

Amendment No. 83

Senate Amendment to Senate Bill No. 237	(BDR 39-312)
Proposed by: Senate Committee on Health and Human Services	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will ADD a 2/3s majority vote requirement for final passage of S.B. 237 (§ 1.5).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

JDK/EWR



Date: 4/16/2023

S.B. No. 237—Revises provisions relating to crisis intervention. (BDR 39-312)



SENATE BILL NO. 237—COMMITTEE ON
HEALTH AND HUMAN SERVICES

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON JUDICIARY)

MARCH 8, 2023

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions relating to crisis intervention. (BDR 39-312)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to behavioral health; revising provisions governing the imposition of a surcharge on certain communications services to support a suicide prevention and behavioral health crisis hotline; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law authorizes a state to impose a fee or charge on a commercial mobile communication service or an IP-enabled voice service to fund the operations of a suicide prevention and mental health crisis hotline established pursuant to the National Suicide Prevention Lifeline program. (47 U.S.C. § 251a) Existing state law requires the State Board of Health to adopt regulations to impose a surcharge on certain mobile communication services, IP-enabled voice services and landline telephone services. Existing state law requires telecommunications companies and providers who provide such services to collect the surcharge from customers and transfer the surcharge to the Division of Public and Behavioral Health of the Department of Health and Human Services. Existing state law requires the Division to: (1) deposit the proceeds from the surcharge into the Crisis Response Account; (2) administer the Account; and (3) use the money in the Account to support the operation of a suicide prevention and mental health crisis hotline and the services provided to persons who access the hotline. (NRS 433.708) ~~Section 2 of this bill transfers the duties to adopt such regulations and receive the surcharge from telecommunications companies from the Board and~~ **Existing state law requires** the Division ~~[, respectively,]~~ **to support** the ~~Public Utilities Commission of Nevada. Section 2 requires the Commission to adopt specific regulations to impose the surcharge and define terms used to refer to the types of telecommunications lines that are subject to the surcharge.~~ **implementation of that hotline through various activities. (NRS 433.704) Section 1 of this bill adds a requirement for the Division to support the implementation of that hotline by supporting the establishment and maintenance of hospitals that hold endorsements as crisis stabilization centers pursuant to existing law. (NRS 449.0915) Section** ~~1.5 of this bill: (1) requires~~ **authorizes** the ~~Commission~~ **State Board of Health** ~~to collect a~~ **review and adjust, by regulation, the** surcharge ~~of 35 cents on each line until the Commission adopts those regulations; and (2)~~ **not more frequently than once every 5 years; (2) prescribes procedures for calculating the adjusted surcharge; and (3) revises the definitions** ~~for those~~ **of certain** terms that apply ~~until the Commission~~

27 ~~adopts those regulations. Sections 1 and 2 require the Commission to [deposit the proceeds~~
 28 ~~of] the surcharge [into] **Section 1.5 requires the [Account, which continues to be**~~
 29 ~~administered by] **telecommunications companies and providers that collect the surcharge**~~
 30 ~~to report annually to the Division [Sections 1 and 2 also clarify] **the average number of**~~
 31 ~~lines that were subject to the surcharge [applies to] for each [trunk line and each branch of a~~
 32 ~~trunk line.] **month of the preceding year. Section 4 of this bill : (1) declares any regulations**~~
 33 ~~adopted by the [State] Board [of Health] relating to the surcharge **before the effective date of**~~
 34 ~~this bill to be void [;~~
 35 ~~Existing law defines “small-scale provider of last resort” to mean an incumbent local~~
 36 ~~exchange carrier that is a provider of last resort of basic network service and business line~~
 37 ~~service to customers through less than 60,000 access lines. (NRS 704.023) Section 3 of this~~
 38 ~~bill clarifies that a small-scale provider of last resort is required to collect] ; **(2) prohibits the**~~
 39 ~~Board from adjusting the surcharge [described in sections 1 and 2 from its customers and~~
 40 ~~transfer the surcharge to the Commission in the same manner as other telecommunications~~
 41 ~~companies and providers.] **until 5 years after the effective date of this bill; and (3) requires**~~
 42 ~~telecommunications companies and providers that collect the surcharge to report to the~~
 43 ~~Division on or before July 1, 2023, the average number of lines that were subject to the~~
 44 ~~surcharge for each month of the 2022 calendar year.~~

