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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1566

02/09/2023 Authored by Hanson, J.; Curran; Lee, F., and Kozlowski
The bill was read for the first time and referred to the Committee on Human Services Policy
02/27/2023 Adoption of Report: Re-referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; establishing requirements for the commissioner of health to
1.3 administer lifeline centers to respond to 988 contacts; authorizing a 988 prepaid
1.4 wireless fee and 988 telecommunications fee; authorizing rulemaking; appropriating
1.5 money; amending Minnesota Statutes 2022, sections 403.161, subdivisions 1, 3,
1.6 5, 6, 7; 403.162, subdivisions 1, 2, 5; proposing coding for new law in Minnesota
1.7 Statutes, chapter 145.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. 145.561 988 SUICIDE AND CRISIS LIFELINE.

1.10 Subdivision 1. Definitions. (a) For purposes of this section, the following definitions
1.11 apply.

1.12 (b) "Commissioner" means the commissioner of health.

1.13 (c) "Department" means the Department of Health.

1.14 (d) "Lifeline center" means a state-identified center that is a member of the Suicide and
1.15 Crisis Lifeline network that responds to statewide or regional 988 contacts.

1.16 (e) "988" or "988 hotline" means the universal telephone number for the national suicide
1.17 prevention and mental health crisis hotline system within the United States operating through
1.18 the Suicide and Crisis Lifeline, or its successor, maintained by the assistant secretary for
1.19 mental health and substance use under section 520E-2 of the Public Health Service Act.

1.20 (f) "988 administrator" means the administrator of the 988 Suicide and Crisis Lifeline
1.21 maintained by the assistant secretary for mental health and substance use under section
1.22 520E-3 of the Public Health Service Act.

2.1 (g) "988 contact" means a communication with the 988 national suicide prevention and
2.2 mental health crisis hotline system within the United States via modalities offered that may
2.3 include call, chat, or text.

2.4 (h) "Veterans Crisis Line" means the Veterans Crisis Line maintained by the secretary
2.5 of veterans affairs under United States Code, title 38, section 170F(h).

2.6 Subd. 2. **988 hotline; lifeline centers.** (a) The commissioner shall administer the
2.7 designation of and oversee a lifeline center or network of lifeline centers to answer 988
2.8 contacts from individuals accessing the Suicide and Crisis Lifeline from any location in
2.9 Minnesota 24 hours per day, seven days per week.

2.10 (b) The designated lifeline center or centers must:

2.11 (1) have an active agreement with the 988 administrator for participation within the
2.12 network and with the department;

2.13 (2) meet the 988 administrator's requirements and best practice guidelines for operational
2.14 and clinical standards;

2.15 (3) provide data, engage in reporting, and participate in evaluations and related quality
2.16 improvement activities as required by the 988 administrator and the department;

2.17 (4) identify or adapt technology that is demonstrated to be interoperable across crisis
2.18 and emergency response systems used in the state for the purpose of crisis care coordination;

2.19 (5) connect people to crisis response and outgoing services, including mobile crisis
2.20 teams, in accordance with guidelines established by the 988 administrator and the department
2.21 and in collaboration with the Department of Human Services;

2.22 (6) actively collaborate and coordinate service linkages with mental health and substance
2.23 use disorder treatment providers; local community mental health centers, including certified
2.24 community behavioral health clinics and community behavioral health centers; mobile crisis
2.25 teams; and emergency departments;

2.26 (7) offer follow-up services to individuals accessing the lifeline center that are consistent
2.27 with guidelines established by the 988 administrator and the department; and

2.28 (8) meet requirements set by the 988 administrator and the department for serving
2.29 high-risk and specialized populations and culturally or ethnically diverse populations.

2.30 (c) The commissioner shall use the commissioner's rulemaking authority to allow
2.31 appropriate information sharing and communication between and across crisis and emergency
2.32 response systems.

3.1 (d) The commissioner, having primary oversight of suicide prevention, shall work with
3.2 the Suicide and Crisis Lifeline, Veterans Crisis Line, and other SAMHSA-approved networks
3.3 to ensure consistency of public messaging about 988 services. The commissioner may
3.4 engage in activities to publicize and raise awareness about 988 services, or may provide
3.5 grants to other organizations for these purposes.

3.6 (e) The commissioner shall provide an annual report to the legislature on usage of the
3.7 988 hotline, including answer rates, rates of abandoned calls, and referral rates to 911
3.8 emergency response and to mental health crisis teams. Notwithstanding section 144.05,
3.9 subdivision 7, the reports required under this paragraph do not expire.

3.10 Subd. 3. **988 special revenue account.** (a) A 988 special revenue account is established
3.11 as a dedicated account in the special revenue fund to create and maintain a statewide 988
3.12 suicide prevention crisis system according to the National Suicide Hotline Designation Act
3.13 of 2020, the Federal Communications Commission's report and order FCC 20-100 adopted
3.14 July 16, 2020, and national guidelines for crisis care.

