

As Amended by House Committee

Session of 2021

HOUSE BILL No. 2281

By Committee on Health and Human Services

2-9

1 AN ACT concerning public health; ~~establishing 988 as the suicide~~
2 ~~prevention and mental health crisis hotline in Kansas; providing for the~~
3 ~~Kansas department for aging and disability services to provide~~
4 ~~oversight and support to hotline centers; prescribing hotline center~~
5 ~~duties and provision of services; telecommunication providers duties;~~
6 ~~collection and disbursement of fees for the 988 hotline.~~

relating to the established

authorizing

Kansas

7
8 *Be it enacted by the Legislature of the State of Kansas:*
9 Section 1. Sections 1 through 5, and amendments thereto, shall be
10 known and may be cited as the living, investing in values and ending
11 suicide (LIVES) act.
12 Sec 2. As used in sections 1 through 5, and amendments thereto:
13 (a) "Crisis-receiving and stabilization services" means short-term
14 services with capacity for diagnosis, initial management, observation,
15 crisis stabilization and follow-up referral services.
16 (b) "Department" means the Kansas department for aging and
17 disability services.
18 (c) "Exchange telecommunications service" means the same as
19 provided in K.S.A. 12-5363, and amendments thereto.
20 (d) "Hotline" means the 988 suicide prevention and mental health
21 crisis hotline or its successor maintained by the assistant secretary for
22 mental health and substance use under 42 U.S.C. § 290bb-36c.
23 (e) "Hotline center" means a 988 suicide prevention and mental
24 health crisis hotline center, designated by the Kansas department for aging
25 and disability services, participating in the national suicide prevention
26 lifeline network to respond to statewide or regional 988 calls.
27 (f) "Mobile crisis team" means a team of behavioral health
28 professionals and peers that provide professional, community-based, crisis
29 intervention services, including, but not limited to, de-escalation and
30 stabilization for individuals who are experiencing a behavioral health
31 crisis. Such services are separate and distinct from 911 emergency
32 responses of emergency medical services or law enforcement.
33 (g) "NSPL" means the national suicide prevention lifeline, the
34 national network of local, certified crisis centers that provide free and
35 confidential emotional support to people in suicidal crisis or emotional
36 distress 24 hours per day, 7 days per week.

- 1 (h) "Peer specialist" means an individual certified by the department
- 2 to provide supportive services on the basis of such individual's personal,
- 3 lived experience of mental illness or addiction and recovery.
- 4 (i) "Provider" means the same as defined in K.S.A. 12-5363, and
- 5 amendments thereto.
- 6 (j) "Secretary" means the secretary for aging and disability services.
- 7 (k) "Services" means behavioral health services.
- 8 (l) "Service user" means any person who is provided exchange
- 9 telecommunications service, wireless telecommunications service, VoIP
- 10 service, prepaid wireless service or any other service capable of contacting
- 11 a hotline center by dialing 988.
- 12 (m) "VCL" means the veterans crisis line maintained by the United
- 13 States secretary of veterans affairs under 38 U.S.C. § 1720F(h).
- 14 (n) "VoIP service" means the same as provided in K.S.A. 12-5363,
- 15 and amendments thereto.
- 16 (o) "Wireless telecommunications service" means the same as
- 17 provided in K.S.A. 12-5363, and amendments thereto.
- 18 Sec. 3. In accordance with 47 C.F.R. § 52.200:
- 19 (a) The Kansas department for aging and disability services shall:
- 20 (1) Prior to July 16, 2022:
- 21 (A) Designate a hotline center or network of centers to provide crisis
- 22 intervention services and care coordination to individuals accessing the
- 23 hotline for 24 hours per day, 7 days per week;
- 24 (B) create a system for information sharing and communication
- 25 between crisis and emergency response systems and hotline centers for the
- 26 purpose of real-time crisis care coordination, including, but not limited to,
- 27 deployment of crisis and outgoing services specific to a crisis response or
- 28 911 emergency responders when necessary;
- 29 (C) convene mobile crisis teams;
- 30 (D) develop guidelines for deploying services, including mobile crisis
- 31 teams, coordinating access to crisis-receiving and stabilization services or
- 32 other local resources as appropriate, and providing referrals and follow-
- 33 ups;
- 34 (E) coordinate consistent public messaging regarding the hotline with
- 35 NSPL, the department and the United States department of veterans
- 36 affairs;
- 37 (F) require training as established by NSPL for hotline center staff for
- 38 servicing high-risk and specialized populations identified by the substance
- 39 abuse and mental health services administration within the United States
- 40 department of health and human services or transferring to appropriate
- 41 specialized centers;
- 42 (G) work with the Kansas department of health and environment and
- 43 KanCare managed care organizations to develop plans for payment for

