

SB 255-FN - AS AMENDED BY THE SENATE

03/06/2025 0547s

2025 SESSION

25-0999

07/05

SENATE BILL

255-FN

AN ACT

establishing and developing crisis stabilization services.

SPONSORS:

Sen. Avard, Dist 12; Rep. M. Pearson, Rock. 34; Rep. Nagel, Belk. 6; Rep. Nelson, Rock. 13

COMMITTEE:

Health and Human Services

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.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears ~~[in brackets and struckthrough.]~~

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT establishing and developing crisis stabilization services.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Subparagraph; State Treasurer and State Accounts; Application of Receipts. Amend RSA
2 6:12, I(b) by inserting after subparagraph (399) the following new subparagraph:

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

4 2 New Paragraph; Public Health; New Hampshire Mental Health Services System; Definitions.
5 Amend RSA 135-C:2 by inserting after paragraph X the following new paragraph:

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

10 3 New Paragraphs; Public Health; New Hampshire Mental Health Services System; Definitions.
11 Amend RSA 135-C:2 by inserting after paragraph XVI the following new paragraphs:

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

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

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

22 4 New Sections; Public Health; New Hampshire Mental Health Services System. Amend RSA
23 135-C by inserting after section 69 the following new sections:

24 135-C:70 988 Trust Fund; Fund Established.

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

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

29 (b) Appropriations made by the general court;

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

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

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

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

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

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

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

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

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

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

26 135-C:71 988 Trust Fund; Management and Distribution of Funds.

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

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

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

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

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

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

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

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

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

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

(a) The state treasurer, or designee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 135-C:73 Behavioral Health Crisis Services Advisory Commission; Duties. The behavioral
19 health crisis services advisory commission established in RSA 135-C:72 shall be responsible for:

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

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

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

28 135-C:74 988 Coordinated Crisis Services Telecommunications Surcharge Established.

29 I. In compliance with the National Suicide Hotline Designation Act of 2020, and by
30 recommendation of the commission on behavioral health crisis services, the equipment,
31 communications services, and direct costs for crisis hotline center personnel for 988 call-taking and
32 appropriate call routing for 988 centers shall be funded, in part, through a surcharge to be levied
33 upon each residence and business telephone exchange line, including PBX trunks and Centrex lines,
34 each individual commercial mobile radio service number and each VoIP service number with a place
35 of primary use within New Hampshire, and each semi-public and public coin and public access line.

36 (a) For purposes of this subparagraph, "place of primary use" shall have the same
37 meaning as the definition contained in 4 U.S.C. section 124(8). No such surcharge shall be imposed

1 upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or
2 more than 25 commercial mobile radio service exchange lines or VoIP service lines or channels per
3 customer billing account. No other services shall be funded using revenue from the 988 coordinated
4 crisis services telecommunications surcharge.

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

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

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

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

26 VI. Prepaid commercial mobile radio service.

27 (a) In this paragraph:

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

30 (2) "Commissioner" means the commissioner of the department of health and human
31 services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (2) Disclosure of department records, files, returns, or information in a New
36 Hampshire state judicial or administrative proceeding pertaining to administration of the surcharge
37 where the information is directly related to an issue in the proceeding regarding the surcharge under

1 this section, or the surcharge collector whom the information concerns is a party to such proceeding,
2 or the information concerns a transactional relationship between a person who is a party to the
3 proceeding and the taxpayer.

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

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

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

12 IX. The commissioner is authorized to charge a penalty not to exceed \$1,000, plus interest of
13 18 percent per year, on surcharge receipts that are more than 90 days in arrears, which penalty and
14 interest shall be forwarded to the state treasurer for deposit in the 988 trust fund.

15 5 Effective Date. This act shall take effect 30 days after its passage.

**SB 255-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing and developing crisis stabilization services.

FISCAL IMPACT: This bill does not authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$0.5 million to \$1 million (license plate revenue); approximately \$7.5 million (telecom surcharge revenue)	\$0.5 million to \$1 million (license plate revenue); approximately \$7.5 million (telecom surcharge revenue)	\$0.5 million to \$1 million (license plate revenue); approximately \$7.5 million (telecom surcharge revenue)
<i>Revenue Fund(s)</i>	988 Telecommunications Surcharge, license plate revenue			
Expenditures*	\$0	Approximately \$177,000 in DHHS personnel costs; Approximately \$28,000 in Safety upfront costs	Approximately \$177,000 in DHHS personnel costs	Approximately \$177,000 in DHHS personnel costs
<i>Funding Source(s)</i>	988 Trust Fund; Highway Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>				

***Expenditure = Cost of bill**

***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill establishes a 988 Trust Fund for programs and services addressing behavioral health crises. The fund would be authorized to accept revenues from the following sources:

- a newly-established 988 telecommunications surcharge;
- newly-authorized 988 license plates at \$30 per set, per year;
- appropriations made by the general court;
- federal funds allocated to the state to implement the 988 suicide prevention and behavioral health crisis system;
- gifts, grants, and donations from public and private sources; and
- moneys from all other sources.

Per the bill, the fund could be used only for services not reimbursable by insurance. The Department of Health and Human Services would be responsible for management and disbursement of the fund, with consultation from a newly-established Behavioral Health Crisis Services Advisory Commission.

While the bill does not specify the amount of the new telecommunications surcharge, the Department anticipates that it will be set to cover the existing costs of the two Lifeline suicide prevention and crisis hotline centers currently covering 988 in New Hampshire. Currently these centers have a total annual cost of \$7.4 million. The Department assumes the surcharge will mimic the 911 surcharge, and will be significantly less than the \$0.75 per line/month surcharge for that system, which covers annual costs of approximately \$15 million. Surcharge amounts will be reviewed after each budget has been approved or modified, and if appropriate, new tariffs or rate schedules will be filed with the public utilities commission reflecting the requested surcharge amount.

Additionally, the Department notes that while projected license plate revenue is indeterminable, the existing conservation plate generates approximately \$2.5 million annually. For purposes of this fiscal analysis, the Department estimates the new plate will produce \$500,000 to \$1,000,000 of annual revenue. Of the amount generated, the Department of Safety's Division of Motor Vehicles will retain an amount necessary to recover production and administrative costs. The remaining funds will be distributed to the 988 trust fund.

The Department of Health and Human Services estimates that it will incur the following administrative costs as a result of the bill, which are assumed to be paid for by the 988 trust fund:

- administrative support to the advisory commission will cost approximately \$12,000 per year;
- a part-time auditor will be necessary to ensure compliance with 988 surcharge regulations, at a cost of approximately \$65,000 per year; and
- a full-time fiscal position will be needed to handle revenue, engage in business functions, and assist with auditing tasks, at a cost of approximately \$90,000 per year.

The Department of Safety estimates that adding a new specialty plate will result in \$28,000 in one-time programming and training costs in FY26. The Department assumes that these costs will be paid for with highway funds, as the 988 trust fund may not yet have sufficient revenue to cover upfront costs.

It is unclear whether the revenue generated by this bill will result in increased expenditures, or whether it will supplant other revenue sources used to pay for existing programs. Ultimately, this decision will be made as part of the biennial operating budget process.

The Public Utilities Commission states this bill will have no fiscal impact on its operations.

AGENCIES CONTACTED:

Public Utilities Commission, Department of Safety and Department of Health and Human Services