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FIRST REPRINT

S.B. 237

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.

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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:

1 Existing federal law authorizes a state to impose a fee or charge on a
2 commercial mobile communication service or an IP-enabled voice service to fund
3 the operations of a suicide prevention and mental health crisis hotline established
4 pursuant to the National Suicide Prevention Lifeline program. (47 U.S.C. § 251a)
5 Existing state law requires the State Board of Health to adopt regulations to impose
6 a surcharge on certain mobile communication services, IP-enabled voice services
7 and landline telephone services. Existing state law requires telecommunications
8 companies and providers who provide such services to collect the surcharge from
9 customers and transfer the surcharge to the Division of Public and Behavioral
10 Health of the Department of Health and Human Services. Existing state law
11 requires the Division to: (1) deposit the proceeds from the surcharge into the Crisis
12 Response Account; (2) administer the Account; and (3) use the money in the
13 Account to support the operation of a suicide prevention and mental health crisis
14 hotline and the services provided to persons who access the hotline. (NRS 433.708)
15 Existing state law requires the Division to support the implementation of that
16 hotline through various activities. (NRS 433.704) **Section 1** of this bill adds a
17 requirement for the Division to support the implementation of that hotline by
18 supporting the establishment and maintenance of hospitals that hold endorsements
19 as crisis stabilization centers pursuant to existing law. (NRS 449.0915) **Section 1.5**



* S B 2 3 7 R 1 *

20 of this bill: (1) authorizes the State Board of Health to review and adjust, by
21 regulation, the surcharge not more frequently than once every 5 years; (2)
22 prescribes procedures for calculating the adjusted surcharge; and (3) revises the
23 definitions of certain terms that apply to the surcharge. **Section 1.5** requires the
24 telecommunications companies and providers that collect the surcharge to report
25 annually to the Division the average number of lines that were subject to the
26 surcharge for each month of the preceding year. **Section 4** of this bill: (1) declares
27 any regulations adopted by the Board relating to the surcharge before the effective
28 date of this bill to be void; (2) prohibits the Board from adjusting the surcharge
29 until 5 years after the effective date of this bill; and (3) requires
30 telecommunications companies and providers that collect the surcharge to report to
31 the Division on or before July 1, 2023, the average number of lines that were
32 subject to the 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
3 a hotline for persons who are considering suicide or otherwise in a
4 behavioral health crisis that may be accessed by dialing the digits
5 9-8-8 by:

6 (a) Establishing at least one support center that meets the
7 requirements of NRS 433.706 to answer calls to the hotline and
8 coordinate the response to persons who access the hotline;

9 (b) Encouraging the establishment of and, to the extent that
10 money is available, establishing mobile crisis teams to provide
11 community-based intervention, including, without limitation, de-
12 escalation and stabilization, for persons who are considering suicide
13 or otherwise in a behavioral health crisis and access the hotline;

14 (c) Participating in any collection of information by the Federal
15 Government concerning the National Suicide Prevention Lifeline
16 program;

17 (d) Collaborating with the National Suicide Prevention Lifeline
18 program and the Veterans Crisis Line program established pursuant
19 to 38 U.S.C. § 1720F(h) to ensure consistent messaging to the
20 public about the hotline; ~~and~~

21 (e) *Supporting the establishment and maintenance of hospitals*
22 *that hold endorsements as crisis stabilization centers pursuant to*
23 *NRS 449.0915; and*

24 (f) Adopting any regulations necessary to carry out the
25 provisions of NRS 433.702 to 433.710, inclusive, including, without
26 limitation:

27 (1) Regulations establishing the qualifications of providers of
28 services who are involved in responding to persons who are
29 considering suicide or are otherwise in a behavioral health crisis and
30 access the hotline;



1 (2) Any regulations necessary to allow for communication
2 and sharing of information between persons and entities involved in
3 responding to crises and emergencies in this State to facilitate the
4 coordination of care for persons who are considering suicide or are
5 otherwise in a behavioral health crisis and accessing the hotline; and

6 (3) Regulations defining the term “person professionally
7 qualified in the field of behavioral health” for the purposes of this
8 section.

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

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

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

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

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

28 4. As used in this section, “peer recovery support services”
29 means nonclinical supportive services that use lived experience in
30 recovery from a substance use disorder or other behavioral health
31 disorder to promote recovery in another person with a substance use
32 disorder or other behavioral health disorder by advocating,
33 mentoring, educating, offering hope and providing assistance in
34 navigating systems.

35 **Sec. 1.5.** NRS 433.708 is hereby amended to read as follows:

36 433.708 1. The State Board of Health shall ~~adopt regulations~~
37 ~~to~~ impose a surcharge *of 35 cents for each line, as adjusted in*
38 *accordance with subsection 8, on [each] :*

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

43 (b) *Each* access line or trunk line of each customer to the local
44 exchange of any telecommunications provider providing those lines
45 in this State. ~~[Those]~~



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

3 **(a) Collect the surcharge described in subsection 1** from their
4 customers ; and ~~transfer~~

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

10 ~~—2.]~~ **on or before the last day of the month immediately**
11 **following the month to which the surcharge applies.**

12 **3.** The Crisis Response Account is hereby created in the State
13 General Fund. Any money collected from the surcharge imposed
14 pursuant to subsection 1 must be deposited in the State Treasury for
15 credit to the Account. The Division shall administer the Account.
16 The money in the Account:

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

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

22 ~~3.]~~ **4.** The interest and income earned on the money in the
23 Account, after deducting any applicable charges, must be credited to
24 the Account.

25 ~~4.]~~ **5.** Any money remaining in the Account at the end of each
26 fiscal year does not revert to the State General Fund but must be
27 carried over into the next fiscal year.

28 ~~5.]~~ **6.** The Division may accept gifts, grants and donations for
29 the purpose of carrying out the provisions of NRS 433.702 to
30 433.710, inclusive.

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

38 **8. The State Board of Health:**

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

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

45 **(1) The amount of that surcharge; and**



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

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

9 9. *As used in this section:*

10 (a) *“Access line” means any voice connection between a*
11 *customer and a carrier that provides the customer with access to*
12 *telecommunication in this State and allows a customer to access*
13 *the hotline described in NRS 433.704 by dialing the digits 9-8-8.*

14 (b) *“Commercial mobile service” means commercial mobile*
15 *service, as that term is defined in 47 U.S.C. § 251a, which is*
16 *provided to a customer within this State as determined by the place*
17 *of primary use, as that term is defined in 4 U.S.C. § 124.*

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

20 (d) *“Trunk line” means a line which provides a channel*
21 *between a switchboard owned by a customer of a*
22 *telecommunications provider and the local exchange of the*
23 *telecommunications provider.*

24 **Sec. 2.** (Deleted by amendment.)

25 **Sec. 3.** (Deleted by amendment.)

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

32 2. On or before July 1, 2023, the companies and providers
33 described in subsection 1 of NRS 433.708, as amended by section
34 1.5 of this act, shall report to the Division of Public and Behavioral
35 Health of the Department of Health and Human Services the
36 average number of access lines and trunk lines in service which
37 were subject to the surcharge imposed pursuant to subsection 1 for
38 each calendar month of the 2022 calendar year. Such information
39 shall be deemed proprietary information regarding a trade secret
40 which is subject to the provisions of NRS 333.333.

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

44 4. As used in this section:



1 (a) “Access line” has the meaning ascribed to it in section 1.5 of
2 this act.

3 (b) “Trunk line” has the meaning ascribed to it in section 1.5 of
4 this act.

5 **Sec. 5.** This act becomes effective upon passage and approval.

