

First Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0644.01 Shelby Ross x4510

SENATE BILL 21-154

SENATE SPONSORSHIP

Kolker and Simpson,

HOUSE SPONSORSHIP

Cutter and Soper,

Senate Committees
Health & Human Services
Finance
Appropriations

House Committees

A BILL FOR AN ACT
101 **CONCERNING THE IMPLEMENTATION OF THE 988 NATIONAL SUICIDE**
102 **PREVENTION LIFELINE NETWORK IN COLORADO.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

On October 17, 2020, congress passed the "National Suicide Hotline Designation Act of 2020" designating 988 as the 3-digit number for the national suicide prevention lifeline to aid rapid access to suicide prevention and mental health support services. The bill implements 988 as the 3-digit number for crisis response services in Colorado.

On or before July 1, 2022, the department of human services

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

(department) shall contract with a nonprofit organization to create the 988 crisis hotline center to provide intervention services and crisis care coordination to individuals calling the 988 crisis hotline 24 hours a day, 7 days a week.

Beginning January 1, 2022, a 988 surcharge (surcharge) is imposed on service users in an amount to be established by the public utilities commission (commission) on an annual basis. The bill requires each service supplier to collect the surcharge from its service users and remit the collected surcharges to the commission on a monthly basis. The state treasurer shall credit the surcharge collections to the 988 surcharge cash fund (fund).

The bill imposes a prepaid wireless 988 charge on each retail transaction in an amount to be established by the commission on an annual basis. The bill requires each seller to collect the prepaid wireless 988 charge from the consumer on each retail transaction occurring in the state and remit the collected charges to the department of revenue. The state treasurer shall credit the prepaid wireless 988 charge to the fund.

The office of behavioral health in the department may expend money from the fund for the administration and operation of the 988 crisis hotline center.

Beginning January 1, 2023, and each January 1 thereafter, the department shall submit information about the usage of the 988 crisis hotline center to the federal substance abuse and mental health services administration, and information about the expenditures of the fund to the federal communications commission.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 64 to title
3 27 as follows:

ARTICLE 64

988 Crisis Hotline Enterprise

27-64-101. Legislative declaration. (1) THE GENERAL ASSEMBLY

7 FINDS AND DECLares THAT:

1 SUICIDE PREVENTION LIFELINE TO AID RAPID ACCESS TO SUICIDE
2 PREVENTION AND MENTAL HEALTH SUPPORT SERVICES;

3 (b) IT IS IMPERATIVE FOR COLORADO TO IMPLEMENT 988 AS THE
4 THREE-DIGIT NUMBER FOR CRISIS RESPONSE SERVICES IN COLORADO IN
5 ORDER TO COMPLY WITH FEDERAL REGULATIONS; IMPROVE QUALITY AND
6 ACCESS TO BEHAVIORAL HEALTH CRISIS SERVICES, ESPECIALLY FOR
7 UNDERSERVED POPULATIONS AND IN RURAL AREAS OF THE STATE; AND
8 REDUCE STIGMA SURROUNDING SUICIDE, MENTAL HEALTH, AND
9 SUBSTANCE USE CONDITIONS;

10 (c) THE 988 CRISIS HOTLINE ENTERPRISE PROVIDES VALUABLE
11 BENEFITS AND SERVICES TO TELEPHONE SERVICE USERS WHEN THE
12 ENTERPRISE FUNDS THE 988 CRISIS HOTLINE AND PROVIDES CRISIS
13 OUTREACH, STABILIZATION, AND ACUTE CARE TO INDIVIDUALS CALLING
14 THE 988 CRISIS HOTLINE FROM ANY JURISDICTION IN COLORADO
15 TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK;

16 (d) BY PROVIDING THE BENEFITS AND SERVICES SPECIFIED IN
17 SUBSECTION (1)(c) OF THIS SECTION, THE 988 CRISIS HOTLINE ENTERPRISE
18 ENGAGES IN AN ACTIVITY CONDUCTED IN THE PURSUIT OF A BENEFIT, GAIN,
19 OR LIVELIHOOD, AND THEREFORE OPERATES AS A BUSINESS;

20 (e) CONSISTENT WITH THE DETERMINATION OF THE COLORADO
21 SUPREME COURT IN *NICHOLL V. E-470 PUBLIC HIGHWAY AUTHORITY*, 896
22 P.2d 859 (COLO. 1995), THAT THE POWER TO IMPOSE TAXES IS
23 INCONSISTENT WITH ENTERPRISE STATUS UNDER SECTION 20 OF ARTICLE
24 X OF THE STATE CONSTITUTION, IT IS THE CONCLUSION OF THE GENERAL
25 ASSEMBLY THAT THE CHARGES IMPOSED BY THE ENTERPRISE IS A FEE, NOT
26 A TAX, BECAUSE THE CHARGES ARE IMPOSED FOR THE SPECIFIC PURPOSE
27 OF ALLOWING THE ENTERPRISE TO DEFRAY THE COSTS OF PROVIDING THE

