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AMENDED IN ASSEMBLY MAY 13, 2021

CALIFORNIA LEGISLATURE— 2021-2022 REGULAR SESSION

ASSEMBLY BILL

NO. 988

Introduced by Assembly Members Bauer-Kahan, Berman, Chiu, Quirk-Silva, Ting, Gipson, and Ramos

(Coauthors: Assembly Members Aguiar-Curry, *Bloom*, Burke, *Gabriel*, Cristina Garcia, *Grayson*, *Low*, McCarty, Mullin, Luz Rivas, *Robert Rivas*, Rodriguez, Santiago, Stone, Villapudua, Wicks, Lackey, Lee, *Akilah Weber*, and Wood)

(Coauthors: Senators Archuleta, Eggman, Glazer, Leyva, Wiener, Nielsen, Ochoa Bogh, and Umberg)

February 18, 2021

An act to *amend Section 1714.55 of the Civil Code*, to add Article 6.1 (commencing with Section 53123) to *Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code*, to add Section 324.9 to the Public Utilities Code, to amend Sections 41007.2, 41007.3, 41013, 41020, 41021, 41022, 41023, 41024, 41026, 41028, 41030, 41031, 41032, *41046*, 41050, 41098, 41100, 41128, 41135, 41136, and 41150 of, to amend the heading of Article 1 (commencing with Section 41020) and the heading of Article 2 (commencing with Section 41030) of Chapter 2 of Part 20 of Division 2 of, and to amend the heading of Chapter 2 (commencing with Section 41020) of Part 20 of Division 2 of, the Revenue and Taxation Code, relating to emergency services, ~~making an appropriation therefor~~, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 988, as amended, Bauer-Kahan. Mental health: mobile crisis support teams: 988 crisis hotline.

Existing law, the Warren-911-Emergency Assistance Act, requires every local public agency, as defined, to have an emergency communication system and requires the digits "911" to be the primary emergency telephone number within the system.

Existing law, specifies provisions governing the operation and financing of community mental health services for the mentally disordered in every county through locally administered and locally controlled community mental health programs. Existing law specifies that county mental health services should be organized to provide

immediate response to individuals in precrisis and crisis and to members of the individual's support system, on a 24-hour, 7-day-a-week basis and authorizes provision of crisis services offsite, as mobile services.

Existing federal law, the National Suicide Hotline Designation Act, designates the 3-digit telephone number "988" as the universal number within the United States for the purpose of the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline maintained by the Assistant Secretary for Mental Health and Substance Abuse and the Veterans Crisis Line maintained by the Secretary of Veterans Affairs.

This bill would establish the 988 Crisis Hotline Center, using the digits "988" in compliance with existing federal law and standards governing the National Suicide Prevention Lifeline. The bill would require the Office of Emergency Services to take specified actions to implement the hotline system, including hiring a director with specified experience and designating a 988 crisis hotline center or centers to provide crisis intervention services and crisis care coordination to individuals accessing the 988.

This bill would require the office to designate at least one center prior to July 16, 2022, and would require crisis hotline centers to meet specified requirements. The bill would require the office to adopt emergency regulations implementing these provisions by July 16, 2022. Beginning January 1, 2023, and not later than January 1, 2024, the bill would require crisis hotline centers, counties, and other relevant entities to become fully compliant with the regulations.

This bill would require that all elements of the 988 system be designed to meet the unique needs of California's diverse communities, as provided. The bill would require counties to provide and make crisis services, including mobile crisis teams and crisis receiving and stabilization services, available to 988 callers and would require counties to coordinate with 988 crisis hotline centers on the deployment of, and access to, these services.

This bill would specify reporting requirements, including a requirement, beginning January 1, 2025, and annually thereafter, for the office to prepare a report containing specified information, and deliver it to the Legislature, the Substance Abuse and Mental Health Services Administration, and the Federal Communications Commission. Crisis hotline centers would be required to provide data, and reports, and participate in evaluations and related quality improvement activities as required by the office.

Existing law, the Emergency Telephone Users Surcharges Act, generally imposes a surcharge on each access line for each month or part thereof for which a service user subscribes with a service supplier, at an amount no greater than \$0.80, based on the Office of Emergency Services' estimate of the number of access lines to which the surcharge will be applied per month for a calendar year period, that it estimates, pursuant to a specified formula, will produce sufficient revenue to fund the current fiscal year's 911 costs.

Existing law imposes a surcharge on the purchase of prepaid mobile telephony services at the time of each retail transaction in this state, at the rate equal to the monthly surcharge amount per access line, to be paid by prepaid consumers and collected by sellers, as defined. *Existing law exempts certain lines from the surcharge, including lines supplying lifeline service.* Existing law requires the surcharge to be remitted to, and administered by, the California Department of Tax and Fee Administration, in accordance with specified provisions. Existing law makes certain violations of the Emergency Telephone Users Surcharge Act a crime.

Existing law requires amounts to be paid to the state pursuant to the Emergency Telephone Users Surcharge Act to be deposited into the State Emergency Telephone Number Account and that the amounts deposited, upon appropriation by the Legislature, be spent solely for specified purposes, including payment for the installation of, and ongoing expenses for, a basic system.

This bill would create a separate surcharge, beginning January 1, 2022, on each access line for each month or part thereof for which a service user subscribes with a service supplier, based on the Office of Emergency Services' estimate of 988 costs which would be calculated in the same fashion as the office's estimate of 911 ~~charges~~. *charges, but in no event would the surcharge amount in any month be greater than \$0.80. The bill would provide that the 988 surcharge for the years 2022 and 2023 is set at the same amount as the 911 surcharge.* This bill would make applicable relevant provisions of the Emergency Telephone Users Surcharge Act to the 988 surcharge, as ~~provided~~. *provided, including existing surcharge exemptions.* The bill would provide for specified costs to be paid by the fees prior to distribution to the Office of Emergency Services. The bill would make conforming changes in regard to the 988 surcharge.

This bill would create the 988 State Mental Health and Crisis Services Special ~~Fund, a new continuously appropriated fund~~; *Fund* and would require the fees to be deposited along with other specified moneys into the ~~988 Fund~~. *fund.* The bill would provide that the funds be ~~used~~ *used, upon appropriation by the Legislature,* for

specified purposes, *in accordance with federal law and as prioritized*, including funding ~~county~~ 988 crisis hotline centers. ~~By creating a new continuously appropriated fund and establishing a fee as a new source of revenue for the continuously appropriated fund, the bill would make an appropriation.~~ *centers and the operation of mobile crisis teams. The bill would require counties to use funds made available through the 988 State Mental Health and Crisis Services Special Fund to expand access to mental health crisis services, as provided. The bill would require the Office of Emergency Services to require a county seeking funds available through the 988 State Mental Health and Crisis Services Special Fund to annually file an expenditure and outcomes report containing specified information.*

Existing law requires the Public Utilities Commission to publish specified information on its internet website, including contract and audit information.

This bill would require the Public Utilities Commission to publish specified information on its internet website relevant to these provisions.

Existing law provides that a retail or wholesale service provider of telecommunications service, or other service, involved in providing 9-1-1 service is liable for any civil claim, damage, or loss caused by an act or omission in the design, development, installation, maintenance, or provision of 9-1-1 service, as prescribed, and except as specified.

This bill would extend that provision to 9-8-8 services, as prescribed, and except as specified.

By imposing new requirements on counties and by expanding the scope of crimes imposed by the Emergency Telephone Users Surcharge Act, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: **yesno** Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) The nation is facing a mental health crisis.

(1) Between 2017 and 2018, the number of adults in the United States experiencing mental illness increased by 1.5 million people, meaning nearly one in five adults is living with a mental illness.