3.15 (b) The 988 special revenue account shall consist of:

3.16 (1) a 988 telecommunications fee imposed under subdivision 4;

3.17 (2) a prepaid wireless 988 fee imposed under section 403.161;

3.18 (3) transfers of state money into the account;

3.19 (4) grants and gifts intended for deposit in the account;

3.20 (5) interest, premiums, gains, and other earnings of the account; and

3.21 (6) money from any other source that is deposited in or transferred to the account.

3.22 (c) The account shall be administered by the commissioner. Money in the account shall
3.23 only be used to offset costs that are or may reasonably be attributed to:

3.24 (1) implementing, maintaining, and improving the 988 suicide and crisis lifeline, including
3.25 staff and technology infrastructure enhancements needed to achieve the operational standards
3.26 and best practices set forth by the 988 administrator and the department;

3.27 (2) data collection, reporting, participation in evaluations, public promotion, and related
3.28 quality improvement activities as required by the 988 administrator and the department;
3.29 and

3.30 (3) administration, oversight, and evaluation of the account.

3.31 (d) Money in the account:

4.1 (1) does not cancel at the end of any state fiscal year and is carried forward in subsequent
4.2 state fiscal years;

4.3 (2) is not subject to transfer to any other account or fund or to transfer, assignment, or
4.4 reassignment for any use or purpose other than the purposes specified in this subdivision;
4.5 and

4.6 (3) is appropriated to the commissioner for the purposes specified in this subdivision.

4.7 (e) The commissioner shall submit an annual report to the legislature and to the Federal
4.8 Communications Commission on deposits to and expenditures from the account.

4.9 Notwithstanding section 144.05, subdivision 7, the reports required under this paragraph
4.10 do not expire.

4.11 Subd. 4. **988 telecommunications fee.** (a) In compliance with the National Suicide
4.12 Hotline Designation Act of 2020, the commissioner shall impose a monthly statewide fee
4.13 on each subscriber of a wireline, wireless, or IP-enabled voice service at a rate that provides
4.14 for the robust creation, operation, and maintenance of a statewide 988 suicide prevention
4.15 and crisis system.

4.16 (b) The commissioner shall annually recommend to the Public Utilities Commission an
4.17 adequate and appropriate fee to implement this section. The amount of the fee must comply
4.18 with the limits in paragraph (c). The commissioner shall provide telecommunication service
4.19 providers and carriers a minimum of 30 days' notice of each fee change.

4.20 (c) The amount of the 988 telecommunications fee must not be less than 12 cents per
4.21 month and must not be more than 25 cents per month on or after January 1, 2024, for each
4.22 consumer access line, including trunk equivalents as designated by the commission pursuant
4.23 to section 403.11, subdivision 1. The 988 telecommunications fee must be the same for all
4.24 subscribers.

4.25 (d) Each wireline, wireless, and IP-enabled voice telecommunication service provider
4.26 shall collect the 988 telecommunications fee and transfer the amounts collected to the
4.27 commissioner of public safety in the same manner as provided in section 403.11, subdivision
4.28 1, paragraph (d).

4.29 (e) The commissioner of public safety shall deposit the money collected from the 988
4.30 telecommunications fee to the 988 special revenue account established in subdivision 3.

4.31 (f) All 988 telecommunications fee revenue must be used to supplement, and not supplant,
4.32 federal, state, and local funding for suicide prevention.

5.1 (g) The 988 telecommunications fee amount shall be adjusted as needed to provide for
5.2 continuous operation of the lifeline centers and 988 hotline, volume increases, and
5.3 maintenance.

5.4 (h) The commissioner shall annually report to the Federal Communications Commission
5.5 on revenue generated by the 988 telecommunications fee.

5.6 Subd. 5. **988 fee for prepaid wireless telecommunications services.** (a) The 988
5.7 telecommunications fee established in subdivision 4 does not apply to prepaid wireless
5.8 telecommunications services. Prepaid wireless telecommunications services are subject to
5.9 the prepaid wireless 988 fee established in section 403.161, subdivision 1, paragraph (c).

5.10 (b) Collection, remittance, and deposit of prepaid wireless 988 fees are governed by
5.11 sections 403.161 and 403.162.

5.12 Sec. 2. Minnesota Statutes 2022, section 403.161, subdivision 1, is amended to read:

5.13 Subdivision 1. **Fees imposed.** (a) A prepaid wireless E911 fee of 80 cents per retail
5.14 transaction is imposed on prepaid wireless telecommunications service until the fee is
5.15 adjusted as an amount per retail transaction under subdivision 7.

5.16 (b) A prepaid wireless telecommunications access Minnesota fee, in the amount of the
5.17 monthly charge provided for in section 237.52, subdivision 2, is imposed on each retail
5.18 transaction for prepaid wireless telecommunications service until the fee is adjusted as an
5.19 amount per retail transaction under subdivision 7.

5.20 (c) A prepaid wireless 988 fee, in the amount of the monthly charge provided for in
5.21 section 145.561, subdivision 4, paragraph (b), is imposed on each retail transaction for
5.22 prepaid wireless telecommunications service until the fee is adjusted as an amount per retail
5.23 transaction under subdivision 7.