1 BENEFITS AND SERVICES SPECIFIED IN SUBSECTION (1)(c) OF THIS SECTION
2 TO TELEPHONE SERVICE USERS AND THE CHARGES ARE IMPOSED AT RATES
3 THAT ARE REASONABLY CALCULATED BASED ON THE COST OF THE
4 SERVICES RECEIVED BY TELEPHONE SERVICE USERS;

5 (f) SO LONG AS THE 988 CRISIS HOTLINE ENTERPRISE QUALIFIES AS
6 AN ENTERPRISE FOR PURPOSES OF SECTION 20 OF ARTICLE X OF THE STATE
7 CONSTITUTION, THE REVENUE FROM THE CHARGES IMPOSED BY THE
8 ENTERPRISE ARE NOT STATE FISCAL YEAR SPENDING, AS DEFINED IN
9 SECTION 24-77-102 (17), OR STATE REVENUES, AS DEFINED IN SECTION
10 24-77-103.6 (6)(c), AND DO NOT COUNT AGAINST EITHER THE STATE
11 FISCAL YEAR SPENDING LIMIT IMPOSED BY SECTION 20 ARTICLE X OF THE
12 STATE CONSTITUTION OR THE EXCESS STATE REVENUES CAP, AS DEFINED
13 IN SECTION 24-77-103.6 (6)(b)(I); AND

14 (g) NO OTHER ENTERPRISE CREATED SIMULTANEOUSLY OR WITHIN
15 THE PRECEDING FIVE YEARS SERVES PRIMARILY THE SAME PURPOSE AS THE
16 988 CRISIS HOTLINE ENTERPRISE AND THE 988 CRISIS HOTLINE ENTERPRISE
17 WILL GENERATE REVENUE FROM CHARGES OF LESS THAN ONE HUNDRED
18 MILLION DOLLARS TOTAL IN ITS FIRST FIVE FISCAL YEARS. ACCORDINGLY,
19 THE CREATION OF THE 988 CRISIS HOTLINE ENTERPRISE DOES NOT REQUIRE
20 VOTER APPROVAL PURSUANT TO SECTION 24-77-108.

21 **27-64-102. Definitions.** AS USED IN THIS ARTICLE 64, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23 (1) "988 CRISIS HOTLINE" MEANS A STATE-IDENTIFIED HOTLINE
24 PARTICIPATING IN THE NATIONAL SUICIDE PREVENTION LIFELINE NETWORK
25 TO RESPOND TO STATEWIDE OR REGIONAL BEHAVIORAL HEALTH CRISIS
26 CALLS.

27 (2) "CHARGE" MEANS THE 988 SURCHARGE IMPOSED BY THE

1 ENTERPRISE PURSUANT TO SECTION 27-64-103 (4)(a) AND THE PREPAID
2 WIRELESS 988 CHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO
3 SECTION 27-64-103 (4)(b).

4 (3) "ENTERPRISE" MEANS THE 988 CRISIS HOTLINE ENTERPRISE
5 CREATED IN SECTION 27-64-103.

6 (4) "NATIONAL SUICIDE PREVENTION LIFELINE" MEANS A
7 NATIONAL NETWORK OF LOCAL CRISIS CENTERS MAINTAINED BY THE
8 FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
9 ADMINISTRATION THAT PROVIDES FREE AND CONFIDENTIAL EMOTIONAL
10 SUPPORT TO PEOPLE IN SUICIDAL CRISIS OR EMOTIONAL DISTRESS
11 TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK.

12 (5) "VETERANS CRISIS LINE" MEANS THE VETERANS CRISIS LINE
13 MAINTAINED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.

14 **27-64-103. 988 crisis hotline enterprise - creation - powers and**
15 **duties.** (1) THERE IS CREATED IN THE DEPARTMENT OF HUMAN SERVICES
16 THE 988 CRISIS HOTLINE ENTERPRISE. THE ENTERPRISE IS AND OPERATES
17 AS A GOVERNMENT-OWNED BUSINESS WITHIN THE DEPARTMENT OF HUMAN
18 SERVICES FOR THE BUSINESS PURPOSE OF IMPOSING CHARGES PURSUANT
19 TO SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION, AND UTILIZING THE
20 CHARGES' REVENUE TO FUND THE 988 CRISIS HOTLINE AND PROVIDE CRISIS
21 OUTREACH, STABILIZATION, AND ACUTE CARE TO INDIVIDUALS CALLING
22 THE 988 CRISIS HOTLINE. THE ENTERPRISE EXERCISES ITS POWER AND
23 PERFORMS ITS DUTIES AS IF THE SAME WERE TRANSFERRED BY A **TYPE 1**
24 TRANSFER, AS DEFINED IN SECTION 24-1-105, TO THE STATE DEPARTMENT.

25 (2) THE ENTERPRISE CONSTITUTES AN ENTERPRISE FOR PURPOSES
26 OF SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION SO LONG AS IT
27 RETAINS THE AUTHORITY TO ISSUE REVENUE BONDS AND RECEIVES LESS

1 THAN TEN PERCENT OF ITS TOTAL REVENUES IN GRANTS FROM ALL
2 COLORADO STATE AND LOCAL GOVERNMENTS COMBINED. SO LONG AS IT
3 CONSTITUTES AN ENTERPRISE PURSUANT TO THIS SUBSECTION (2), THE
4 ENTERPRISE IS NOT SUBJECT TO SECTION 20 OF ARTICLE X OF THE STATE
5 CONSTITUTION.