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1. NRS 433.704 is hereby amended to read as follows:**
 2 433.704 1. The Division shall support the implementation of a hotline for
 3 persons who are considering suicide or otherwise in a behavioral health crisis that
 4 may be accessed by dialing the digits 9-8-8 by:
 5 (a) Establishing at least one support center that meets the requirements of NRS
 6 433.706 to answer calls to the hotline and coordinate the response to persons who
 7 access the hotline;
 8 (b) Encouraging the establishment of and, to the extent that money is available,
 9 establishing mobile crisis teams to provide community-based intervention,
 10 including, without limitation, de-escalation and stabilization, for persons who are
 11 considering suicide or otherwise in a behavioral health crisis and access the hotline;
 12 (c) Participating in any collection of information by the Federal Government
 13 concerning the National Suicide Prevention Lifeline program;
 14 (d) Collaborating with the National Suicide Prevention Lifeline program and
 15 the Veterans Crisis Line program established pursuant to 38 U.S.C. § 1720F(h) to
 16 ensure consistent messaging to the public about the hotline; ~~and~~
 17 (e) **Supporting the establishment and maintenance of hospitals that hold**
 18 **endorsements as crisis stabilization centers pursuant to NRS 449.0915; and**
 19 (f) Adopting any regulations necessary to carry out the provisions of NRS
 20 433.702 to 433.710, inclusive, including, without limitation:
 21 (1) Regulations establishing the qualifications of providers of services who
 22 are involved in responding to persons who are considering suicide or are otherwise
 23 in a behavioral health crisis and access the hotline;
 24 (2) Any regulations necessary to allow for communication and sharing of
 25 information between persons and entities involved in responding to crises and
 26 emergencies in this State to facilitate the coordination of care for persons who are
 27 considering suicide or are otherwise in a behavioral health crisis and access the
 28 hotline; and
 29 (3) Regulations defining the term “person professionally qualified in the
 30 field of behavioral health” for the purposes of this section.

1 2. A mobile crisis team established pursuant to paragraph (b) of subsection 1
2 must be:

3 (a) A team based in the jurisdiction that it serves which includes persons
4 professionally qualified in the field of behavioral health and providers of peer
5 recovery support services;

6 (b) A team established by a provider of emergency medical services that
7 includes persons professionally qualified in the field of behavioral health and
8 providers of peer recovery support services; or

9 (c) A team established by a law enforcement agency that includes law
10 enforcement officers, persons professionally qualified in the field of psychiatric
11 mental health and providers of peer recovery support services.

12 3. A telecommunications provider and its employees, agents, subcontractors
13 and suppliers are not liable for damages that directly or indirectly result from the
14 installation, maintenance or provision of service in relation to the hotline
15 implemented pursuant to this section, including, without limitation, the total or
16 partial failure of any transmission to a support center, unless willful conduct or
17 gross negligence is proven.

18 4. As used in this section, "peer recovery support services" means nonclinical
19 supportive services that use lived experience in recovery from a substance use
20 disorder or other behavioral health disorder to promote recovery in another person
21 with a substance use disorder or other behavioral health disorder by advocating,
22 mentoring, educating, offering hope and providing assistance in navigating systems.

