

HOUSE BILL NO. 5354

September 30, 2021, Introduced by Rep. Whiteford and referred to the Committee on Health Policy.

A bill to create the 9-8-8 suicide prevention and mental health crisis hotline fund; to provide for the imposition and collection of certain charges; and to provide for the powers and duties of certain state governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act may be cited as the "9-8-8 suicide prevention
2 and mental health crisis hotline fund act".

3 Sec. 2. As used in this act:

4 (a) "9-8-8 administrator" means the administrator of the 9-8-8
5 suicide prevention and mental health crisis hotline.

1 (b) "9-8-8 suicide prevention and mental health crisis
2 hotline" means the National Suicide Prevention Lifeline or its
3 successor maintained by the Assistant Secretary for Mental Health
4 and Substance Use under 42 USC 290bb-36c.

5 (c) "Commercial mobile radio service" means commercial mobile
6 radio service regulated under 47 USC 153 and 332, and the rules of
7 the Federal Communications Commission.

8 (d) "Communication service" means a service capable of
9 accessing, connecting with, or interfacing with the 9-8-8 system,
10 exclusively through the numerals 9-8-8, by dialing, initializing,
11 or otherwise activating the 9-8-8 system through the numerals 9-8-8
12 by means of a local telephone device, cellular telephone device,
13 wireless communication device, interconnected voice over the
14 internet device, or any other means.

15 (e) "Consumer" means an individual who purchases prepaid
16 wireless telecommunications services in a retail transaction.

17 (f) "Fund" means the 9-8-8 suicide prevention and mental
18 health crisis hotline fund created under section 3.

19 (g) "Michigan crisis and access line" means the Michigan
20 crisis and access line created under section 165 of the mental
21 health code, 1974 PA 258, MCL 330.1165.

22 (h) "Minimal amount" means an amount of service denominated as
23 10 minutes or less or \$5.00 or less.

24 (i) "Mobile crisis team" includes behavioral health
25 professionals and peers that provide professional onsite community-
26 based intervention including, but not limited to, de-escalation and
27 stabilization for an individual who is experiencing a behavioral
28 health crisis.

29 (j) "National Suicide Prevention Lifeline" or "NSPL" means a

1 national network of local crisis centers providing free and
2 confidential emotional support to individuals in suicidal crisis or
3 emotional distress 24 hours a day, 7 days a week. Membership as an
4 NSPL center requires nationally recognized certification that
5 includes evidence-based training for all staff and volunteers in
6 managing calls.

7 (k) "Peer" means an individual employed based on his or her
8 personal lived experience of mental illness or addiction and
9 recovery who meets this state's peer certification requirements
10 where applicable.

11 (l) "Prepaid wireless telecommunications service" means a
12 commercial mobile radio service that allows a caller to dial 9-8-8
13 to access the 9-8-8 system and is paid for in advance and sold in
14 predetermined units or dollars of which the number declines with
15 use in a known amount.

16 (m) "Provider" means a person that provides prepaid wireless
17 telecommunications services under a license issued by the Federal
18 Communications Commission.

19 (n) "Retail transaction" means the purchase of prepaid
20 wireless telecommunications service from a seller for any purpose
21 other than resale.

22 (o) "Seller" means a person that sells prepaid wireless
23 telecommunications service to another person.

24 (p) "Service supplier" means a person providing a
25 communication service to a user in this state.

26 (q) "User" means a person receiving a communication service.

27 Sec. 3. (1) The 9-8-8 suicide prevention and mental health
28 crisis hotline fund is created within the state treasury.

29 (2) The state treasurer shall deposit money and other assets

1 received from the state 9-8-8 charge and prepaid wireless 9-8-8
2 charge under section 5, from grants and gifts intended for deposit
3 into the fund, or from any other source in the fund. The state
4 treasurer shall direct the investment of money in the fund and
5 credit interest and earnings from the investments to the fund.

6 (3) The department of health and human services is the
7 administrator of the fund for audits of the fund.

8 (4) The department of health and human services shall expend
9 money from the fund, on appropriation, for the following purposes:

10 (a) To create and maintain a statewide 9-8-8 suicide
11 prevention and mental health crisis system pursuant to the national
12 suicide hotline designation act of 2020, Public Law 116-172, 47 CFR
13 52.200, and national guidelines for crisis care.

14 (b) To support or enhance 9-8-8 services, including the
15 Michigan crisis and access line, mobile crisis teams, and crisis
16 stabilization units.

17 (c) To offset costs that are or will be reasonably attributed
18 to any of the following:

19 (i) Primarily ensuring the efficient and effective routing of
20 calls made to the 9-8-8 suicide prevention and behavioral health
21 crisis hotline to the Michigan crisis and access line, including
22 staffing and technology infrastructure enhancements necessary to
23 achieve operational and clinical standards and best practices set
24 forth by the National Suicide Prevention Lifeline.

25 (ii) Any of the following:

26 (A) Personnel, including recruitment of personnel that reflect
27 the demographics of the individuals served.

28 (B) Specialized training of staff to serve at-risk
29 communities, including services that are culturally and

1 linguistically competent for diverse communities.

2 (C) The provision of acute behavioral health, crisis outreach,
3 and stabilization services, including mobile crisis teams and
4 crisis stabilization units, by directly responding to the 9-8-8
5 national suicide prevention and behavioral health crisis hotline.

6 (iii) Crisis response and care coordination with law enforcement
7 or first responder agencies, and local providers including, but not
8 limited to, hospitals, emergency departments, prepaid inpatient
9 health plans, community mental health services programs, and other
10 behavioral health providers.

11 (iv) The provision of data, reporting, participation in
12 evaluations, and related quality improvement activities as required
13 by the 9-8-8 administrator.