6 (3) THE ENTERPRISE IS GOVERNED BY A BOARD OF DIRECTORS
7 APPOINTED BY THE GOVERNOR.

8 (4) THE ENTERPRISE'S PRIMARY POWERS AND DUTIES ARE TO:
9 (a) EFFECTIVE JANUARY 1, 2022, IMPOSE A 988 SURCHARGE ON
10 SERVICE USERS, AS DEFINED IN SECTION 40-17.5-101 (13), IN AN AMOUNT
11 TO BE ESTABLISHED ANNUALLY BY THE ENTERPRISE, IN COLLABORATION
12 WITH THE PUBLIC UTILITIES COMMISSION, BUT NOT TO EXCEED THIRTY
13 CENTS PER MONTH PER 988 ACCESS CONNECTION, AS DEFINED IN SECTION
14 40-17.5-101 (2). ON OR BEFORE OCTOBER 1, 2021, AND ON OR BEFORE
15 OCTOBER 1 OF EACH YEAR THEREAFTER, THE ENTERPRISE, IN
16 COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION, SHALL
17 ESTABLISH THE AMOUNT OF THE SURCHARGE FOR THE NEXT CALENDAR
18 YEAR. THE AMOUNT OF THE SURCHARGE MUST BE REASONABLY
19 CALCULATED BASED ON THE COST OF THE SERVICES RECEIVED BY
20 TELEPHONE SERVICE USERS. THE AMOUNT OF THE SURCHARGE IMPOSED
21 PER 988 ACCESS CONNECTION MUST BE UNIFORM, REGARDLESS OF THE
22 TECHNOLOGY USED TO PROVIDE THE 988 ACCESS CONNECTION.

23 (b) EFFECTIVE JANUARY 1, 2022, IMPOSE A PREPAID WIRELESS 988
24 CHARGE ON EACH RETAIL TRANSACTION, AS DEFINED IN SECTION
25 40-17.5-104 (1)(d), IN AN AMOUNT TO BE ESTABLISHED ANNUALLY BY THE
26 ENTERPRISE, IN COLLABORATION WITH THE PUBLIC UTILITIES COMMISSION,
27 BUT NOT TO EXCEED THIRTY CENTS PER EACH RETAIL TRANSACTION IN

1 WHICH PREPAID WIRELESS SERVICE IS PURCHASED IN COLORADO. ON OR
2 BEFORE OCTOBER 1, 2021, AND ON OR BEFORE OCTOBER 1 OF EACH YEAR
3 THEREAFTER, THE ENTERPRISE, IN COLLABORATION WITH THE PUBLIC
4 UTILITIES COMMISSION, SHALL ESTABLISH THE AMOUNT OF THE CHARGE
5 FOR THE NEXT CALENDAR YEAR. THE AMOUNT OF THE CHARGE MUST BE
6 REASONABLY CALCULATED TO MEET THE NEEDS OF THE ENTERPRISE.

7 (c) AS REQUIRED BY SUBSECTION (5) OF THIS SECTION, FUND THE
8 988 CRISIS HOTLINE TO PROVIDE INTERVENTION SERVICES AND CRISIS CARE
9 COORDINATION TO INDIVIDUALS CALLING THE 988 CRISIS HOTLINE;

10 (d) (I) ENGAGE THE SERVICES OF THIRD PARTIES SERVING AS CRISIS
11 VENDORS TO PROVIDE CRISIS OUTREACH, STABILIZATION, ACUTE CARE,
12 AND MARKETING FOR THE 988 CRISIS HOTLINE;

13 (II) ENTER INTO ANY OTHER CONTRACTS NECESSARY FOR
14 PROFESSIONAL AND TECHNICAL ASSISTANCE AND ADVICE AND TO SUPPLY
15 OTHER SERVICES RELATED TO THE CONDUCT OF THE AFFAIRS OF THE
16 ENTERPRISE, WITHOUT REGARD TO THE "PROCUREMENT CODE", ARTICLES
17 101 TO 112 OF TITLE 24.

18 (III) THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE
19 OFFICE SPACE AND ADMINISTRATIVE STAFF TO THE ENTERPRISE PURSUANT
20 TO A CONTRACT ENTERED INTO PURSUANT TO SUBSECTION (4)(d)(II) OF
21 THIS SECTION.

22 (e) BY RESOLUTION, AUTHORIZE AND ISSUE REVENUE BONDS THAT
23 ARE PAYABLE ONLY FROM THE MONEY IN THE 988 CRISIS HOTLINE CASH
24 FUND CREATED IN SECTION 27-64-104; AND

25 (f) ADOPT, AMEND, OR REPEAL POLICIES FOR THE REGULATION OF
26 ITS AFFAIRS AND THE CONDUCT OF ITS BUSINESS CONSISTENT WITH THIS
27 SECTION.

