11 to New Hampshire. The amount of the surcharge levied for each retail transaction shall be the same
12 as the surcharge imposed under RSA 135-C:74, I.

13 (c) For purposes of subparagraph (b), a retail transaction is sourced to New Hampshire:

14 (1) If the transaction occurs in person at a seller's location in New Hampshire; or

15 (2) If subparagraph (1) does not apply, the prepaid commercial mobile radio service
16 is evidenced by a physical item, such as a card, and the purchaser provides a New Hampshire
17 delivery address for such item; or

18 (3) If subparagraphs (1) and (2) do not apply, the consumer gives a New Hampshire
19 address during the consummation of the sale, including the address associated with the consumer's
20 payment instrument if no other address is available, and the address is not given in bad faith; or

21 (4) If subparagraphs (1)-(3) do not apply, the consumer's mobile telephone number is
22 associated with a postal zip code, telephone area code, or location within New Hampshire.

23 (d) The prepaid commercial mobile radio service 988 coordinated crisis services
24 telecommunications surcharge shall be collected by the seller from the consumer with respect to each
25 retail transaction sourced to New Hampshire. The amount of the surcharge shall be either
26 separately stated on an invoice, receipt, or other similar document that is provided by the seller to
27 the consumer, or otherwise disclosed to the consumer.

28 (e) The seller shall be liable to remit all charges required by this paragraph that are
29 collected from consumers, including all such charges that the seller is deemed to collect where the
30 amount of the surcharge has not been separately stated on an invoice, receipt, or other similar
31 document provided by the seller to the consumer.

32 (f) The prepaid commercial mobile radio service 988 coordinated crisis services
33 telecommunications surcharge shall not be subject to any other state or local tax.

34 (g) If a minimal amount of prepaid commercial mobile radio service is sold with a
35 prepaid mobile device for a single, non-itemized price, then the seller may elect not to apply the
36 surcharge to such transaction. For purposes of this subparagraph, an amount of service
37 denominated as 10 minutes or less, or \$5 or less, is minimal.

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1 (h) A seller may deduct and retain 3 percent of the prepaid commercial mobile radio
2 service 988 coordinated crisis services telecommunications surcharges that are collected by the seller
3 from consumers.

4 (i) A seller having less than 150 retail transactions in a calendar quarter and who has
5 not collected the surcharge on such transactions shall not be required to remit the surcharge on
6 those transactions, provided that the seller:

7 (1) Submits a certification to the department of health and human services, not later
8 than the 15th day following such quarter, that the seller had less than 150 retail transactions in
9 such quarter and did not collect the surcharge; and

10 (2) Submits with such certification copies of invoices, receipts, or other similar
11 documentation establishing the number of retail transactions in such quarter.

12 (j) Whenever lawful, providers and sellers of prepaid commercial mobile radio service
13 shall put forth reasonable good faith efforts to cooperate with and provide timely and reasonable
14 assistance to the division, its 988 centers, in connection with locating the source of any emergency
15 988 call. In such instances, providers and sellers of prepaid commercial mobile radio service shall
16 not be liable for damages to any person resulting from or incurred in connection with the provision of
17 such lawful assistance.

18 (k) Beginning on January 1, 2026, prepaid commercial mobile radio service providers
19 shall report annually to the division the total number of active prepaid commercial mobile radio
20 service customers in New Hampshire. For purposes of such report, "active prepaid commercial
21 mobile radio service customers" shall include all prepaid commercial mobile radio service customers
22 with a New Hampshire telephone number on the date of the report, or if account balance information
23 is not available, otherwise determined not to be active by comparable data. All information
24 submitted to the division by a provider shall be considered proprietary and confidential and shall not
25 be considered a public record under RSA 91-A.

26 VII.(a) Notwithstanding any other provision of law, and except as otherwise provided in
27 RSA 82-A, the records and files of the department, related to this section, are confidential and
28 privileged. Neither the department of health and human services, nor any employee of the
29 department, nor any other person charged with the custody of such records or files, nor any vendor
30 or any of its employees to whom such information becomes available in the performance of any
31 contractual services for the department shall disclose any information obtained from the
32 department's records, files, or returns or from any examination, investigation, or hearing, nor may
33 any such employee or person be required to produce any such information for the inspection of any
34 person or for the use in any action or proceeding except as provided in this paragraph.

35 (b) The following exceptions shall apply to this paragraph:

36 (1) Delivery to the surcharge collector or its representative of a copy of any return or
37 other papers filed by the surcharge collector.

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1 (2) Disclosure of department records, files, returns, or information in a New
2 Hampshire state judicial or administrative proceeding pertaining to administration of the surcharge
3 where the information is directly related to an issue in the proceeding regarding the surcharge under
4 this section, or the surcharge collector whom the information concerns is a party to such proceeding,
5 or the information concerns a transactional relationship between a person who is a party to the
6 proceeding and the taxpayer.

7 (3) Disclosure to the department of revenue administration of records, files, and
8 information required by the department of revenue administration to administer the
9 communications services tax pursuant to RSA 82-A and to assist the bureau in its administration of
10 RSA 135-C:71.

11 (4) Disclosure of department records, files, and information to the legislative budget
12 assistant, when requested by the legislative budget assistant pursuant to RSA 14:31, IV.

13 VIII. Any information or records compiled under this chapter shall not be considered a
14 public record for the purposes of RSA 91-A regardless of the use of such information.

15 IX. The commissioner is authorized to charge a penalty not to exceed \$1,000, plus interest of
16 18 percent per year, on surcharge receipts that are more than 90 days in arrears, which penalty and
17 interest shall be forwarded to the state treasurer for deposit in the 988 trust fund.

18 5 Effective Date. This act shall take effect 30 days after its passage.

2025-0547s

AMENDED ANALYSIS

This bill:

- I. Creates a trust fund to promote awareness of behavioral health crisis service systems.
- II. Creates a commission to oversee the behavioral health crisis service system trust fund.
- III. Establishes a crisis services telecommunications surcharge.