23 ~~[Section 1.]~~ **Sec. 1.5.** NRS 433.708 is hereby amended to read as follows:

24 433.708 1. The State Board of Health ~~[Public Utilities Commission of~~
25 ~~Nevada]~~ shall ~~[adopt regulations to]~~ impose a surcharge *of 35 cents for each line*
26 *as adjusted in accordance with subsection 8, on [each] :*

27 (a) *Each* access line of each customer of a company that provides commercial
28 mobile communication services or IP-enabled voice services in this State in
29 accordance with 47 U.S.C. § 251a ; and ~~[each]~~

30 (b) *Each* access line ~~[]~~ *or* trunk line ~~[and branch of a trunk line]~~ of each
31 customer to the local exchange of any telecommunications provider providing those
32 lines in this State. ~~[Those]~~

33 2. *The* companies and providers *described in subsection 1* shall ~~[collect] :~~

34 (a) *Collect* the surcharge *described in subsection 1* from their customers ; and
35 ~~[transfer]~~

36 (b) *Transfer* the money collected to the Division ~~[pursuant to regulations~~
37 ~~adopted by the State Board of Health. The amount of the surcharge must be~~
38 ~~sufficient to support the uses set forth in subsection 2, except that the amount of the~~
39 ~~surcharge must not exceed 35 cents for each access line or trunk line-~~

40 ~~2. Public Utilities Commission of Nevada in the manner prescribed by]~~ *on or*
41 *before the [Commission] last day of the month immediately following the month*
42 *to which the surcharge applies.*

43 3. The Crisis Response Account is hereby created in the State General Fund.
44 Any money collected from the surcharge imposed pursuant to subsection 1 must be
45 deposited in the State Treasury for credit to the Account. The Division shall
46 administer the Account. The money in the Account:

47 (a) Must be used by the Division to carry out the provisions of NRS 433.702 to
48 433.710, inclusive, to the extent authorized by 47 U.S.C. § 251a; and

49 (b) Must not be used to supplant existing methods of funding that are available
50 for those purposes.

51 ~~[3.]~~ 4. The interest and income earned on the money in the Account, after
52 deducting any applicable charges, must be credited to the Account.

~~4.]~~ 5. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund but must be carried over into the next fiscal year.

~~5.]~~ 6. The Division may accept gifts, grants and donations for the purpose of carrying out the provisions of NRS 433.702 to 433.710, inclusive.

7. On or before April 1 of each year, the companies and providers described in subsection 1 shall report to the Division the average number of access lines and trunk lines in service which were subject to the surcharge imposed pursuant to subsection 1 for each calendar month of the immediately preceding year. Such information shall be deemed proprietary information regarding a trade secret which is subject to the provisions of NRS 333.333.

8. The State Board of Health:

(a) May review and adjust, by regulation, the amount of the surcharge imposed pursuant to subsection 1 not more frequently than once every 5 years;

(b) Except as otherwise provided in paragraph (c), shall calculate the amount of the adjusted surcharge pursuant to paragraph (a) by adding to the surcharge the product of:

(1) The amount of that surcharge; and

(2) The average percentage increase in the Consumer Price Index West Urban for All Urban Consumers (All Items) over the 5 calendar years immediately preceding the year in which the adjustment is calculated; and

(c) May revise the amount of the adjusted surcharge calculated pursuant to paragraph (b) or decline to adjust the amount of the surcharge based on comment received during the process of adopting the regulations.

9. As used in this section:

(a) "Access line" means any voice connection between a customer and a carrier that provides the customer with access to telecommunication in this State ~~and~~ and allows a customer to access the hotline described in NRS 433.704 by dialing the digits 9-8-8.

(b) "Commercial mobile service" ~~has the meaning ascribed to it~~ means commercial mobile service, as that term is defined in 47 U.S.C. § 251a ~~and~~, which is provided to a customer within this State as determined by the place of primary use, as that term is defined in 4 U.S.C. § 124.

(c) "IP-enabled voice service" has the meaning ascribed to it in 47 U.S.C. § 251a.

(d) "Trunk line" means a line which provides a channel between a switchboard owned by a customer of a telecommunications provider and the local exchange of the telecommunications provider.