1 (5) (a) ON OR BEFORE JULY 1, 2022, THE ENTERPRISE SHALL FUND
2 A NONPROFIT ORGANIZATION TO OPERATE THE 988 CRISIS HOTLINE AND
3 PROVIDE INTERVENTION SERVICES AND CRISIS CARE COORDINATION TO
4 INDIVIDUALS CALLING THE 988 CRISIS HOTLINE FROM ANY JURISDICTION
5 WITHIN COLORADO TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK.

6 (b) THE NONPROFIT ORGANIZATION SHALL:

7 (I) HAVE AN ACTIVE AGREEMENT WITH THE ADMINISTRATOR OF
8 THE NATIONAL SUICIDE PREVENTION LIFELINE FOR PARTICIPATION WITHIN
9 THE NETWORK;

10 (II) MEET THE NATIONAL SUICIDE PREVENTION LIFELINE
11 REQUIREMENTS AND BEST PRACTICE GUIDELINES FOR OPERATIONAL AND
12 CLINICAL STANDARDS;

13 (III) MEET THE NATIONAL SUICIDE PREVENTION LIFELINE
14 REQUIREMENTS FOR SERVING HIGH-RISK AND SPECIALIZED POPULATIONS;

15 (IV) DEPLOY MOBILE RESPONSE UNITS AND CO-RESPONDER
16 PROGRAMS THAT ARE PART OF THE BEHAVIORAL HEALTH CRISIS RESPONSE
17 SYSTEM, CREATED PURSUANT TO SECTION 27-60-103, AND COORDINATE
18 ACCESS TO CRISIS WALK-IN CENTERS, AS APPROPRIATE; AND

19 (V) PROVIDE FOLLOW-UP SERVICES TO INDIVIDUALS ACCESSING
20 THE 988 CRISIS HOTLINE.

21 (6) THE ENTERPRISE SHALL COLLABORATE WITH THE NATIONAL
22 SUICIDE PREVENTION LIFELINE AND THE VETERANS CRISIS LINE FOR THE
23 PURPOSE OF ENSURING CONSISTENT PUBLIC MESSAGING ABOUT THE 988
24 CRISIS HOTLINE CENTER AND AVAILABLE SERVICES.

25 (7) THE ENTERPRISE SHALL CONSIDER RECOMMENDATIONS FROM
26 THE STATE'S 988 PLANNING COMMITTEE TO DETERMINE HOW THE 988
27 CRISIS HOTLINE WILL INTERACT WITH THE TWENTY-FOUR-HOUR

1 TELEPHONE CRISIS SERVICES ESTABLISHED IN SECTION 27-60-103 (1)(b)(I).

2 (8) THE ENTERPRISE IS SUBJECT TO THE OPEN MEETINGS
3 PROVISIONS OF THE "COLORADO SUNSHINE ACT OF 1972", CONTAINED IN
4 PART 4 OF ARTICLE 6 OF TITLE 24, AND THE "COLORADO OPEN RECORDS
5 ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

6 (9) FOR PURPOSES OF THE "COLORADO OPEN RECORDS ACT", PART
7 2 OF ARTICLE 72 OF TITLE 24, AND EXCEPT AS MAY OTHERWISE BE
8 PROVIDED BY FEDERAL LAW OR REGULATION OR STATE LAW, THE RECORDS
9 OF THE ENTERPRISE ARE PUBLIC RECORDS, AS DEFINED IN SECTION
10 24-72-202 (6), REGARDLESS OF WHETHER THE ENTERPRISE RECEIVES LESS
11 THAN TEN PERCENT OF ITS TOTAL ANNUAL REVENUE IN GRANTS, AS
12 DEFINED IN SECTION 24-77-102 (7), FROM ALL COLORADO STATE AND
13 LOCAL GOVERNMENTS COMBINED.

14 (10) THE ENTERPRISE IS A PUBLIC ENTITY FOR PURPOSES OF PART
15 2 OF ARTICLE 57 OF TITLE 11.

16 **27-64-104. 988 crisis hotline cash fund - creation.** (1) THE 988
17 CRISIS HOTLINE CASH FUND, REFERRED TO IN THIS SECTION AS THE "FUND",
18 IS CREATED IN THE STATE TREASURY. THE FUND CONSISTS OF MONEY
19 CREDITED TO THE FUND IN ACCORDANCE WITH ARTICLE 17.5 OF TITLE 40.

20 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
21 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
22 FUND TO THE FUND.

23 (3) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
24 ASSEMBLY, THE ENTERPRISE MAY EXPEND MONEY FROM THE FUND FOR
25 THE PURPOSES OUTLINED IN SECTION 27-64-103 (4)(c) AND (4)(d).

26 (4) THE BOARD MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS,
27 OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF

1 THIS SECTION, SO LONG AS THE COMBINATION OF GRANTS FROM STATE AND
2 LOCAL GOVERNMENTS IS LESS THAN TEN PERCENT OF THE ENTERPRISE'S
3 TOTAL ANNUAL REVENUE.