(2) The national suicide rate increased by 30 percent over the last two decades. In 2018, there were an estimated 1.4 million suicide attempts and more than 48,000 deaths by suicide, making it the 10th leading cause of death among adults and the second leading cause of death among young people.

(3) During the COVID-19 pandemic, this crisis has only continued to worsen with increasing rates of anxiety, depression, self-harm, and suicidal ideation.

(4) As this crisis worsens, one in six Californians continue to experience mental illness, and only one-third report receiving any treatment.

(b) Over the last 50 years, well-intentioned but piecemeal approaches have resulted in an inadequate continuum of services, leaving many without the help they need. Too often those experiencing a mental health crisis do not receive the services they need and instead are met with a punitive response that fails to treat their illness and often results in harmful and unnecessary incarceration.

(1) For those unable to access care, the criminal justice system has become the default mental health system in California when, in times of crisis, individuals and their families feel they have no option but to call the police for

help. While law enforcement is often the ~~most-relied-upon~~ *most relied-upon* institution during a mental health crisis, providing mental health services or care is not and should not be their role.

(2) One-third of homeless individuals in the United States have a serious mental illness; these individuals are more likely to be arrested with a lifetime risk of arrest ranging from 63 percent to 90 percent. People in jail are 8 to 11 times more likely to have experienced recent homelessness.

(A) Currently, 10 percent of all law enforcement agencies' budgets and 20 percent of staff ~~time;~~ *time* are spent responding to individuals with mental illness.

(B) As a direct consequence of this overreliance on law enforcement responses to a public health crisis, approximately 25 percent of all fatal police-involved shootings since 2015 involved a mental illness, with Black men dying disproportionately.

(c) With nonexistent or inadequate crisis care, costs escalate due to restrictive, ~~longer-term~~ *longer term* hospital stays, hospital readmission, overuse of law ~~enforcement~~ *enforcement*, and human tragedies that result from a lack of access to care. Comprehensive crisis systems prevent these tragedies, save municipalities money and resources, and increase access to comprehensive care.

(1) One crisis continuum program in Eugene, Oregon, CAHOOTS, is estimated to save the city an estimated \$8,500,000 in public safety spending annually. In 2019, Eugene's CAHOOTS team answered 17 percent of the police department's overall call volume. Out of 24,000 calls, police backup was requested only 150 times.

(2) Another crisis continuum program model implemented in Phoenix, Arizona, Crisis Now, is estimated to have reduced inpatient spending by \$260,000,000, preventing \$37,000,000 in costs to hospital emergency departments in 2016. Phoenix saved the equivalent of 37 full-time police officers and further reduced city fire department costs.

(3) According to the Substance Abuse and Mental Health Services Administration National Guidelines for Behavioral Health Crisis Care, the core elements of a comprehensive crisis system include all of the following:

(A) Regional or statewide crisis hotline centers coordinating in real time.

(B) Centrally deployed, 24-hour, ~~seven-day-per-week~~ *seven-days-per-week* mobile crisis support teams.

(C) ~~23-hour~~ *Twenty-three-hour* crisis receiving and stabilization programs.

(D) Essential crisis care principles and practices.

(d) In 2020, the federal government enacted the National Suicide Hotline Designation Act, establishing the "988" suicide prevention and mental health crisis hotline, which must be fully implemented nationally by July, 16, 2022.

(1) A "988" crisis line will do all of the following:

(A) Connect a person in a mental health crisis to a trained counselor to address their immediate needs.

(B) Deploy mobile crisis support teams, as an alternative to law enforcement response, to provide crisis intervention services when necessary.

(C) Ensure individuals are referred to ongoing mental health care when necessary.

(2) Switching to an easy-to-remember "988" for suicide prevention and mental health crisis services will connect more people with the appropriate and lifesaving care they need, just as "911" does for other types of emergencies.

(e) It is the intent of the Legislature to implement the National Suicide Hotline Designation Act of 2020, in compliance with the Federal Communication Commission's rules adopted by July 16, 2022 designating "988" as a three-digit number for the National Suicide Prevention Hotline to assure all persons residing in and visiting the State of California have access to the "988" suicide prevention and behavioral health crisis hotline and care 24 hours a day, seven days a week.

SEC. 2. *Section 1714.55 of the Civil Code is amended to read:*

1714.55. (a) A retail or wholesale service provider of telecommunications service, or other service, involved in providing 9-1-1 service in accordance with the Warren-911-Emergency Assistance Act (Article 6 (commencing

with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code), *or 9-8-8 service in accordance with the Miles Hall Lifeline and Suicide Prevention Act (Article 6.1 (commencing with Section 53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code)*, shall not be liable for any civil claim, damage, or loss caused by an act or omission in the design, development, installation, maintenance, or provision of 9-1-1 *or 9-8-8* service, unless the act or omission that proximately caused the claim, damage, or loss constituted gross negligence, wanton or willful misconduct, or intentional misconduct.

(b) For purposes of this section:

~~(1) "Public safety agency" means a public safety agency as defined in accordance with the Warren-911-Emergency Assistance Act (Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code).~~

~~(2)~~

(1) "9-1-1 service" means a telecommunications service, or other wireline or wireless service, that provides to the user of the public telephone system the ability to reach a public safety agency by utilizing the digits 9-1-1 or otherwise facilitates the provision of emergency services pursuant to the Warren-911-Emergency Assistance Act (Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code). "9-1-1 service" includes a 9-1-1 service that utilizes in whole or in part an Internet Protocol.

(2) *"9-8-8 crisis hotline center" shall have the same meaning as defined in Section 53123.2 of the Miles Hall Lifeline and Suicide Prevention Act (Article 6.1 (commencing with Section 53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code)*

(3) *"9-8-8 service" means a telecommunications service, or other wireline or wireless service, that provides to the user of the public telephone system the ability to reach a 9-8-8 crisis hotline center by utilizing the digits 9-8-8 or otherwise facilitates the provision of services pursuant to Miles Hall Lifeline and Suicide Prevention Act (Article 6.1 (commencing with Section 53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code). "9-8-8 service" includes a 9-8-8 service that utilizes in whole or in part an Internet Protocol.*

(4) *"Mental health crisis services" shall have the same meaning as defined in Section 53123.2 of the Miles Hall Lifeline and Suicide Prevention Act (Article 6.1 (commencing with Section 53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code)*

(5) *"Public safety agency" shall have the same meaning as defined in Section 53102 of the Warren-911-Emergency Assistance Act (Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code).*

(c) This section shall not apply to services provided under tariff.

(d) This section shall not be construed to modify the liability of a manufacturer, distributor, or other person arising from a claim, damage, or loss, related to the operation or performance of an end-user device that is not related to the provision of 9-1-1 ~~service~~ *or 9-8-8 services*.

SEC. 2. SEC. 3. Article 6.1 (commencing with Section 53123) is added to Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 6.1. Miles Hall Lifeline *and Suicide Prevention Act*

53123. This article is known and may be cited as the "Miles Hall Lifeline ~~Act~~ *and Suicide Prevention Act.*"

53123.1. (a) "988" means the three-digit phone number designated by the Federal Communications Commission for the purpose of connecting individuals experiencing a mental health crisis with suicide prevention and mental health crisis counselors, mobile crisis support teams, and crisis receiving and stabilization services and other mental health crisis services through the National Suicide Prevention Lifeline Network.

(b) "988 Crisis Hotline Center" means a county or contractor operated center participating in the National Suicide Prevention Lifeline Network to respond to statewide or regional 988 calls.