KanCare members and

- 1 uninsured services;
- 2 (H) create an advisory board to provide guidance to the secretary and
- 3 gather feedback and make recommendations for hotline centers, local
- 4 counties and municipalities regarding the planning and implementation of
- 5 the hotline;
- 6 (I) hire a statewide suicide prevention coordinator; and
- 7 (J) adopt rules and regulations to implement the provisions of this act.
- 8 (2) After July 16, 2022:
- 9 (A) Consult with the advisory board to provide guidance to the
- 10 secretary and gather feedback and make recommendations for hotline
- 11 centers, local counties and municipalities regarding usage and services
- 12 provided in response to calls to the hotline centers;
- 13 (B) fund any uninsured services provided in response to the hotline if
- 14 an individual receiving the services is uninsured or the services or the
- 15 facility are not covered by an individual's insurance; and
- 16 (C) at the beginning of each legislative session, submit an annual
- 17 report of the hotline's usage and the services provided in response to calls
- 18 to the hotline centers to the house of representatives standing committee
- 19 on health and human services and the senate standing committee on public
- 20 health and welfare or any successor committees.
- 21 (b) The hotline centers shall:
- 22 (1) Prior to July 16, 2022:
- 23 (A) Establish an agreement with the NSPL for participation within
- 24 the network;
- 25 (B) meet any training requirements for hotline center staff established
- 26 by the NSPL or the department in subsection (a);
- 27 (C) enter into memorandums of understanding with local service
- 28 providers to be deployed according to the guidelines established by the
- 29 department in subsection (a);
- 30 (D) coordinate access to crisis-receiving and stabilization services or
- 31 other local resources as appropriate according to the guidelines established
- 32 by the department in subsection (a);
- 33 (E) provide referrals and follow-ups according to the guidelines
- 34 established by the department in subsection (a);
- 35 (F) work with the United States department of veterans affairs to
- 36 route calls from self-designated veterans for the provision of VCL
- 37 services; and
- 38 (G) meet any requirement set forth in subsection (b)(2), if the center
- 39 has the capabilities to meet such provisions before July 16, 2022.
- 40 (2) After July 16, 2022:
- 41 (A) Receive all calls initiated by a service user dialing 988 from
- 42 providers;
- 43 (B) deploy crisis services, including mobile crisis teams according to

1 the guidelines established by the department in subsection (a);
 2 (C) coordinate access to crisis-receiving and stabilization services or
 3 other local resources as appropriate according to guidelines established by
 4 the department in subsection (a);
 5 (D) provide referrals and follow-ups according to the guidelines
 6 established by the department in subsection (a);
 7 (E) continue to meet training requirements established by the NSPL
 8 and the department in subsection (a); and
 9 (F) continue to work with the United States department of veterans
 10 affairs to route calls from self-designated veterans for the provision of
 11 VCL services.

12 (c) Providers shall:
 13 (1) Prior to July 16, 2022:
 14 (A) Establish 988 as the unique number for suicide prevention and
 15 mental health crisis;
 16 (B) transmit all calls initiated by a service user dialing 988 to the
 17 current toll-free access number for the NSPL;
 18 (C) complete all changes necessary to implement the designation of
 19 the 988 dialing code; and
 20 (D) establish a system for collecting fees and remitting such fees to
 21 the 988 suicide prevention and mental health crisis hotline fund
 22 established pursuant to section 4, and amendments thereto.