14 (v) The administration, oversight, and evaluation of the fund,
15 including funded services and contracts. The department of health
16 and human services may use up to 1% of the money in the fund and 5
17 full-time equivalent positions to administer the provisions of this
18 act, including the development, implementation, and oversight of
19 the Michigan crisis and access line, mobile crisis teams, and
20 crisis stabilization units. The number of full-time equivalent
21 positions may be adjusted to provide for continuous administration
22 of operations, volume increases, and maintenance.

23 (5) Money in the fund at the close of the fiscal year does not
24 lapse to the general fund.

25 (6) The department of health and human services shall make an
26 annual report to the legislature and the Federal Communications
27 Commission on the deposits into the fund and the expenditures from
28 the fund.

29 Sec. 5. (1) In compliance with the national suicide hotline

1 designation act of 2020, Public Law 116-172, the department of
2 treasury shall establish a monthly state 9-8-8 charge and a prepaid
3 wireless 9-8-8 charge at rates that provide for the robust
4 creation, operation, and maintenance of a statewide 9-8-8 suicide
5 prevention and behavioral health crisis system and the continuum of
6 services provided pursuant to national guidelines for crisis
7 services.

8 (2) All of the following apply to the state 9-8-8 charge
9 established under subsection (1):

10 (a) Each service supplier within this state shall bill and
11 collect the state 9-8-8 charge from all users.

12 (b) The state 9-8-8 charge must be collected in accordance
13 with regular billings of the service supplier. The amount collected
14 for the state 9-8-8 charge must be remitted quarterly by the
15 service suppliers to the department of treasury and deposited into
16 the fund. The state 9-8-8 charge must be listed separately on the
17 user's bill or payment receipt or otherwise disclosed to the user.

18 (c) Subject to subsection (6), the state 9-8-8 charge is 55
19 cents.

20 (d) If a user has multiple access points or access lines, the
21 state 9-8-8 charge must be imposed separately on each of the first
22 10 access points or access lines and then 1 charge for each set of
23 10 access points or access lines per billed account.

24 (3) All of the following apply to the prepaid wireless 9-8-8
25 charge established under subsection (1):

26 (a) The prepaid wireless 9-8-8 charge must be collected for
27 each retail transaction occurring in this state between a seller
28 and a consumer.

29 (b) Subject to subsection (6) and except as otherwise provided

1 in subdivision (e), the amount of the prepaid wireless 9-8-8 charge
2 is 2% per retail transaction. The charge under this subsection must
3 be separately stated on an invoice, receipt, or other similar
4 document that is provided to a consumer by the seller or otherwise
5 disclosed to the consumer.

6 (c) A transaction is considered to have occurred in this state
7 if either of the following applies:

8 (i) A retail transaction that is carried out in person by a
9 consumer at a business location of a seller located in this state.

10 (ii) A retail transaction that is treated as occurring in this
11 state under section 3c of the use tax act, 1937 PA 94, MCL 205.93c,
12 as that section applies to a prepaid wireless calling service.

13 (d) A prepaid wireless 9-8-8 charge is the liability of the
14 consumer and not of the seller or any provider.

15 (e) Except as otherwise provided in subdivision (f), if a
16 prepaid wireless telecommunications service is sold with 1 or more
17 products or services for a single, nonitemized price, the seller
18 shall collect 5% on the entire nonitemized price unless the seller
19 elects to do either of the following:

20 (i) If the amount of the prepaid wireless telecommunications
21 service is disclosed to the consumer as a dollar amount, apply the
22 percentage to that dollar amount.

23 (ii) If the seller can identify the portion of the price that
24 is attributable to the prepaid wireless telecommunications service
25 by reasonable and verifiable standards from its books and records
26 that are kept in the regular course of business for other purposes,
27 including, but not limited to, nontax purposes, apply the
28 percentage to that portion.

29 (f) If a minimal amount of prepaid wireless telecommunications

1 service is sold with a prepaid wireless device for a single,
2 nonitemized price, a seller may elect not to apply the percentage
3 specified in subdivision (e) (i) to that transaction.

4 (g) The amount collected for the prepaid wireless 9-8-8 charge
5 must be remitted quarterly by the seller to the department of
6 treasury and deposited into the fund.

7 (4) A provider or seller of prepaid wireless
8 telecommunications service is not liable for damages to any person
9 resulting from or incurred in connection with the provision of, or
10 failure to provide, 9-8-8 service or for identifying or failing to
11 identify the telephone number, address, location, or name
12 associated with any person or device that is accessing or
13 attempting to access a 9-8-8 service.

14 (5) A provider or seller of prepaid wireless
15 telecommunications service is not liable for damages to any person
16 resulting from or incurred in connection with the provision of any
17 lawful assistance to any investigative or law enforcement officer
18 of the United States, this state, or any other state in connection
19 with any lawful investigation or other law enforcement activity by
20 that law enforcement officer.

21 (6) The amount of the state 9-8-8 charge under subsection (2)
22 and the amount of the prepaid wireless 9-8-8 charge under
23 subsection (3) may be adjusted to provide for continuous operation,
24 volume increase, and maintenance.

25 Sec. 7. The department of health and human services shall
26 create boards or committees or assign tasks to existing agencies,
27 boards, or committees to accomplish the planning required for
28 implementation or ongoing oversight of this act.

29 Sec. 9. The department of health and human services shall

1 establish time frames to accomplish the provisions of this act that
2 are consistent with the time frames required under the national
3 suicide hotline designation act of 2020, Public Law 116-172, and 47
4 CFR 52.200.

5 Enacting section 1. This act does not take effect unless
6 Senate Bill No. ____ or House Bill No. 5353 (request no. 03965'21)
7 of the 101st Legislature is enacted into law.