27-64-105. Reports. (1) BEGINNING JANUARY 1, 2023, AND EACH
JANUARY 1 THEREAFTER, THE DEPARTMENT OF HUMAN SERVICES SHALL:

17 **SECTION 2.** In Colorado Revised Statutes, **add** article 17.5 to
18 title 40 as follows:

ARTICLE 17.5

988 Surcharge and Prepaid Wireless 988 Charge

for the 988 Crisis Hotline

22 **40-17.5-101. Definitions. As used in this article 17.5, unless**

23 **THE CONTEXT OTHERWISE REQUIRES:**

24 (1) "988" MEANS THE THREE-DIGIT ABBREVIATED DIALING CODE
25 USED TO REPORT A BEHAVIORAL HEALTH CRISIS.

26 (2) "988 ACCESS CONNECTION" MEANS ANY COMMUNICATIONS
27 SERVICE INCLUDING WIRELINE, WIRELESS CELLULAR, INTERCONNECTED

1 VOICE OVER INTERNET PROTOCOL , OR SATELLITE IN WHICH CONNECTIONS
2 ARE ENABLED, CONFIGURED, OR CAPABLE OF MAKING 988 CALLS. "988
3 ACCESS CONNECTION" DOES NOT INCLUDE FACILITIES-BASED BROADBAND
4 SERVICES. THE NUMBER OF 988 ACCESS CONNECTIONS IS DETERMINED BY
5 THE CONFIGURED CAPACITY FOR SIMULTANEOUS OUTBOUND CALLING. FOR
6 EXAMPLE, FOR A DIGITAL SIGNAL-1 (DS-1) LEVEL SERVICE OR
7 EQUIVALENT THAT IS CHANNELIZED AND SPLIT INTO SEPARATE CHANNELS
8 FOR VOICE COMMUNICATIONS, THE NUMBER OF 988 ACCESS CONNECTIONS
9 WOULD BE EQUAL TO THE NUMBER OF CHANNELS CAPABLE OF MAKING
10 SIMULTANEOUS CALLS.

11 (3) "988 CRISIS HOTLINE ENTERPRISE" OR "ENTERPRISE" MEANS
12 THE 988 CRISIS HOTLINE ENTERPRISE CREATED IN SECTION 27-64-103.

13 (4) "988 SURCHARGE" OR "SURCHARGE" MEANS THE 988
14 SURCHARGE IMPOSED BY THE 988 CRISIS HOTLINE ENTERPRISE PURSUANT
15 TO SECTION 27-64-103 (4)(a).

16 (5) "COMMISSION" OR "PUBLIC UTILITIES COMMISSION" MEANS THE
17 PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO CREATED IN
18 SECTION 40-2-101.

19 (6) "CONSUMER" MEANS A PERSON WHO PURCHASES PREPAID
20 WIRELESS TELECOMMUNICATIONS SERVICE IN A RETAIL TRANSACTION.

21 (7) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

22 (8) "PERSON" MEANS ANY INDIVIDUAL; FIRM; PARTNERSHIP;
23 COPARTNERSHIP; JOINT VENTURE; ASSOCIATION; COOPERATIVE
24 ORGANIZATION; CORPORATION, EITHER MUNICIPAL OR PRIVATE AND
25 ORGANIZED FOR PROFIT OR NOT; GOVERNMENTAL AGENCY; STATE;
26 COUNTY OR CITY AND COUNTY; POLITICAL SUBDIVISION; STATE
27 DEPARTMENT; COMMISSION; BOARD; OR BUREAU, FRATERNAL

1 ORGANIZATION, NONPROFIT ORGANIZATION, ESTATE, TRUST, BUSINESS OR
2 COMMON LAW TRUST, RECEIVER, ASSIGNEE FOR THE BENEFIT OF
3 CREDITORS, TRUSTEE, OR TRUSTEE IN BANKRUPTCY; OR ANY OTHER
4 SERVICE USER.

5 (9) "PREPAID WIRELESS 988 CHARGE" OR "CHARGE" MEANS THE
6 CHARGE IMPOSED BY THE 988 CRISIS HOTLINE ENTERPRISE PURSUANT TO
7 SECTION 27-64-103 (4)(b).

8 (10) "RETAIL TRANSACTION" MEANS THE PURCHASE OF PREPAID
9 WIRELESS TELECOMMUNICATIONS SERVICE FROM A SELLER FOR ANY
10 PURPOSE OTHER THAN RESALE.

11 (11) "SELLER" MEANS A PERSON WHO SELLS PREPAID WIRELESS
12 TELECOMMUNICATIONS SERVICES TO ANOTHER PERSON.

13 (12) "SERVICE SUPPLIER" MEANS A PERSON PROVIDING 988 ACCESS
14 CONNECTIONS TO ANY SERVICE USER IN THE STATE, EITHER DIRECTLY OR
15 BY RESALE.

16 (13) "SERVICE USER" MEANS A PERSON WHO IS PROVIDED A 988
17 ACCESS CONNECTION IN THE STATE.