Sec. 2. [NRS 433.708 is hereby amended to read as follows:

~~433.708 1. The Public Utilities Commission of Nevada shall adopt regulations to impose a surcharge of not more than 35 cents for each line on:~~

~~(a) Each access line of each customer of a company that provides commercial mobile communication services or IP-enabled voice services in this State in accordance with 47 U.S.C. § 251a; and~~

~~(b) Each access line, trunk line and branch of a trunk line of each customer to the local exchange of any telecommunications provider providing those lines in this State.~~

~~2. The companies and providers described in subsection 1 shall collect the surcharge described in subsection 1 from their customers and transfer the money collected to the Public Utilities Commission of Nevada in the manner prescribed by the Commission.~~

~~3. The Crisis Response Account is hereby created in the State General Fund. Any money collected from the surcharge imposed pursuant to subsection 1 must be~~

1 deposited in the State Treasury for credit to the Account. The Division shall
2 administer the Account. The money in the Account:

3 ~~— (a) Must be used by the Division to carry out the provisions of NRS 433.702 to~~
4 ~~433.710, inclusive, to the extent authorized by 47 U.S.C. § 251a; and~~

5 ~~— (b) Must not be used to supplant existing methods of funding that are available~~
6 ~~for those purposes.~~

7 ~~— 4. The interest and income earned on the money in the Account, after~~
8 ~~deducting any applicable charges, must be credited to the Account.~~

9 ~~— 5. Any money remaining in the Account at the end of each fiscal year does~~
10 ~~not revert to the State General Fund but must be carried over into the next fiscal~~
11 ~~year.~~

12 ~~— 6. The Division may accept gifts, grants and donations for the purpose of~~
13 ~~carrying out the provisions of NRS 433.702 to 433.710, inclusive.~~

14 ~~— 7. [As used in this section:~~

15 ~~— (a) “Access line” means any connection between a customer and a carrier that~~
16 ~~provides the customer with access to telecommunication in this State.~~

17 ~~— (b) “Commercial mobile service” has the meaning ascribed to it in 47 U.S.C. §~~
18 ~~251a.~~

19 ~~— (c) “IP-enabled voice service” has the meaning ascribed to it in 47 U.S.C. §~~
20 ~~251a.~~

21 ~~— (d) “Trunk line” means a line which provides a channel between a switchboard~~
22 ~~owned by a customer of a telecommunications provider and the local exchange of~~
23 ~~the telecommunications provider.] *The Public Utilities Commission of Nevada*~~
24 ~~*shall adopt regulations defining the terms “access line,” “commercial mobile*~~
25 ~~*service,” “IP-enabled voice service” and “trunk line” for the purposes of this*~~
26 ~~*section.*~~ **(Deleted by amendment.)**

27 **Sec. 3.** ~~[NRS 704.040 is hereby amended to read as follows:~~

28 ~~— 704.040 1. Every public utility shall furnish reasonably adequate service~~
29 ~~and facilities. Subject to the provisions of subsection 3, the charges made for any~~
30 ~~service rendered or to be rendered, or for any service in connection therewith or~~
31 ~~incidental thereto, must be just and reasonable.~~

32 ~~— 2. Every unjust and unreasonable charge for service of a public utility is~~
33 ~~unlawful.~~

34 ~~— 3. Except as otherwise provided in NRS 704.68861 to 704.68887, inclusive:~~

35 ~~— (a) A competitive supplier is exempt from any provision of this chapter~~
36 ~~governing the rates, prices, terms and conditions of any telecommunication service.~~

37 ~~— (b) A small scale provider of last resort is subject to the provisions of this~~
38 ~~chapter, NRS 427A.797, 433.708 and chapter 707 of NRS.~~

39 ~~— 4. All telecommunication providers which offer the same or similar service~~
40 ~~must be subject to fair and impartial regulation, to promote adequate, economical~~
41 ~~and efficient service.~~