23 ~~(2) After July 16, 2022:~~
 24 ~~(A) Direct all calls initiated by a user dialing 988 to hotline centers;~~
 25 ~~and~~
 26 ~~(B) collect fees and remit such fees to the 988 suicide prevention and~~
 27 ~~mental health crisis hotline fund established pursuant to section 4, and~~
 28 ~~amendments thereto.~~

29 Sec. 4. (a) There is hereby imposed a 988 fee in the amount of ~~\$.50~~
 30 per month per subscriber account of any exchange telecommunications
 31 service, wireless telecommunications service, VoIP service or other service
 32 capable of contacting a hotline center. Such fee shall not be imposed on
 33 prepaid wireless service. It shall be the duty of each exchange
 34 telecommunications service provider, wireless telecommunications service
 35 provider, VoIP service provider or other service provider to remit such fees
 36 to the department of revenue.
 37 (b) Every billed service user shall be liable for the 988 fee until such
 38 fees have been paid to the exchange telecommunications service provider,
 39 wireless telecommunications service provider, VoIP service provider or
 40 other service provider. All providers shall have the duty to collect the fees
 41 imposed pursuant to this act. ~~Such fees shall be added to and may be stated~~
 42 ~~separately in billings for the subscriber account. If stated separately in~~
 43 ~~billings, the fees shall be labeled "988 fees." The fees imposed by this~~

On and after July 1, 2022, collect fees and remit such fees to the 988
 suicide prevention and mental health crisis hotline fund established
 pursuant to section 6, and amendments thereto.

(2)

[following line 36, insert]

(2) On or before April 1, 2023, and each April 1 thereafter, the
 secretary for aging and disability services shall determine whether the
 amount of moneys generated from such fee is sufficient for the
 purposes set forth in this act. If such amount of moneys is insufficient,
 then the secretary shall certify such determination to the secretary of
 revenue. In such certification, the secretary for aging and disability
 services shall certify the amount of such fee not to exceed \$0.25 that
 will be sufficient for the purposes set forth in this act. On and after the
 following July 1, and upon such certification, the 988 fee shall be
 imposed in such certified amount on subscriber accounts described in
 paragraph (1).

(3)

Sec. 4. Except as provided by the Kansas tort claims act and except
 for action or inaction that constitutes gross negligence or willful and
 wanton misconduct, each provider, and employees, agents, suppliers
 and subcontractors thereof, and each seller, and employees, agents,
 suppliers and subcontractors thereof, shall not be liable for the
 payment of damages resulting directly or indirectly from the total or
 partial failure of any transmission to an emergency communication
 service or for damages resulting from the performance of installing,
 maintaining or providing 988 service.

\$0.20, except as provided in paragraph (2),

voice

And by renumbering sections accordingly

(1)

(1)

1 ~~section shall be collected along with the charges for local exchange,~~
2 ~~wireless, VoIP or other service in accordance with the regular billing~~
3 ~~practice of the provider.~~

4 (c) The provider shall have no obligation to take any legal action to
5 enforce the collection of the fees imposed by this act. The provider shall
6 provide annually to the department of revenue a list of the amount of
7 uncollected 988 fees along with the names and addresses of those service
8 users that carry a balance that can be determined by the provider to be
9 nonpayment of such fees.

10 (d) The 988 fees and the amounts required to be collected therefor are
11 due monthly. The amount of such fees collected in one month by the
12 provider shall be remitted to the department of revenue not more than 15
13 days after the close of the calendar month. On or before the 15th day of
14 each calendar month following, a return for the preceding month shall be
15 filed with the department of revenue. Such return shall be in such form and
16 shall contain such information as required by the department of revenue.
17 The provider required to file the return shall deliver the return together
18 with a remittance of the amount of fees payable to the department of
19 revenue. The provider shall maintain records of the amount of any such
20 fees collected in accordance with this act for a period of three years from
21 the time the fees are collected.