18 **40-17.5-102. 988 surcharge - collection - rules.** (1) THE
19 COMMISSION SHALL COLLECT, ON BEHALF OF THE 988 CRISIS HOTLINE
20 ENTERPRISE, THE 988 SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT
21 TO SECTION 27-64-103 (4)(a) TO FUND THE ENTERPRISE. THE COMMISSION
22 SHALL COLLABORATE WITH THE ENTERPRISE TO ESTABLISH THE AMOUNT
23 OF THE SURCHARGE FOR THE NEXT CALENDAR YEAR.

24 (2) EACH SERVICE SUPPLIER SHALL COLLECT THE SURCHARGE
25 FROM ITS SERVICE USERS. THE SURCHARGE IS THE LIABILITY OF THE
26 SERVICE USER AND NOT OF THE SERVICE SUPPLIER; EXCEPT THAT THE
27 SERVICE SUPPLIER IS LIABLE TO REMIT ALL SURCHARGES THAT THE

1 SERVICE SUPPLIER COLLECTS FROM SERVICE USERS.

2 (3) (a) THE SERVICE SUPPLIER SHALL REMIT THE COLLECTED
3 SURCHARGES TO THE COMMISSION ON A MONTHLY BASIS IN A MANNER
4 ESTABLISHED BY THE COMMISSION. THE COMMISSION SHALL ESTABLISH
5 REMITTANCE PROCEDURES BY RULE. A SERVICE SUPPLIER IS SUBJECT TO
6 THE PENALTIES AND PROCEDURES IN SECTION 40-17.5-103 FOR THE
7 FAILURE TO COLLECT OR CORRECTLY REMIT A SURCHARGE IN
8 ACCORDANCE WITH THIS SECTION.

9 (b) A SERVICE SUPPLIER MAY DEDUCT AND RETAIN ONE PERCENT
10 OF THE SURCHARGES THAT ARE COLLECTED BY THE SERVICE SUPPLIER
11 FROM ITS SERVICE USERS.

12 (c) (I) THE STATE TREASURER SHALL CREDIT THE SURCHARGE
13 COLLECTIONS REMITTED TO THE COMMISSION PURSUANT TO SUBSECTION
14 (3)(a) OF THIS SECTION TO THE 988 CRISIS HOTLINE CASH FUND CREATED
15 IN SECTION 27-64-104. ANY SURCHARGE TRANSMITTED TO THE STATE
16 TREASURER THAT IS COLLECTED ON BEHALF OF THE 988 CRISIS HOTLINE
17 ENTERPRISE IS EXCLUDED FROM STATE FISCAL YEAR SPENDING.

18 (II) THE COMMISSION MAY RETAIN UP TO FOUR PERCENT OF THE
19 COLLECTED SURCHARGES NECESSARY TO REIMBURSE THE COMMISSION FOR
20 ITS DIRECT AND INDIRECT COSTS OF ADMINISTERING THE COLLECTION AND
21 REMITTANCE OF SURCHARGES FOR THE 988 CRISIS HOTLINE, INCLUDING
22 COSTS RELATED TO CONDUCTING AUDITS OF SERVICE SUPPLIERS IN
23 ACCORDANCE WITH SECTION 40-17.5-103.

24 (4) THE SURCHARGE IMPOSED BY THE ENTERPRISE PURSUANT TO
25 SECTION 27-64-103 (4)(a) IS THE ONLY DIRECT 988 FUNDING OBLIGATION
26 IMPOSED UPON SERVICE USERS IN THE STATE. NO TAX, FEE, SURCHARGE,
27 OR OTHER CHARGE TO FUND THE 988 CRISIS HOTLINE IS IMPOSED BY THE

1 STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR ANY
2 INTERGOVERNMENTAL AGENCY UPON A SELLER OR CONSUMER WITH
3 RESPECT TO THE SALE, PURCHASE, USE, OR PROVISION OF 988 ACCESS
4 CONNECTION IN THE STATE.

5 (5) THIS SECTION DOES NOT APPLY TO PREPAID WIRELESS
6 TELECOMMUNICATIONS SERVICES.

7 **40-17.5-103. Remittance of surcharges - incorrect or**
8 **delinquent reports - penalties - administrative fees - rules.** (1) EVERY
9 SERVICE SUPPLIER SHALL COLLECT THE 988 SURCHARGE BY THE 988 CRISIS
10 HOTLINE ENTERPRISE PURSUANT TO SECTION 27-64-103 (4)(a) FROM ITS
11 SERVICE USERS.

12 (2) THE DUTY TO COLLECT OR REMIT THE 988 SURCHARGE
13 COMMENCES ON JANUARY 1, 2022. THE 988 SURCHARGE MUST BE STATED
14 SEPARATELY OR ON THE SAME LINE ITEM AS THE 911 SURCHARGE CREATED
15 IN SECTION 29-11-102.3. THE REVENUES COLLECTED FROM THE 988 AND
16 911 SURCHARGES MUST NOT BE COMBINED IN ANY WAY AND MUST BE
17 COLLECTED AND REMITTED TO THE COMMISSION SEPARATELY.