(c) "Mental health crisis services" means the continuum of services to address crisis intervention, crisis stabilization, and crisis residential treatment needs that are wellness, resiliency, and recovery oriented. Mental health crisis services include, but are not limited to:

- (1) Crisis intervention, including counseling provided by 988 crisis hotline centers.
- (2) Jurisdiction-based mental health teams, known as mobile crisis support teams, that include licensed mental health professionals and peer support specialists, as defined in subdivision (g) of Section 14045.12 of the Welfare and Institution Code, and may include medical and health professionals. Mobile crisis support teams provide onsite interventions including deescalation, stabilization, and referrals to mental health and other social services to individuals who are experiencing a mental health crisis.
- (A) "Mental health professional" means any of the following:
- (i) A licensed clinical social worker, pursuant to Chapter 14 (commencing with Section 4991) of Division 2 of the Business and Professions Code.
- (ii) A licensed professional clinical counselor, pursuant to Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.
- (iii) A licensed marriage and family therapist, pursuant to Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.
- (iv) A licensed psychologist, pursuant to Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.
- (v) A licensed physician under Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code who is either a board certified psychiatrist or has completed a residency in psychiatry.
- (B) (i) Mobile crisis support teams may include mental health teams embedded in Emergency Medical Services.
- (ii) Mobile crisis support teams may include specialized teams that can provide coordinated care for individuals experiencing chronic homelessness.
- (3) Crisis receiving and stabilization services that are facilities with capacity for diagnosis, initial management, observation, crisis stabilization, and ~~follow-up~~ *followup* referral services and include, but are not limited to:
- (i) Short-term residential facilities that provide care under 24 hours.
- (ii) Crisis residential treatment.
- (iii) Peer respite services.
- (iv) Services related to involuntary commitments under the Lanterman-Petris-Short ~~Act, Part~~ *Act (Part 1* (commencing with Section 5000) of Division 5 *of the Welfare and* ~~Institution Code.~~ *Institutions Code).*
- (d) "National Suicide Prevention Lifeline" means the national network of local crisis hotline centers that provide free and confidential emergency support to people in suicidal crisis or emotional distress 24 hours a day, 7 days a week via a toll-free hotline number, which receives calls made through the 988 system. The toll-free number is maintained by the Assistant Secretary for Mental Health and Substance Use under Section 520E-3 of the Public Health Service Act, Section 290bb-36c of Title 42 of the United States Code (42 U.S.C. ~~290bb-36c~~; *Sec. 290bb-36c*).
- (e) "Office" means the Office of Emergency Services.
- (f) "Substance Abuse and Mental Health Services Administration" means that agency of the United States Department of Health and Human Services.
- (g) "Veterans Crisis Line" means the hotline which provides crisis intervention to veterans and that is maintained by the Secretary of Veterans Affairs under Section 1720F(h) of Title 38 of the United States Code (38 U.S.C. *Sec. 1720F(h)*).

53123.2. (a) The office shall implement, oversee, and enforce the provisions of this article.

(b) (1) The office shall appoint a 988 crisis hotline system director to provide direction and oversight of the implementation and administration of the 988 crisis hotline and the mental health crisis services that work in conjunction with the crisis hotline centers.

(2) The director shall have experience in all of the following:

- (A) Emergency crisis response and emergency crisis lines.
 - (B) Suicide prevention and mental health crisis services.
 - (C) Implementation of mental health crisis services, including coordination of county and state mental health administrative service organizations for the provision of mental health and substance use disorder services.
- (c) The office shall do all of the following:
- (1) Designate a 988 crisis hotline center or centers to provide crisis intervention services and crisis care coordination to individuals accessing the 988. The office shall designate at least one 988 crisis hotline center prior to July 16, 2022.
 - (2) Ensure coordination between the 988 crisis hotline centers, 911, mental health crisis services, and, when appropriate, other speciality mental health warm lines and hotlines.
 - (3) Establish training guidelines for employees involved in the implementation of 988 including 988 crisis hotline center staff, 911 operators, emergency medical services, law enforcement, and firefighters. Training guidelines shall be written consistent with Section 53123.5.
 - (4) Establish standards for mental health crisis services accessible through the 988 system.
 - (5) Seek to maximize all available federal funding sources, including federal medicaid reimbursement, for the purposes of 988 implementation, including the funding of mental health crisis services, in consultation with the State Department of Health Care Services.
- (d) (1) To meet its obligations under subdivision (c), the office shall adopt regulations by January 1, 2023, which shall be regularly reviewed and updated.
- (2) The office shall hold quarterly stakeholder convenings to provide input and guidance during, and following, the adoption of regulations. The convenings shall include representatives from all of the following:
- (A) Mental health consumers who are receiving or have received mental health services.
 - (B) Parents, spouses, siblings, or adult children of mental health consumers.
 - (C) Disability rights advocates.
 - (D) County behavioral health departments.
 - (E) California Indian tribes, as defined in subdivision (c) of Section 8012 of the Health and Safety Code.
 - (F) Mental health and suicide hotline centers.
 - (G) Hospitals.
 - (H) Law enforcement.
 - (I) Emergency responders.
 - (J) Suicide prevention lines.
 - (K) State Department of Health Care Services.
 - (L) Department of Insurance.
 - (M) Department of Managed Health Care.
 - (N) State Department of Social Services.
 - (O) Mental Health Services Oversight and Accountability Commission.
 - (P) Office of Suicide Prevention, if established.
- (3) Beginning on January 1, 2023, and no later than January 1, 2024, 988 crisis hotline centers, counties, and other relevant entities shall become fully compliant with the regulations adopted under this section, unless otherwise provided by the office.

(4) The office may adopt emergency regulations implementing this act by July 16, 2022. The office may readopt any emergency regulation authorized by this section that is the same as or substantially equivalent to an emergency regulation previously adopted under this section.

(e) The office shall maintain and evaluate data on the usage of, services provided for, and outcomes from the 988 system.

(f) The office shall work with the National Suicide Prevention Lifeline, Veterans Crisis Line, and the Substance Abuse and Mental Health Services Administration for the purposes of implementing 988 and ensuring consistency of public messaging about 988 services. The office shall also seek to maximize efficiency and access to crisis hotlines beyond those previously provided.

(g) Beginning January 1, 2025, and annually thereafter, the office shall prepare a report and deliver it to the Legislature, the Substance Abuse and Mental Health Services Administration, and the Federal Communications Commission, including information on ~~the~~ all of the following:

(1) Data gathered pursuant to subdivision (e).

(2) Revenue generated by the 988 surcharge as reported by the California Department of Tax and Fee Administration pursuant to Section 41135 of the Revenue and Taxation Code.

(3) Deposits made to and expenditures from the 988 Mental Health and Crisis Services Special Fund as reported by the State Treasurer per subdivision (e) of the Section 53123.6.

(4) State of county mental health crisis services, how funds from the 988 Mental Health and Crisis Services Special Fund are being used to support these services, and how additional funds would be used to improve, create, or expand access to mental health crisis services pursuant to paragraph (1) of subdivision (d) of Section 53123.6.

(h) The report to be submitted to the Legislature pursuant to subdivision (f) shall be submitted in compliance with Section 9795.

53123.3. (a) 988 crisis hotline centers shall be designated by the office as provided in paragraph (1) of subdivision (b) of Section 53123.2 to operate within California.

(b) Each 988 crisis hotline center shall do all of the following:

(1) Maintain an active agreement with the administrator of the National Suicide Prevention Lifeline for participation within the network.

(2) Meet federal Substance Abuse and Mental Health Services Administration requirements and national best practice guidelines for operational and clinical standards, including training requirements and policies for transferring callers to an appropriate specialized center or subnetworks within or external to the National Suicide Prevention Lifeline network.