5.24 Sec. 3. Minnesota Statutes 2022, section 403.161, subdivision 3, is amended to read:

5.25 Subd. 3. **Fee collected.** The prepaid wireless E911 ~~and~~₂ telecommunications access
5.26 Minnesota, and 988 fees must be collected by the seller from the consumer for each retail
5.27 transaction occurring in this state. The amount of each fee must be combined into one
5.28 amount, which must be separately stated on an invoice, receipt, or other similar document
5.29 that is provided to the consumer by the seller.

6.1 Sec. 4. Minnesota Statutes 2022, section 403.161, subdivision 5, is amended to read:

6.2 Subd. 5. **Remittance.** The prepaid wireless E911 ~~and~~₂ telecommunications access
6.3 Minnesota, and 988 fees are the liability of the consumer and not of the seller or of any
6.4 provider, except that the seller is liable to remit all fees as provided in section 403.162.

6.5 Sec. 5. Minnesota Statutes 2022, section 403.161, subdivision 6, is amended to read:

6.6 Subd. 6. **Exclusion for calculating other charges.** The combined amount of the prepaid
6.7 wireless E911 ~~and~~₂ telecommunications access Minnesota, and 988 fees collected by a seller
6.8 from a consumer must not be included in the base for measuring any tax, fee, surcharge, or
6.9 other charge that is imposed by this state, any political subdivision of this state, or any
6.10 intergovernmental agency.

6.11 Sec. 6. Minnesota Statutes 2022, section 403.161, subdivision 7, is amended to read:

6.12 Subd. 7. **Fee changes.** (a) The prepaid wireless E911 ~~and~~₂ telecommunications access
6.13 Minnesota ~~fee~~, and 988 fees must be proportionately increased or reduced upon any change
6.14 to the fee imposed under section 403.11, subdivision 1, paragraph (c), after July 1, 2013,
6.15 ~~or~~ the fee imposed under section 237.52, subdivision 2, or the fee imposed under section
6.16 145.561, subdivision 4, as applicable.

6.17 (b) The department shall post notice of any fee changes on its website at least 30 days
6.18 in advance of the effective date of the fee changes. It is the responsibility of sellers to monitor
6.19 the department's website for notice of fee changes.

6.20 (c) Fee changes are effective 60 days after the first day of the first calendar month after
6.21 the commissioner of public safety or the Public Utilities Commission, as applicable, changes
6.22 the fee.

6.23 Sec. 7. Minnesota Statutes 2022, section 403.162, subdivision 1, is amended to read:

6.24 Subdivision 1. **Remittance.** Prepaid wireless E911 ~~and~~₂ telecommunications access
6.25 Minnesota, and 988 fees collected by sellers must be remitted to the commissioner of revenue
6.26 at the times and in the manner provided by chapter 297A with respect to the general sales
6.27 and use tax. The commissioner of revenue shall establish registration and payment procedures
6.28 that substantially coincide with the registration and payment procedures that apply in chapter
6.29 297A.

7.1 Sec. 8. Minnesota Statutes 2022, section 403.162, subdivision 2, is amended to read:

7.2 Subd. 2. **Seller's fee retention.** A seller may deduct and retain three percent of prepaid
7.3 wireless E911 ~~and~~ telecommunications access Minnesota, and 988 fees collected by the
7.4 seller from consumers.

7.5 Sec. 9. Minnesota Statutes 2022, section 403.162, subdivision 5, is amended to read:

7.6 Subd. 5. **Fees deposited.** (a) The commissioner of revenue shall, based on the relative
7.7 proportion of the prepaid wireless E911 fee ~~and~~ the prepaid wireless telecommunications
7.8 access Minnesota fee, and the prepaid wireless 988 fee imposed per retail transaction, divide
7.9 the fees collected in corresponding proportions. Within 30 days of receipt of the collected
7.10 fees, the commissioner shall:

7.11 (1) deposit the proportion of the collected fees attributable to the prepaid wireless E911
7.12 fee in the 911 emergency telecommunications service account in the special revenue fund;
7.13 ~~and~~

7.14 (2) deposit the proportion of collected fees attributable to the prepaid wireless
7.15 telecommunications access Minnesota fee in the telecommunications access fund established
7.16 in section 237.52, subdivision 1; and

7.17 (3) deposit the proportion of the collected fees attributable to the prepaid wireless 988
7.18 fee in the 988 special revenue account established in section 145.561, subdivision 3.

7.19 (b) The commissioner of revenue may deduct and deposit in a special revenue account
7.20 an amount not to exceed two percent of collected fees. Money in the account is annually
7.21 appropriated to the commissioner of revenue to reimburse its direct costs of administering
7.22 the collection and remittance of prepaid wireless E911 fees ~~and~~ prepaid wireless
7.23 telecommunications access Minnesota fees, and prepaid wireless 988 fees.

7.24 Sec. 10. **APPROPRIATION.**

7.25 \$8,000,000 in fiscal year 2024 and \$4,000,000 in fiscal year 2025 are appropriated from
7.26 the general fund to the commissioner of health for 988 national suicide prevention lifeline
7.27 grants for the operation of 988 lifeline centers in Minnesota under Minnesota Statutes,
7.28 section 145.561. The general fund base for this appropriation in fiscal year 2026 is \$0.