22 (e) The department of revenue shall remit all 988 fees to the state
23 treasurer in accordance with the provisions of K.S.A. 75-4215, and
24 amendments thereto. Upon receipt of each such remittance, the state
25 treasurer shall deposit the entire amount in the state treasury to the credit
26 of the 988 suicide prevention and mental health crisis hotline fund
27 established pursuant to section 5, and amendments thereto.

28 Sec. 5. (a) There is hereby established in the state treasury the 988
29 suicide prevention and mental health crisis hotline fund to be administered
30 by the secretary for aging and disability services.

31 (b) Moneys from the following sources shall be credited to the fund:

32 (1) Revenue generated from the fee established in section 4, and
33 amendments thereto; and

34 (2) amounts received from any public or private entity for the
35 purposes of the fund.

36 (c) On or before the 10th of each month, the director of accounts and
37 reports shall transfer from the state general fund to the 988 suicide
38 prevention and mental health crisis hotline fund, interest earnings based
39 on:

40 (1) The average daily balance of moneys in the 988 suicide
41 prevention and mental health crisis hotline fund for the preceding month;
42 and

43 (2) the net earnings rate of the pooled money investment portfolio for

(2) The fee imposed by this section shall be added to and may be separately stated in billings for the subscriber account. If such fee is separately stated in billings, such fees shall be labeled "988 fee." A provider may combine the fee imposed by this section with the 911 fee imposed by K.S.A. 12-5369, and amendments thereto, into a single fee to be collected from the customer. If a provider elects to combine such fees, the combined fee shall be identified to the customer as the "911/988 fee" in billings for the subscriber account. If a provider elects to collect a single combined fee as provided in this paragraph, such provider shall report to the department of revenue on a form prescribed by the secretary of revenue the respective amounts of such remittance attributable to the 988 fee imposed by this section and the 911 fee imposed by K.S.A. 12-5369, and amendments thereto.

(f) The 988 fee imposed by this section shall be the only 988 funding obligation imposed with respect to exchange telecommunications service, wireless telecommunications service, VoIP service or other voice service in this state. No tax, fee, surcharge or other charge shall be imposed by this state, any political subdivision of this state or any intergovernmental agency for 988 funding purposes upon any provider or consumer with respect to the sale, purchase, use or provision of exchange telecommunications service, wireless telecommunications service, VoIP service or other voice service.

1 the preceding month.

2 (d) Moneys credited to the fund shall be used only to:

3 (1) ~~Pay all expenses incurred in the administration of the fund; and~~

4 (2) ~~provide for the necessary and reasonable costs of implementing~~
5 ~~and maintaining the hotline that includes:~~

6 (A) ~~The efficient and effective routing of and response to calls made~~
7 ~~to the hotline to the centers, including staffing and technological~~
8 ~~infrastructure enhancements necessary to meet the requirements~~
9 ~~established in section 2, and amendments thereto;~~

10 (B) ~~personnel and behavioral health, crisis outreach and stabilization~~
11 ~~services with emphasis on expanding services to rural areas by directly~~
12 ~~responding to the hotline;~~

13 (C) ~~data collection and reporting, evaluations and related quality~~
14 ~~improvement activities as required by the secretary;~~

15 (D) ~~a statewide suicide prevention coordinator to be employed by the~~
16 ~~department; and~~

17 (E) ~~evidence-based suicide prevention and public promotion of the~~
18 ~~hotline;~~

19 (3) ~~provide mobile crisis response services for persons with~~
20 ~~intellectual or developmental disability; and~~

21 (4) ~~provide mobile crisis response services for behavioral health~~
22 ~~needs.~~

23 (e) All expenditures from the fund shall be made in accordance with
24 appropriation acts upon warrants of the director of accounts and reports
25 issued pursuant to vouchers approved by the secretary or the secretary's
26 designee.