(3) Utilize technology that is interoperable between and across crisis and emergency response systems used throughout the state including to 911, emergency services, and other nonmental health crisis services. Technology shall include the capability for all the following:

(A) Interoperability of phone calls, texts, chats, and other similar capabilities consistent with the county's implementation of Next Generation 911 pursuant to Section 53121.

(B) Assigning and tracking local response to mental health crisis calls, including the capacity to rapidly deploy mobile crisis support teams through global positioning technology.

(C) Tracking ~~and providing real-time~~ bed *and service* availability to crisis responders and individuals in crisis for all mental health bed types, such as crisis stabilization, psychiatric inpatient, substance use disorder inpatient treatment, withdrawal management, and peer crisis respite, including voluntary and involuntary beds.

(4) Maintain information sharing agreements with entities that operate 911 call centers for the purpose of real-time care coordination including deployment of mobile crisis support teams and other mental health crisis services.

(5) Deploy mental health crisis services, including mobile crisis support teams, and coordinate access to crisis receiving and stabilization services.

(A) Any call made to 911 pertaining to a mental health crisis shall be transferred to a 988 crisis hotline center. If a law enforcement, medical, or fire response is also needed, 988 and 911 operators shall coordinate the simultaneous deployment of those services with mobile crisis support teams.

(B) Law enforcement shall not be contacted or deployed in partnership with a mobile crisis support team unless there is an explicit threat to public safety and the situation cannot be reasonably managed without law enforcement assistance.

(6) Provide follow-up services to individuals accessing 988 consistent with guidance and policies established by the National Suicide Prevention Lifeline and within the timeframes established by all plan letters pursuant to Section 1374.73 of the Health and Safety Code.

(7) Employ or contract to provide a sufficient number of qualified bilingual persons or interpreters to ensure provision of information and services in the language of the non-English-speaking person.

(8) Provide data, and reports, and participate in evaluations and related quality improvement activities as required by the office.

(c) To the extent the National Suicide Prevention Lifeline admits new crisis centers to the network, counties and independent crisis hotline centers shall seek to certify, license, and accredit any existing county operated, county contracted, or independently operated mental health access or suicide prevention lines by July 16, 2022.

(d) Crisis hotline centers shall, beginning January 1, 2023, and no later than January 1, 2024, unless otherwise provided by the office, become fully compliant with any regulations issued by the office under subparagraphs (1) and (3) of subdivision (d) of Section 53123.2.

(e) All crisis hotline centers shall provide care consistent with Section 53123.6.

53123.4. (a) Counties shall ~~seek to offer a full continuum of use funds made available through the 988 State Mental Health and Crisis Services Special Fund to expand access to~~ mental health crisis services, ~~to the extent resources are available. This continuum shall include services funded by Section 5848.5 of the Welfare and Institutions Code and additional grants, including grants awarded by the Mental Health Services Oversight and Accountability Commission, for the purpose of establishing a mental health crisis response system: as defined in Section 53123.1, and consistent with Section 53123.5.~~

(1) Counties shall seek to maximize existing funding sources to maintain mental health crisis services.

(2) Counties may form a joint powers authority, pursuant to Chapter 5 (commencing with Section 6500) of Division 7 of Title 1, for the purposes of expanding access to mental health crisis services and reducing associated costs.

(b) Counties shall *work with their crisis care providers to* bill the appropriate health care service plan or disability insurer for all medically necessary treatment of a mental health or substance use disorder provided to ~~privately insured~~ *privately insured* individuals through the 988 system. "Medically necessary treatment of a mental health or substance use disorder" shall have the same meaning as Section 10144.5 of the Insurance Code. Health care service plans and disability insurers shall reimburse for such medically necessary treatment within 30 calendar days. Counties shall report to the Department of Managed Health ~~Care and Care,~~ the Department of ~~Insurance~~ *Insurance, and the State Department of Health Care Services* any health care services plans or disability insurers that fail to reimburse services provided through the 988 system for possible enforcement actions.

(c) County operated mental health crisis services, including mobile crisis support teams and crisis receiving and stabilization services, shall be made available to 988 callers and counties shall coordinate with 988 crisis hotline centers on the deployment of, and access to, these services.

(1) Counties shall consult with California Indian tribes, as defined in subdivision (c) of Section 8012 of the Health and Safety Code, to ensure mental health crisis services support the unique needs of, and are accessible to, the tribes. This may include regional coordination with tribal governments and capacity building efforts.

(d) County operated mental health crisis services shall provide care consistent with Section 53123.5.

53123.5. (a) All elements of the 988 system shall be designed to meet the unique needs of California's diverse communities.

(b) In compliance with Section 1810.410 of Title 9 of the California Code of Regulations and in accordance with the National Culturally and Linguistically Appropriate Services Standards established by the United States Department of Health and Human Services, crisis hotline centers and mental health crisis services shall do all of the following:

(1) Ensure equitable access to services regardless of an individual's race, ethnicity, gender, socioeconomic status, sexual orientation, gender identity or expression, or geographic location.

(2) Meet the unique needs of specific populations, including all of the following:

(A) Populations at greater risk of suicide as identified by the Substance Abuse and Mental Health Services Administration.

(B) Individuals experiencing homelessness, housing instability, or who are at risk of experiencing homelessness in the future.

(C) Children and youth.

(D) Older adults.

(E) Individuals with disabilities.

(F) Black, African American, Hispanic, Latino, Asian, Pacific Islander, Native American, Native Hawaiian, Alaska Native, and other underserved communities, and the diverse communities and backgrounds within these categories.

(G) Lesbian, gay, bisexual, transgender, nonbinary, queer, and questioning individuals.

(H) Immigrants and refugees.

(I) Non-English speakers.

(J) Low-income persons.

(K) Religious communities.

(c) The Office of Health Equity within the State Department of Public Health shall provide technical assistance to the office, counties, contracted crisis hotline centers, and other contracted entities seeking to obtain funds for initiatives in multicultural health, including identification of funding sources and assistance with writing grants in compliance with paragraph (9) of subdivision (a) of Section 152 of the Health and Safety Code.

53123.6. (a) The 988 State Mental Health and Crisis Services Special Fund is hereby established in the State Treasury.

(b) The fund shall consist of all of the following:

(1) Revenue generated by the 988 surcharge assessed on users under Section 41020 of the Revenue and Taxation Code.

(2) Appropriations made by the Legislature.

(3) Grants and gifts intended for deposit in the fund.

(4) Interest, premiums, gains, or other earnings on the fund.

(5) Money from any other source that is deposited in or transferred to the fund.

(c) Notwithstanding Section 11754 of the Health and Safety Code, federal funds payable directly to the state by the Substance Abuse and Mental Health Services Administration to implement 988 may be made directly to the fund.

(d) Money in the fund is subject to all of the following:

(1) Money shall not revert at the end of any fiscal year and shall remain available for the purposes of the fund in subsequent state fiscal years.

(2) Money shall not be subject to transfer to any other fund or to transfer, assignment, or reassignment for any other use or purpose outside of those specified in this article.

(3) Money ~~shall be continuously appropriated for the purposes of the fund: in the fund shall be available, upon appropriation by the Legislature, for the purposes specified in this article.~~

~~(e)(1) Counties shall use any funds remitted to them to fund their 988 crisis hotline centers. Any surplus may be used to fund mental health crisis services including, but not limited to, mobile crisis support teams and crisis receiving and stabilization services:~~

~~(e) (1) All revenue generated by the 988 surcharge assessed on users under Section 41020 of the Revenue and Taxation Code shall only be expended on purposes authorized by the National Suicide Hotline Designation Act of Section 251a(a)(2) of Title 47 of the United States Code (47 U.S.C. 251a(a)(2)).~~

~~(2) The revenue generated by the 988 surcharge shall be prioritized to fund the following, in order of priority:~~

~~(A) 988 crisis hotline centers, including the efficient and effective routing of calls, personnel, and the provision of acute mental health services through call, text, and chat to the 988 number.~~

~~(B) The operation of mobile crisis support teams.~~

~~(C) All other eligible expenses under the federal act.~~

~~(2)~~

(3) The office may adopt regulations regarding the process for counties to receive funds.