18 (3) A SERVICE SUPPLIER IS LIABLE ONLY FOR THE 988 SURCHARGE
19 COLLECTED PURSUANT TO THIS ARTICLE 17.5 UNTIL IT IS REMITTED TO THE
20 COMMISSION. THE AMOUNT REMITTED BY THE SERVICE SUPPLIER MUST
21 REFLECT THE ACTUAL COLLECTIONS BASED ON THE ACTUAL 988 ACCESS
22 CONNECTIONS BILLED.

23 (4) A SERVICE SUPPLIER SHALL REMIT THE 988 SURCHARGE IN
24 ACCORDANCE WITH SECTION 40-17.5-102 AND RULES ADOPTED BY THE
25 COMMISSION.

26 (5) (a) THE SERVICE SUPPLIER SHALL MAINTAIN A RECORD OF THE
27 AMOUNT OF EACH 988 SURCHARGE COLLECTED AND REMITTED BY SERVICE

1 USER ADDRESS FOR A PERIOD OF THREE YEARS AFTER THE TIME THE
2 CHARGE WAS COLLECTED AND REMITTED.

3 (b) IF A SERVICE SUPPLIER FAILS TO TIMELY FILE A REPORT AND
4 REMIT THE 988 SURCHARGE AS REQUIRED BY THIS SECTION, OR IF A
5 SERVICE SUPPLIER FILES AN INCORRECT REPORT OR FAILS TO REMIT THE
6 CORRECT AMOUNT, THE COMMISSION SHALL ESTIMATE THE AMOUNT OF
7 THE REMITTANCE DUE FOR THE PERIOD OR PERIODS FOR WHICH THE
8 SERVICE SUPPLIER IS DELINQUENT. THE COMMISSION SHALL MAKE THE
9 ESTIMATE BASED UPON THE INFORMATION AVAILABLE. THE COMMISSION
10 SHALL COMPUTE AND ASSESS A PENALTY EQUAL TO FIFTEEN PERCENT OF
11 THE ESTIMATE OF THE DELINQUENT AMOUNT, AND SHALL ASSESS INTEREST
12 ON THE DELINQUENT CHARGES AT THE RATE OF ONE PERCENT EACH MONTH
13 FROM THE DATE WHEN DUE UNTIL THE DATE PAID.

14 (c) EXCEPT AS PROVIDED IN THIS SECTION AND UNLESS SUCH TIME
15 IS EXTENDED BY AGREEMENT PURSUANT TO SUBSECTION (5)(d) OF THIS
16 SECTION, THE AMOUNT OF A DELINQUENT REMITTANCE AND THE PENALTY
17 AND INTEREST OWED PURSUANT TO SUBSECTION (5)(b) OF THIS SECTION,
18 OTHER THAN INTEREST ACCRUING THEREAFTER, MUST BE ASSESSED
19 WITHIN THREE YEARS AFTER THE DATE THE INCORRECT REPORT WAS FILED
20 OR THE DELINQUENT REPORT WAS TO BE FILED. THE COMMISSION SHALL
21 NOT FILE A NOTICE OF LIEN, ISSUE A DISTRAINT WARRANT, INSTITUTE A
22 SUIT FOR COLLECTION, OR TAKE OTHER ACTION TO COLLECT THE AMOUNT
23 AFTER THE EXPIRATION OF SUCH PERIOD UNLESS THE COMMISSION ISSUES
24 A NOTICE OF ASSESSMENT FOR THE AMOUNT WITHIN SUCH PERIOD OR
25 WITHIN AN EXTENDED PERIOD PURSUANT TO SUBSECTION (5)(d) OF THIS
26 SECTION.

27 (d) IF, BEFORE THE EXPIRATION OF THE TIME PRESCRIBED FOR THE

1 ASSESSMENT OF DELINQUENT AMOUNTS IN SUBSECTION (5)(c) OF THIS
2 SECTION, THE COMMISSION AND THE SERVICE SUPPLIER CONSENT IN
3 WRITING TO AN ASSESSMENT AFTER SUCH TIME, THE AMOUNT
4 CALCULATED IN ACCORDANCE WITH SUBSECTION (5)(b) OF THIS SECTION
5 MAY BE ASSESSED AT ANY TIME PRIOR TO THE EXPIRATION OF THE PERIOD
6 AGREED UPON. THE PERIOD AGREED UPON MAY BE EXTENDED BY
7 SUBSEQUENT AGREEMENTS IN WRITING MADE BEFORE THE EXPIRATION OF
8 THE PERIOD PREVIOUSLY AGREED UPON. THE COMMISSION MAY FILE A LIEN
9 AGAINST THE PROPERTY OF THE SERVICE SUPPLIER FOR UP TO ONE YEAR
10 AFTER THE EXPIRATION OF ANY SUCH PERIOD, UNLESS OTHERWISE
11 SPECIFICALLY PROVIDED IN THIS ARTICLE 17.5.