27 (f) **Moneys in the 988 suicide prevention and mental health crisis**
28 **hotline fund shall be used for the purposes set forth in this section and**
29 **for no other governmental purposes. It is the intent of the legislature**
30 **that the fund shall remain intact and inviolate for the purposes set**
31 **forth in this section, and moneys in the fund shall not be subject to the**
32 **provisions of K.S.A. 75-3722, 75-3725a and 75-3726a, and**
33 **amendments thereto.**

34 **Sec. 6. (a) There is hereby imposed a prepaid wireless 988 fee of**
35 **\$0.50 per retail transaction for prepaid wireless service.**

36 (b) **The prepaid wireless 988 fee shall be collected by the seller**
37 **from the consumer with respect to each retail transaction occurring in**
38 **this state. The amount of the prepaid wireless 988 fee shall be**
39 **separately stated on an invoice, receipt or other similar document that**
40 **is provided to the consumer by the seller or otherwise disclosed to the**
41 **consumer.**

42 (c) **For purposes of subsection (b):**

43 (1) **A retail transaction that is conducted in person by a consumer**

pay expenses that are reasonably attributed to

Ensuring the efficient and effective routing of calls made to the 988 national suicide prevention and mental health crisis hotline to an appropriate crisis center; and

personnel, the provision of acute mental health, crisis outreach and stabilization services by directly responding to the 988 national suicide prevention and mental health crisis hotline, public promotion, data collection and reporting

The prepaid wireless 988 fee shall be proportionately increased upon any increase to the fee imposed by section 4, and amendments thereto, not to exceed 0.5%.

0.4%

may

If such fee is stated separately on such documents, such fee shall be labeled "988 fee."

1 in a business location of the seller shall be treated as occurring in this
2 state if that business location is in this state; and

3 (2) any other retail transaction shall be treated as occurring in
4 this state if the retail transaction is treated as occurring in this state
5 for the purposes of K.S.A. 79-3673(c)(3), and amendments thereto.

6 (d) The prepaid wireless 988 fee is the liability of the consumer
7 and not of the seller or any provider. The seller shall be liable to remit
8 all prepaid wireless 988 fees that the seller collects from consumers
9 pursuant to this section, including all such fees that the seller is
10 deemed to collect where the amount of the charge has not been
11 separately stated in an invoice, receipt or other similar document
12 provided to the consumer by the seller.

13 (e) ~~(1) If the amount of the prepaid wireless 988 fee that is~~
14 ~~collected by a seller from a consumer is separately stated on an~~
15 ~~invoice, receipt or other similar document provided to the consumer~~
16 ~~by the seller, the amount of such fee that is collected shall not be~~
17 ~~included in the base for measuring any tax, fee, surcharge or other~~
18 ~~charge that is imposed by this state, any political subdivision of this~~
19 ~~state or any intergovernmental agency.~~

20 ~~(2) When prepaid wireless service is sold with one or more other~~
21 ~~products or services for a single, non-itemized price, the fee specified~~
22 ~~in subsection (a) shall apply to each prepaid wireless service sold in~~
23 ~~the single price, if the seller can identify the fee that is attributable to~~
24 ~~the prepaid wireless service by reasonable and verifiable standards~~
25 ~~from its books and records that are kept in the regular course of~~
26 ~~business for other purposes, including, but not limited to, non-tax~~
27 ~~purposes.~~

28 (f) Prepaid wireless 988 fees collected by sellers shall be remitted
29 to the department of revenue by electronic filing that is consistent with
30 the provisions of article 36 of chapter 79 of the Kansas Statutes
31 Annotated, and amendments thereto. The department of revenue shall
32 establish registration and payment procedures for the collection of the
33 prepaid wireless 988 fee.

34 (g) To minimize additional costs to the department of revenue, the
35 department of revenue may conduct audits of sellers in conjunction
36 with sales and use tax audits. The department of revenue may initiate
37 collection or audit procedures on individual sellers if necessary.

38 (h) The department of revenue shall establish procedures for a
39 seller to document that a sale is not a retail sale. Such procedures shall
40 substantially coincide with procedures for documenting sale for resale
41 transactions contained in article 36 of chapter 79 of the Kansas
42 Statutes Annotated, and amendments thereto.