~~(3) Beginning on December 31, 2022 and annually thereafter, counties shall report to the office on the state of their mental health crisis services, how they are funding these services, and how any additional remittance from the 988 State Mental Health and Crisis Services Special Fund will be used to improve, create, and expand access to mental health crisis services:~~

~~(4) The office shall require an entity seeking funds available through the 988 State Mental Health and Crisis Services Special Fund to annually file an expenditure and outcomes report with information including, but not limited to, the following, as applicable to each modality, including call center, mobile crisis services, and crisis receiving and stabilization services:~~

~~(A) The total budget, by fund source.~~

~~(B) Number and job classification of personnel allocated to each modality.~~

~~(C) The number of individuals served.~~

~~(D) The outcomes for individuals served.~~

~~(E) The health coverage status of individuals served, if known.~~

~~(F) The amount billed to and reimbursed by Medi-Cal or other public and private health care service plans or insurers.~~

~~(G) Measures of system performance, including capacity, wait time, and the ability to meet demand for services.~~

(f) The State Treasurer shall report annually to the office on fund deposits and expenditures.

SEC. 3. SEC. 4. Section 324.9 is added to the Public Utilities Code, to read:

324.9. The California Public Utilities Commission shall publish on its internet website relevant information regarding the Miles Hall Lifeline ~~Act, Article and Suicide Prevention Act (Article 6.1 (commencing with Section 53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code Code)~~ and Federal Communications Commission and North American Numbering Plan Administrator guidelines regarding 988 implementation, including customer education and network modification.

SEC. 4. SEC. 5. Section 41007.2 of the Revenue and Taxation Code is amended to read:

41007.2. (a) "Wireline communications service" shall mean a local exchange service provided at a physical location in this state that allows the user to make an outbound communication to the 911 emergency

communications system.

(b) For the purposes of the surcharge imposed by Chapter 2 (commencing with Section 41020):

(1) A wireline communications service access line does not include a direct inward dialing number, extension, or other similar feature that routes an inbound call and cannot provide access to the 911 emergency communications *system* or 988 crisis hotline.

(2) The number of surcharges imposed shall not exceed the total number of concurrent outbound calls that can be placed to the emergency communications system at a single point of time.

(c) This definition shall apply only to this part.

(d) Commencing January 1, 2022, the definition shall include a local exchange service provided at a physical location in this state that allows the user to make an outbound communication to the 988 crisis hotline as defined in *the Miles Hall Lifeline Act, Article and Suicide Prevention Act (Article 6.1* (commencing with Section 53123) of *Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code. Code).*

~~SEC. 5.~~**SEC. 6.** Section 41007.3 of the Revenue and Taxation Code is amended to read:

41007.3. (a) "Wireless communications service line" shall mean a telecommunications service provided to an end user with a place of primary use in this state that allows the end user to make an outbound communication to the 911 emergency communications system. A wireless communications service line shall not include prepaid mobile telephony service.

(b) For the purposes of the surcharge imposed by Chapter 2 (commencing with Section 41020), not more than one surcharge may be imposed per wireless communications service line number assigned to an end user of mobile telecommunications service.

(c) This definition shall apply only to this part.

(d) Commencing January 1, 2022, the definition shall include a telecommunications service provided to an end user with a place of primary use in this state that allows the end user to make an outbound communication to the 988 crisis hotline as defined in Miles Hall Lifeline *Act, Article and Suicide Prevention Act (Article 6.1* (commencing with Section 53123) of *Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code. A wireless communications service line shall not include prepaid mobile telephony service. Code).*

~~SEC. 6.~~**SEC. 7.** Section 41013 of the Revenue and Taxation Code is amended to read:

41013. "Surcharge" means a tax or taxes levied by this state. "Surcharge," or "surcharges" as used in this part, refers to two separate charges, one related to 911 service and one related to 988 service.

~~SEC. 7.~~**SEC. 8.** The heading of Chapter 2 (commencing with Section 41020) of Part 20 of Division 2 of the Revenue and Taxation Code is amended to read:

CHAPTER 2. The Surcharges

~~SEC. 8.~~**SEC. 9.** The heading of Article 1 (commencing with Section 41020) of Chapter 2 of Part 20 of Division 2 of the Revenue and Taxation Code is amended to read:

Article 1. Imposition of the Surcharges

~~SEC. 9.~~**SEC. 10.** Section 41020 of the Revenue and Taxation Code is amended to read:

41020. (a) (1) (A) On and after January 1, 2020, a 911 surcharge is hereby imposed on each access line for each month or part thereof for which a service user subscribes with a service supplier, at an amount determined under Article 2 (commencing with Section 41030). Beginning January 1, 2022, a separate 988 surcharge is hereby imposed on each access line for each month or part thereof for which a service user subscribes with a service supplier, at an amount determined under Article 2 (commencing with Section 41030).

(B) The surcharges shall be paid by the service user as hereinafter provided.

(2) On and after January 1, 2020, the purchase of prepaid mobile telephony services in this state shall be subject to the surcharges set forth under Article 2 (commencing with Section 41030). The surcharges shall be paid by the prepaid consumer in accordance with Section 41028 and remitted and administered in accordance with this part.

(b) The surcharges imposed shall not apply to either of the following:

(1) In accordance with the Mobile Telecommunications Sourcing Act (Public Law 106-252), which is incorporated herein by reference, to any charges for mobile telecommunications services billed to a customer where those services are provided, or deemed provided, to a customer whose place of primary use is outside this state. Mobile telecommunications services shall be deemed provided by a customer's home service provider to the customer if those services are provided in a taxing jurisdiction to the customer, and the charges for those services are billed by or for the customer's home service provider.

(2) To any charges for VoIP service billed to a customer where those services are provided to a customer whose place of primary use of VoIP service is outside this state.

(c) For purposes of this section:

(1) "Access line in this state" means a telephone line as defined in Section 233 of the Public Utilities Code associated with a billing address located in California.

(2) "Charges for mobile telecommunications services" means any charge for, or associated with, the provision of commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations, as in effect on June 1, 1999, or any charge for, or associated with, a service provided as an adjunct to a commercial mobile radio service, that is billed to the customer by or for the customer's home service provider, regardless of whether individual transmissions originate or terminate within the licensed service area of the home service provider.

(3) "Customer" means (A) the person or entity that contracts with the home service provider for mobile telecommunications services, or with a VoIP service provider for VoIP service, or (B) if the end user of mobile telecommunications services or VoIP service is not the contracting party, the end user of the mobile telecommunications service or VoIP service. This paragraph applies only for the purpose of determining the place of primary use. The term "customer" does not include (A) a reseller of mobile telecommunications service or VoIP communication service, or (B) a serving carrier under an arrangement to serve the mobile customer outside the home service provider's licensed service area.

(4) "Home service provider" means the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

(5) "Licensed service area" means the geographic area in which the home service provider is authorized by law or contract to provide commercial mobile radio service to the customer.

(6) "Mobile telecommunications service" means commercial mobile radio service, as defined in Section 20.3 of Title 47 of the Code of Federal Regulations, as in effect on June 1, 1999.

