

SB 255-FN - AS INTRODUCED

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

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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.
- IV. Creates a special 988 license plate.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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) Revenues from the 988 number plates;

30                    (c) Appropriations made by the general court;

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

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

4 (f) 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 including, but not limited to, municipal or county programs or  
13 funding, not otherwise covered by another entity including but not limited to, municipal or county  
14 programs; and

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

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

23 135-C:71 988 Trust Fund; Management and Distribution of Funds.

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

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

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

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

36 (c) Personnel for the 988 centers and acute mental health, mobile crisis response teams,  
37 and stabilization services, which should include individuals that reflect the demographics of the

1 community served and have specialized training to serve at risk communities, including culturally  
2 and linguistically competent services for LGBTQIA+ individuals, children, youth, and young people,  
3 and racially, ethnically, and linguistically diverse communities;

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

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

8 135-C:72 Behavioral Health Crisis Services Advisory Commission Established.

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

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

11 (a) The state treasurer, or designee.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 III. Members appointed under subparagraphs (b) through (c) shall serve a term coterminous  
35 with their term in office, or for 2 years, whichever is shorter. Members appointed under  
36 subparagraphs (g) through (n) shall serve 2 years, or until a successor is appointed and qualified in  
37 the case of a vacancy, and shall be eligible for reappointment at the end of their term. The term of

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1 office for all other members shall be coterminous with the term of office for the position that qualifies  
2 that member to serve on the advisory council. A vacancy shall be filled in the same manner, but only  
3 for the unexpired term. The advisory commission shall elect a chairperson every year with no  
4 person serving as chairperson for more than 2 consecutive one-year terms.

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

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

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

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

14 135-C:73 Behavioral Health Crisis Services Advisory Commission; Duties. The behavioral  
15 health crisis services advisory commission established in RSA 135-C:72 shall be responsible for:

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

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

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

24 135-C:74 988 Coordinated Crisis Services Telecommunications Surcharge Established.

25 I. In compliance with the National Suicide Hotline Designation Act, and by recommendation  
26 of the commission on behavioral health crisis services, the 988 centers, and the services furnished by  
27 such, shall be funded through a surcharge to be levied upon each residence and business telephone  
28 exchange line, including private branch exchange (PBX) trunks and Centrex lines, each individual  
29 commercial mobile radio service number and each voice over internet protocol (VoIP) service number  
30 with a place of primary use within New Hampshire, and each semi-public and public coin and public  
31 access line.

32 (a) For purposes of this subparagraph, "place of primary use" shall have the same  
33 meaning as the definition contained in 4 U.S.C. section 124(8). No such surcharge shall be imposed  
34 upon more than 25 business telephone exchange lines, including PBX trunks and Centrex lines, or  
35 more than 25 commercial mobile radio service exchange lines or VoIP service lines or channels per  
36 customer billing account.

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

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

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

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

22           VI. Prepaid commercial mobile radio service.

23           (a) In this paragraph:

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

26           (2) "Commissioner" means the commissioner of the department of health and human  
27 services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9           IX. The commissioner is authorized to charge a penalty not to exceed \$1,000, plus interest of  
10 18 percent per year, on surcharge receipts that are more than 90 days in arrears, which penalty and  
11 interest shall be forwarded to the state treasurer for deposit in the 988 trust fund.

12           5 New Section; Certificates of Title Registration of Motor Vehicles; 988 Number Plates. Amend  
13 RSA 261 by inserting after section 91-a the following new section:

14           261:91-b 988 Number Plates.

15           I. The director of the division of motor vehicles of the department of safety is hereby  
16 authorized to issue special 988 number plates, in lieu of other number plates. The design of these  
17 special plates shall be determined by the department of health and human services and the  
18 department of safety. The plates shall retain the "live free or die" logo. Such plates shall be issued  
19 only upon application and upon payment of a \$30 fee that shall be in addition to the regular motor  
20 vehicle registration fee and any other number plate fees otherwise required.

21           II. The director of the division of motor vehicles of the department of safety is also  
22 authorized to issue vanity 988 number plates. The fee for any such vanity 988 number plate shall be  
23 the fee as provided in paragraph I, in addition to the fees for vanity plates which are otherwise  
24 established by law. The vanity plate portion of the fee shall be distributed as provided in RSA  
25 261:89 and RSA 263:52.

26           III. 988 number plates shall be renewed on an annual basis for \$30 per set. Of this sum, the  
27 department shall retain an amount as is necessary to recover production and administrative costs as  
28 approved by the fiscal committee of the general court. The remaining funds shall be paid to the state  
29 treasurer and distributed as provided in RSA 135-C:71. The cost of replacement 988 number plates  
30 shall be identical to the cost of initial 988 number plates and the revenue from replacement 988  
31 number plates shall be distributed in the same manner as revenue derived from initial 988 number  
32 plates.

33           IV. 988 number plates may be used on passenger motor vehicles and recreation vehicles.

34           6 Effective Date. This act shall take effect 30 days after its passage.

**SB 255-FN- FISCAL NOTE  
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AN ACT establishing and developing crisis stabilization services.

**FISCAL IMPACT: This bill does not authorize new positions.**

<b>Estimated State Impact</b>				
	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Revenue</b>	\$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			
<b>Expenditures*</b>	\$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			
<b>Appropriations*</b>	\$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