42 ~~— 5. To maintain the availability of telephone service in accordance with the~~
43 ~~regulations adopted pursuant to NRS 704.6873, the Commission shall provide for~~
44 ~~the levy and collection of a uniform and equitable assessment, in an amount~~
45 ~~determined by the Commission, from all persons furnishing intrastate~~
46 ~~telecommunication service or the functional equivalent of such service through any~~
47 ~~form of telephony technology, unless the levy and collection of the assessment with~~
48 ~~regard to a particular form of technology is prohibited by federal law. Assessments~~
49 ~~levied and collected pursuant to this subsection must be maintained in a separate~~
50 ~~fund established by the Commission. The Commission shall contract with an~~
51 ~~independent administrator to administer the fund pursuant to open competitive~~
52 ~~bidding procedures established by the Commission. The independent administrator~~

~~shall collect the assessments levied and distribute them from the fund pursuant to a plan which has been approved by the Commission.~~

~~6. The Commission shall by regulation establish:~~

~~(a) The procedure for contracting with an independent administrator who will certify or recertify the eligibility of customers for lifeline service as defined in NRS 707.450, including:~~

~~(1) The selection of the independent administrator pursuant to open competitive bidding procedures established by the Commission; and~~

~~(2) The duties of the independent administrator which must be promulgated in advance of conducting the initial request for proposal for the independent administrator.~~

~~(b) The duties of the independent administrator which must:~~

~~(1) Be determined by criteria adopted by the Commission or the Federal Communications Commission;~~

~~(2) Provide for the independent administrator to be able to accomplish all functions necessary for interfacing with the National Lifeline Accountability Database when it is established and operational pursuant to 47 C.F.R. § 54.404 and any other national eligibility database for eligible telecommunication providers; and~~

~~(3) Require the independent administrator to be responsible for informing eligible telecommunication providers of the status of their customers' eligibility to receive lifeline service as defined in NRS 707.450.~~

~~7. To implement the requirements of subsections 5 and 6, the Commission:~~

~~(a) May select a single entity to perform the duties of subsections 5 and 6;~~

~~(b) Is authorized to use the fund set forth in subsection 5 for the sole purpose of maintaining the availability of telephone service as set forth in subsections 5 and 6; and~~

~~(c) May, in accordance with the terms of a contract entered into with an independent administrator pursuant to subsection 6, terminate the service to certify or recertify the eligibility of customers for lifeline service, as defined in NRS 707.450, if the National Lifeline Eligibility Verifier, as defined in 47 C.F.R. § 54.400, is able to certify and recertify the eligibility of customers in this State for lifeline service.] **(Deleted by amendment.)**~~

Sec. 4. 1. Any regulations adopted by the State Board of Health pursuant to NRS 433.708, as that section existed before the effective date of section ~~(H)~~ **1.5** of this act, are void. The Legislative Counsel shall remove those regulations from the Nevada Administrative Code as soon as practicable after the effective date of this section.

2. On or before July 1, 2023, the companies and providers described in subsection 1 of NRS 433.708, as amended by section 1.5 of this act, shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services the average number of access lines and trunk lines in service which were subject to the surcharge imposed pursuant to subsection 1 for each calendar month of the 2022 calendar year. Such information shall be deemed proprietary information regarding a trade secret which is subject to the provisions of NRS 333.333.

3. The State Board of Health may not take any action described in subsection 8 of NRS 433.708, as amended by section 1.5 of this act, before the date 5 years after the effective date of this act.

4. As used in this section:

(a) "Access line" has the meaning ascribed to it in section 1.5 of this act.

(b) "Trunk line" has the meaning ascribed to it in section 1.5 of this act.

Sec. 5. ~~(I.)~~ This [section and sections 1, 3 and 4 of this] act [become] becomes effective upon passage and approval.

1 ~~§2. Section 2 of this act becomes effective:~~
2 ~~—(a) Upon passage and approval for the purpose of adopting any regulations and~~
3 ~~performing any other preparatory administrative tasks that are necessary to carry~~
4 ~~out the provisions of this act, and~~
5 ~~—(b) On the date on which the regulations adopted by the Public Utilities~~
6 ~~Commission prescribing the amount of the surcharge described in NRS 433.708, as~~
7 ~~amended by section 2 of this act, and defining the terms listed in subsection 7 of~~
8 ~~NRS 433.708, as amended by section 2 of this act, become effective.]~~