(7) "Place of primary use" means the street address representative of where the customer's use of the mobile telecommunications service or VoIP service primarily occurs, that must be:

(A) The residential street address or the primary business street address of the customer.

(B) With respect to mobile telecommunications service, within the licensed service area of the home service provider.

(8) (A) "Reseller" means a provider who purchases telecommunications services or VoIP service from another telecommunications service provider or VoIP service and then resells the services, or uses the services as a component part of, or integrates the purchased services into, a mobile telecommunications service or VoIP service.

(B) "Reseller" does not include a serving carrier with which a home service provider arranges for the services to its customers outside the home service provider's licensed service area.

(9) "Serving carrier" means a facilities-based carrier providing mobile telecommunications service to a customer outside a home service provider's or reseller's licensed area.

(10) "Taxing jurisdiction" means any of the several states, the District of Columbia, or any territory or possession of the United States, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

(11) "VoIP service provider" means that provider of VoIP service with whom the end user customer contracts for the provision of VoIP services for the customer's own use and not for resale.

~~SEC. 10.~~**SEC. 11.** Section 41021 of the Revenue and Taxation Code is amended to read:

41021. (a) A service supplier shall collect the surcharges from each service user at the time it collects its billings from the service user, provided that the duty to collect the surcharge from a service user shall commence with the beginning of the first regular billing period applicable to that person which starts on or after the operative date of the surcharge imposed by this part. If the stations or lines of more than one service supplier are utilized in furnishing the telephone communication services to the service user, the service supplier that bills the customer shall collect the surcharge from the customer.

(b) Only one payment under this part shall be required with respect to the surcharges on a service, notwithstanding that the lines or stations of one or more service suppliers are used in furnishing that service.

~~SEC. 11.~~**SEC. 12.** Section 41022 of the Revenue and Taxation Code is amended to read:

41022. The surcharges required to be collected by the service supplier shall be added to and stated separately in its billings to the service user.

~~SEC. 12.~~**SEC. 13.** Section 41023 of the Revenue and Taxation Code is amended to read:

41023. The surcharges required to be collected by the service supplier, and any amount unreturned to the service user which is not a surcharge but was collected from the service user as representing a surcharge, constitute debts owed by the service supplier to this state.

A service supplier that has collected any amount of surcharges in excess of the amount of surcharges imposed by this part and actually due from a service user, may refund such amount to the service user, even though such surcharge amount has already been paid over to the board and no corresponding credit or refund has yet been secured. Any service supplier making a refund of any charge to a service user upon which surcharge is collected under this part from the service user may repay therewith the amount of the surcharge paid. The service supplier may claim credit for such overpayment against the amount of surcharges imposed by this part which is due upon any other quarterly return, providing such credit is claimed in a return dated no later than three years from the date of overpayment.

~~SEC. 13.~~**SEC. 14.** Section 41024 of the Revenue and Taxation Code is amended to read:

41024. Every service user in this state is liable for the surcharges until they have been paid to this state, except that payment to a service supplier registered under this part is sufficient to relieve the user from further liability for the tax.

Any surcharge collected from a service user which has not been remitted to the board shall be deemed a debt owed to the State of California by the person required to collect and remit such surcharge. Nothing in this part shall impose any obligation upon a service supplier to take any legal action to enforce the collection of the utility users surcharge imposed by this part. The service supplier shall provide the board with amounts uncollected which total three dollars (\$3) or more on a cumulative basis with respect to a single service user along with the names, ~~addresses~~ *addresses*, and reasons of the service users refusing to pay the surcharges imposed by this part.

~~SEC. 14.~~**SEC. 15.** Section 41026 of the Revenue and Taxation Code is amended to read:

41026. In the payment of the surcharges imposed by this part, a fractional part of a cent shall be disregarded unless it amounts to one-half or more, in which case it shall be increased to one cent.

~~SEC. 15.~~**SEC. 16.** Section 41028 of the Revenue and Taxation Code is amended to read:

41028. (a) (1) On and after January 1, 2020, the surcharge amounts imposed by Section 41020 on the purchase of prepaid mobile telephony services in this state shall be collected by a seller from each prepaid consumer at the time of each retail transaction in this state.

(2) The amount of the ~~surcharge~~ *surcharges* shall be separately stated on an invoice, receipt, or other similar document that is provided to the prepaid consumer of mobile telephony services by the seller, or otherwise disclosed electronically to the prepaid consumer, at the time of the retail transaction.

(b) (1) The surcharges that are required to be collected by a seller and any amount unreturned to the prepaid consumer of mobile telephony services that is not owed as part of the surcharge, but was collected from the prepaid consumer under the representation by the seller that it was owed as part of the surcharge, constitutes debts owed by the seller to this state.

(2) A seller that has collected any amount of surcharge in excess of the amount of the ~~surcharge~~ *surcharges* imposed by this part and actually due from a prepaid consumer may refund that amount to the prepaid consumer, even though the surcharge amount has already been paid over to the department and no corresponding credit or refund has yet been secured. Any seller making a refund of any charge to a prepaid consumer may repay therewith the amount of the surcharge paid. The seller may claim credit for such overpayment against the amount of surcharge imposed by this part which is due upon any other quarterly return, providing such credit is claimed in a return dated no later than three years from the date of overpayment.

(c) (1) Every prepaid consumer of prepaid mobile telephony services in this state is liable for the surcharges until it has been paid to this state, except that payment to a seller registered under this part relieves the prepaid consumer from further liability for the surcharges. Any surcharge collected from a prepaid consumer that has not been remitted to the department shall be a debt owed to the state by the person required to collect and remit the surcharge. Nothing in this part shall impose any obligation upon a seller to take any legal action to enforce the collection of the surcharge imposed by this section.

(2) A credit shall be allowed against, but shall not exceed, the surcharge amounts imposed on any prepaid consumer of mobile telephony services by this part to the extent that the prepaid consumer has paid emergency telephone users charges on the purchase to any other state, political subdivision thereof, or the District of Columbia. The credit shall be apportioned to the charges against which it is allowed in proportion to the amounts of those charges.

(d) A seller is relieved from liability to collect the prepaid MTS surcharge imposed by this part that became due and payable, insofar as the base upon which the surcharge is imposed is represented by accounts that have been found to be worthless and charged off for income tax purposes by the seller or, if the seller is not required to file income tax returns, charged off in accordance with generally accepted accounting principles. A seller that has previously paid the surcharge may, under rules and regulations prescribed by the board, take as a deduction on its return the amount found worthless and charged off by the seller. If any such accounts are thereafter in whole or in part collected by the seller, the amount so collected shall be included in the first return filed after such collection and the surcharge shall be paid with the return.

(e) For purposes of this part, all of the following definitions shall apply:

(1) "Prepaid consumer" means a person who purchases prepaid mobile telephony services in a retail transaction.

(2) "Retail transaction" means the purchase of prepaid mobile telephony services, either alone or in combination with mobile data or other services, from a seller for any purpose other than resale in the regular course of business. For these purposes, a "purchase" means any transfer of title or possession, exchange, or barter, conditional or otherwise.

(3) "Seller" means a person that sells prepaid mobile telephony service to a person in a retail transaction.

(f) For purposes of this section, a retail transaction occurs in the state under any of the following circumstances:

(1) The prepaid consumer makes the retail transaction in person at a business location in the state (point-of-sale transaction).

(2) If paragraph (1) is not applicable, the prepaid consumer's address is in the state (known-address transaction). A known-address transaction occurs in the state under any of the following circumstances:

(A) The retail sale involves shipping of an item to be delivered to, or picked up by, the prepaid consumer at a location in the state.

(B) If the prepaid consumer's address is known by the seller to be in the state, including if the seller's records maintained in the ordinary course of business indicate that the prepaid consumer's address is in the state and

the records are not made or kept in bad faith.