43 (i) The department of revenue shall remit all moneys collected

[stricken material in lines 13 through 27]

A seller may combine the fee imposed by this section with the prepaid wireless 911 fee imposed by K.S.A. 12-5371, and amendments thereto, into a single fee collected from the customer. If a seller elects to combine such fees, the combined fee shall be identified to the customer as the "911/988 fee" on the invoice, receipt or other similar document provided to the customer by the seller. If a seller elects to collect a single combined fee as provided in this paragraph, such provider shall report to the department of revenue on a form prescribed by the secretary of revenue the respective amounts of such remittance attributable to the prepaid wireless 988 fee imposed by this section and the prepaid wireless 911 fee imposed by K.S.A. 12-5371, and amendments thereto.

1 from payment of the prepaid wireless 988 fee to the state treasurer in
2 accordance with K.S.A. 75-4215, and amendments thereto. Upon
3 receipt of each such remittance, the state treasurer shall deposit the
4 entire amount into the state treasury to the credit of the certified
5 community behavioral health clinics fund established by section 7, and
6 amendments thereto.

7 (j) As used in this section, "consumer," "prepaid wireless
8 service," "retail transaction" and "seller" mean the same as defined
9 in K.S.A. 2020 Supp. 12-5363, and amendments thereto.

10 ~~Sec. 7. (a) There is hereby established in the state treasury the~~
11 ~~certified community behavioral health clinics fund, and such fund~~
12 ~~shall be administered by the secretary for aging and disability~~
13 ~~services. Moneys in the fund shall be used for funding certified~~
14 ~~community behavioral health clinics. All expenditures from the fund~~
15 ~~shall be made in accordance with appropriation acts upon warrants of~~
16 ~~the director of accounts and reports issued pursuant to vouchers~~
17 ~~approved by the secretary for aging and disability services or the~~
18 ~~secretary's designee.~~

19 ~~(b) The certified community behavioral health clinic fund shall be~~
20 ~~used for the purposes set forth in this section and for no other~~
21 ~~governmental purposes. It is the intent of the legislature that the fund~~
22 ~~shall remain intact and inviolate for the purposes set forth in this~~
23 ~~section, and moneys in the fund shall not be subject to the provisions~~
24 ~~of K.S.A. 75-3722, 75-3725a and 75-3726a, and amendments thereto.~~

25 Sec. 6. 8. This act shall take effect and be in force from and after its
26 publication in the statute book.

988 suicide prevention and mental health crisis
hotline fund established by section 6

The prepaid wireless 988 fee imposed by this section shall be the
only 988 funding obligation imposed with respect to prepaid wireless
telecommunications service in this state. No tax, fee, surcharge or
other charge shall be imposed by this state, any political subdivision
of this state or any intergovernmental agency for 988 funding
purposes upon any provider or consumer with respect to the sale,
purchase, use or provision of prepaid wireless telecommunications
service.

(k)

, except that "seller" also includes a marketplace
facilitator, as defined in K.S.A. 2021 Supp. 79-5601,
and amendments thereto

[stricken material in lines 10-24]

Sec. 8. (a) On or before the first day of each regular session of the
legislature, the secretary for aging and disability services shall
submit a report to the house of representatives standing committees
on appropriations, energy, utilities and telecommunications and
health and human services and the senate standing committees on
ways and means, utilities and public health and welfare, or any
successor committees thereto, detailing outcomes related to
implementation of the 988 suicide prevention and mental health
crisis hotline in Kansas.

(b) The report required by this section shall include, but not be
limited to, key performance indicators.

Sec. 9. Each school district that issues student identification cards to
students in any of the grades six through 12 are encouraged to
include on such student identification cards the 988 suicide
prevention and mental health crisis hotline number or, if such hotline
is not in operation, then a local, state or national suicide prevention
hotline telephone number.

And by renumbering sections accordingly;

And by updating K.S.A. Supplement references as required