(C) The prepaid consumer provides an address during consummation of the retail transaction that is in the state, including an address provided with respect to the payment instrument if no other address is available and the address is not given in bad faith.

(3) If an address is not available to the seller to determine whether any of the circumstances in paragraph (2) exist, the transaction will be deemed to be a known-address transaction occurring in this state if the mobile telephone number is associated with a location in this state.

(g) The surcharge amounts imposed under this section shall be remitted by every seller, except a service supplier, as prescribed under Part 1 (commencing with Section 6001), along with a return filed using electronic media. The department shall administer such remittance and returns as prescribed under Part 1 (commencing with Section 6001).

(h) The purchase in a retail transaction in this state of prepaid mobile telephony services, either alone or in combination with mobile data or other services, by a prepaid consumer is exempt from the surcharges if all of the following apply:

(1) The prepaid consumer is certified as eligible for the state lifeline program or federal lifeline program.

(2) The seller is authorized to provide lifeline service under the state lifeline program or federal lifeline program.

(3) The exemption is applied only to the amount paid for the portion of the prepaid mobile telephony service that the lifeline program specifies is exempt from the surcharges and fees.

SEC. 16. **SEC. 17.** The heading of Article 2 (commencing with Section 41030) of Chapter 2 of Part 20 of Division 2 of the Revenue and Taxation Code is amended to read:

Article 2. Adjustment of Surcharge Amounts

SEC. 17. **SEC. 18.** Section 41030 of the Revenue and Taxation Code is amended to read:

41030. (a) The Office of Emergency Services shall determine annually, on or before October 1, to be effective on January 1 of the following year, a surcharge amount pursuant to subdivision (b) that it estimates will produce sufficient revenue to fund the current fiscal year's 911 and 988 costs.

(b) For determinations made that are applicable to the calendar year beginning on January 1, 2020, and each calendar year thereafter, the surcharge amount shall be determined annually by dividing the costs, including incremental costs, the Office of Emergency Services estimates for the current fiscal year of both of the following:

(1) 911 costs approved pursuant to Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, less the available balance in the State Emergency Telephone Number Account in the General Fund, by its estimate of the number of access lines to which the surcharge will apply per month for the period of January 1 to December 31, inclusive, of the next succeeding calendar year, but in no event shall the surcharge amount in any month be greater than eighty cents (\$0.80) per access line per month.

(2) For the calendar years 2022 and 2023, the 988 surcharge shall be set at the same amount as the 911 surcharge.

~~(2)~~

*(3) For the year beginning January 1, 2023, and each calendar year thereafter, 988 costs approved pursuant to Article 6.1 (commencing with Section 53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, less the available balance in the State Mental Health and Crisis Services Special Fund by its estimate of the number of access lines to which the surcharge will apply per month for the period of January 1 to December 31, inclusive, of the next succeeding calendar ~~year.~~ *year, but in no event shall the surcharge amount in any month be greater than eighty cents (\$0.80) per access line per month.**

(c) When determining the surcharge amount pursuant to this section, the office shall include the costs it expects to incur to plan, test, implement, and operate Next Generation 911 technology and services, including text to 911 service, and alerts and warnings, consistent with the plan and timeline required by Section 53121 of the Government Code.

(d) (1) Service suppliers shall report the total number of access lines to the Office of Emergency Services, on or before August 1, for the previous period of January 1 to December 31, inclusive.

(2) The total number of access lines required to be reported in paragraph (1) shall include all lines from the categories of wireline communication service line, wireless communication service line, prepaid mobile telephony service line, and VoIP service line. The number of access line figures shall be reported individually for these categories.

(e) The office shall perform a validation of the number of access lines using subscription data or other comparable data collected by appropriate federal or state agencies. This subscription data or other comparable data shall be used to validate the access line data required to be reported by service suppliers in subdivision (d).

(f) (1) The office shall notify the department of the surcharge amount imposed under this part, determined pursuant to this section on or before October 1 of each year.

(2) The surcharge imposed on the purchase of prepaid mobile telephony services shall be equal to the amount set forth in subdivision (b) for each retail transaction in this state.

(g) (1) At least 30 days prior to determining the surcharge pursuant to subdivision (a), the Office of Emergency Services shall prepare a summary of the calculation of the proposed surcharge and make it available to the public, the Legislature, the 911 Advisory Board, the Mental Health Services Oversight and Accountability Commission, the State Department of Public Health, and on its internet website.

(2) For determinations made on or before October 1, 2019, the summary shall contain all of the following:

(A) The prior year revenues to fund 911 costs, including, but not limited to, revenues from prepaid service.

(B) Projected expenses and revenues from all sources, including, but not limited to, prepaid service to fund 911 costs.

(C) The rationale for adjustment to the surcharge determined pursuant to subdivision (b), including, but not limited to, all impacts from the surcharge collected pursuant to Part 21 (commencing with Section 42001).

(h) For purposes of this section, for the determination made by the office on or before October 1, 2019, that is applicable for the calendar year beginning on January 1, 2020, and ending on December 31, 2020, the following definitions shall apply:

(1) "Service supplier" shall mean a person supplying an access line to a service user in this state.

(2) "Service user" means any person that subscribes for the right to utilize an access line in this state who is required to pay a surcharge under the provisions of this part.

(i) ~~It is the intent of the Legislature that the 988 surcharge may be adjusted for low-income households, including all households.~~ Service suppliers shall not impose the 988 surcharge on service users eligible for the California Lifeline Program.

~~SEC. 18.~~ **SEC. 19.** Section 41031 of the Revenue and Taxation Code is amended to read:

41031. The Office of Emergency Services shall make its determination of the surcharge amounts each year no later than October 1 and shall notify the department of the new amounts, which shall be fixed by the department to be effective with respect to access lines on or after January 1 of the next succeeding calendar year.

~~SEC. 19.~~ **SEC. 20.** Section 41032 of the Revenue and Taxation Code is amended to read:

41032. Immediately upon notification by the Office of Emergency Services and fixing the surcharge amounts, the department shall each year no later than November 15 publish in its minutes the new amount, and it shall notify every service supplier registered with it of the new amount by a means, or means determined by the department, that may include, but is not limited to, mail, electronic mail, or internet website postings.

SEC. 21. Section 41046 of the Revenue and Taxation Code is amended to read:

41046. ~~(a)~~ There are exempt from the ~~surcharge~~ *surcharges imposed by this part*, the following access lines and nonaccess line services:

~~(1)~~

(a) Those lines supplying lifeline service.

~~(2)~~

(b) Those lines connected to public telephones.

~~(3)~~

(c) Those lines for which no charges are billed by a service supplier to a service user.

~~(b) This section shall become operative on January 1, 2020.~~

~~SEC. 20.~~ **SEC. 22.** Section 41050 of the Revenue and Taxation Code is amended to read:

41050. The surcharges imposed by Section 41020 attach at the time charges for the intrastate telephone communication services and VoIP service are billed by the service supplier to the service user and shall be paid by the service user when paying for such services.

~~SEC. 21.~~ **SEC. 23.** Section 41098 of the Revenue and Taxation Code is amended to read:

41098. (a) If the board finds that a person's failure to make a timely return or payment is due to the person's reasonable reliance on written advice from the board, the person may be relieved of the surcharges imposed by this part and any penalty or interest added thereto.

(b) For purposes of this section, a person's failure to make a timely return or payment shall be considered to be due to reasonable reliance on written advice from the board, only if the board finds that all of the following conditions are satisfied:

(1) The person requested in writing that the board advise them whether a particular activity or transaction is subject to the surcharge under this part. The specific facts and circumstances of the activity or transaction shall be fully described in the request.

(2) The board responded in writing to the person regarding the written request for advice, stating whether or not the described activity or transaction is subject to the surcharges, or stating the conditions under which the activity or transaction is subject to the ~~surcharge:~~ *surcharges.*

(3) The liability for surcharges applied to a particular activity or transaction which occurred before either of the following:

(A) Before the board rescinded or modified the advice so given, by sending written notice to the person of rescinded or modified advice.

(B) Before a change in statutory or constitutional law, a change in the board's regulations, or a final decision of a court, which renders the board's earlier written advice no longer valid.

(c) Any person seeking relief under this section shall file with the board all of the following:

(1) A copy of the person's written request to the board and a copy of the board's written advice.

(2) A statement under penalty of perjury setting forth the facts on which the claim for relief is based.

(3) Any other information which the board may require.

(d) Only the person making the written request shall be entitled to rely on the board's written advice to that person.

~~SEC. 22.~~ **SEC. 24.** Section 41100 of the Revenue and Taxation Code is amended to read:

41100. If the department determines that any amount, penalty, or interest has been paid more than once or has been erroneously or illegally collected or computed, the department shall set forth that fact in the records of the department, certify the amount collected in excess of the amount legally due and the person from whom it was collected or by whom paid, and credit the excess amount collected or paid on any amounts then due and payable from the person from whom the excess amount was collected or by whom it was paid under this part, and the

balance shall be refunded to the person, or their successors, administrators, or executors. Any proposed determination by the department pursuant to this section with respect to an amount in excess of fifty thousand dollars (\$50,000) shall be available as a public record for at least 10 days prior to the effective date of that determination.

Any overpayment of a surcharge by a service user to a service supplier or seller who is required to collect the surcharge shall be credited or refunded by the state to the service user. However, if the service supplier or seller has paid the amount to the department and establishes to the satisfaction of the department that it has not collected the amount from the service user or has refunded the amount to the service user, the overpayment may be credited or refunded by the state to the service supplier.

~~SEC. 23.~~**SEC. 25.** Section 41128 of the Revenue and Taxation Code is amended to read:

41128. The board shall enforce the provisions of this part and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this part. The board shall not prescribe, ~~adopt~~ *adopt*, or enforce any rule or regulation which has the effect, directly or indirectly, of altering the terms and conditions of service of a service supplier serving the general public, other than the imposition of the surcharges.

~~SEC. 24.~~**SEC. 26.** Section 41135 of the Revenue and Taxation Code is amended to read:

41135. (a) All amounts required to be paid to the state under this part shall be paid to the department in the form of remittances payable to the California Department of Tax and Fee Administration. The department shall transmit the payments to the State Treasurer to be deposited in the State Treasury to the credit of either the State Emergency Telephone Number Account in the General Fund, or the **988** State Mental Health and Crisis Services Special Fund depending on the apportionment of the surcharge ~~to~~ arising from the 911 emergency communication system or the 988 crisis hotline.

(b) The ~~department~~ *department*, in consultation with the Office of Emergency Services, may adopt regulations to implement the apportionment of the surcharge.

(c) The department shall submit an annual report to the Office of Emergency Services on revenue generated by the 988 surcharge.

~~SEC. 25.~~**SEC. 27.** Section 41136 of the Revenue and Taxation Code is amended to read:

41136. (a) From the funds in the State Emergency Telephone Number Account, all amounts of the 911 surcharge collected shall, when appropriated by the Legislature, be spent solely for the following purposes:

- (1) To pay refunds authorized by this part.
- (2) To pay the department for the cost of the administration of this part.
- (3) To pay the Office of Emergency Services for its costs in administration of the "911" emergency telephone number system.
- (4) To pay bills submitted to the Office of Emergency Services by service suppliers or communications equipment companies for the installation of, and ongoing expenses for, the following communications services supplied to local agencies in connection with the "911" emergency phone number system:
 - (A) A basic system, defined as 911 systems, including, but not limited to, Next Generation 911, and the subsequent technologies, and interfaces needed to deliver 911 voice and data information from the 911 caller to the emergency responder and the subsequent technologies, and interfaces needed to send information, including, but not limited to, alerts and warnings, to potential 911 callers.
 - (B) A basic system with telephone central office identification.
 - (C) A system employing automatic call routing.
 - (D) Approved incremental costs.
- (5) To pay claims of local agencies for approved incremental costs, not previously compensated for by another governmental agency.

(6) To pay claims of local agencies for incremental costs and amounts, not previously compensated for by another governmental agency, incurred prior to the effective date of this part, for the installation and ongoing expenses for the following communication services supplied in connection with the "911" emergency telephone number system:

(A) A basic system, defined as 911 systems, including, but not limited to, Next Generation 911, and the subsequent technologies, and interfaces needed to deliver 911 voice and data information from the 911 caller to the emergency responder and the subsequent technologies, and interfaces needed to send information, including, but not limited to, alerts and warnings, to potential 911 callers.

(B) A basic system with telephone central office identification.

(C) A system employing automatic call routing.

(D) Approved incremental costs. Incremental costs shall not be allowed unless the costs are concurred in by the Office of Emergency Services.

(b) (1) From the funds in the 988 State Mental Health and Crisis Services Special Fund, all amounts of the 988 surcharge collected are continuously appropriated and shall be spent for purposes identified in Section 53123.6 of the Government Code. However, before funds are disbursed as provide in Section 53123.6 of the Government Code, funds shall be used for all of the following:

(A) To pay refunds authorized by this part.

(B) To pay the department for the cost of the administration of this part.

(C) To pay the Office of Emergency Services for its costs in administration of the 988 crisis hotline.

(2) The remainder of the revenue shall be disbursed to the Office of Emergency Services for the purposes identified in Section 53123.6.

~~SEC. 26.~~ **SEC. 28.** Section 41150 of the Revenue and Taxation Code is amended to read:

41150. (a) The Legislature hereby declares and finds that to enable public agencies to implement "911" emergency phone systems required by the provisions of Chapter 1005 of the 1972 Regular Session (Article 6 (commencing with Section 53100) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code) it is necessary that a surcharge be imposed upon access lines purchased by every person in the state for access to the 911 emergency communication system. This act will provide funding for basic 911, as defined in Section 41136, and the technology and interfaces needed to deliver 911 voice and data information from the 911 caller to the emergency responder and the subsequent technologies, and interfaces needed to send information, including, but not limited to, alerts and warnings, to potential 911 callers. In addition, this part will provide funding for incremental costs.

(b) The Legislature hereby finds and declares that to enable public agencies to implement the "988" hotline required by the provisions of the Miles Hall Lifeline *and Suicide Prevention* Act (Article 6.1 (commencing with Section 53123) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code) it is necessary that a surcharge be imposed upon access lines purchased by every person in the state for access to the 988 crisis hotline. This act, as amended by the act adding this subdivision will provide funding, in part, for 988 crisis hotline centers operated by counties and mobile crisis support teams and crisis receiving and stabilization services.

~~SEC. 27. Notwithstanding Section 13340 of the Government Code, the State Mental Health and Crisis Services Special Fund is hereby continuously appropriated to the Office of Emergency Services for allocation as set forth in this act without regard to fiscal year for the purposes of this act.~~

~~SEC. 28.~~ **SEC. 29.** No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7

(commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

~~SEC. 29.~~**SEC. 30.** This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

The national 988 system will be fully operationalized on July 16, 2022, by which point California must establish the means to answer and respond to calls. Given the Office of Emergency Services, counties, and 988 crisis hotline centers must implement this act within less than one year of its passage, it is necessary for this act to take immediate effect.