12 (e) THE COMMISSION MAY CONDUCT AN AUDIT OF A SERVICE
13 SUPPLIER'S BOOKS AND RECORDS CONCERNING THE COLLECTION AND
14 REMITTANCE OF THE CHARGES AUTHORIZED BY THIS ARTICLE 17.5. A
15 PUBLIC INSPECTION OF THE AUDIT AND OF DOCUMENTS REVIEWED IN THE
16 AUDIT IS SUBJECT TO SECTION 24-72-204. THE COMMISSION IS RESPONSIBLE
17 FOR EXPENSES THE COMMISSION MAY INCUR TO CONDUCT THE AUDIT. IN
18 CONNECTION WITH AUDITS PERFORMED, SERVICE SUPPLIERS SHALL MAKE
19 RELEVANT RECORDS AVAILABLE TO THE AUDITORS AT NO CHARGE. THE
20 COMMISSION SHALL PROMULGATE RULES GOVERNING THE AUDIT AND
21 APPEAL PROCEDURES.

22 (f) THE COMMISSION SHALL DEPOSIT ANY PENALTIES OR INTEREST
23 IN THE 988 CRISIS HOTLINE CASH FUND CREATED IN SECTION 27-64-104.

24 **40-17.5-104. Prepaid wireless 988 charge - collection - rules.**
25 (1) (a) THE SELLER SHALL COLLECT, ON BEHALF OF THE 988 CRISIS
26 HOTLINE ENTERPRISE, THE PREPAID WIRELESS 988 CHARGE IMPOSED BY
27 THE ENTERPRISE PURSUANT TO SECTION 27-64-103 (4)(b) FROM THE

1 CONSUMER ON EACH RETAIL TRANSACTION OCCURRING IN THE STATE. THE
2 AMOUNT OF THE PREPAID WIRELESS 988 CHARGE SHALL BE EITHER
3 DISCLOSED TO THE CONSUMER, OR SEPARATELY STATED OR STATED ON
4 THE SAME LINE ITEM AS THE 911 SURCHARGE CREATED IN SECTION
5 29-11-102.3 ON AN INVOICE, RECEIPT, OR OTHER SIMILAR DOCUMENT THE
6 SELLER PROVIDES TO THE CONSUMER. A SELLER SHALL ELECT TO EITHER
7 DISCLOSE OR SEPARATELY STATE THE CHARGE AND SHALL NOT CHANGE
8 THE ELECTION WITHOUT THE WRITTEN CONSENT OF THE DEPARTMENT. THE
9 SELLER IS DEEMED TO HAVE COLLECTED THE CHARGE NOTWITHSTANDING
10 THE SELLER'S FAILURE TO SEPARATELY DISCLOSE OR STATE THE CHARGE
11 ON AN INVOICE, RECEIPT, OR OTHER SIMILAR DOCUMENT THE SELLER
12 PROVIDES TO THE CONSUMER.

13 (b) FOR PURPOSES OF THIS SECTION, A RETAIL TRANSACTION
14 OCCURS IN COLORADO IF:
15 (I) THE CONSUMER EFFECTS THE RETAIL TRANSACTION IN PERSON
16 AT A BUSINESS LOCATION IN COLORADO;
17 (II) IF SUBSECTION (1)(b)(I) OF THIS SECTION DOES NOT APPLY, THE
18 PRODUCT IS DELIVERED TO THE CONSUMER AT A COLORADO ADDRESS
19 PROVIDED TO THE SELLER;
20 (III) IF SUBSECTIONS (1)(b)(I) AND (1)(b)(II) OF THIS SECTION DO
21 NOT APPLY, THE SELLER'S RECORDS, MAINTAINED IN THE ORDINARY
22 COURSE OF BUSINESS, INDICATE THAT THE CONSUMER'S ADDRESS IS IN
23 COLORADO AND THE RECORDS ARE NOT MADE OR KEPT IN BAD FAITH;
24 (IV) IF SUBSECTIONS (1)(b)(I) TO (1)(b)(III) OF THIS SECTION DO
25 NOT APPLY, THE CONSUMER GIVES A COLORADO ADDRESS DURING THE
26 CONSUMMATION OF THE SALE, INCLUDING THE CONSUMER'S PAYMENT
27 INSTRUMENT IF NO OTHER ADDRESS IS AVAILABLE, AND THERE IS NO

1 INDICATION THAT THE ADDRESS IS GIVEN IN BAD FAITH; OR
2 (V) IF SUBSECTIONS (1)(b)(I) TO (1)(b)(IV) OF THIS SECTION DO
3 NOT APPLY, THE MOBILE TELEPHONE NUMBER IS ASSOCIATED WITH A
4 COLORADO LOCATION.

5 (c) THE PREPAID WIRELESS 988 CHARGE IS THE LIABILITY OF THE
6 CONSUMER AND NOT OF THE SELLER; EXCEPT THAT THE SELLER IS LIABLE
7 TO REMIT ALL PREPAID WIRELESS 988 CHARGES THAT THE SELLER
8 COLLECTS FROM A CONSUMER AS PROVIDED IN SUBSECTION (2) OF THIS
9 SECTION.

10 (d) THE AMOUNT OF THE PREPAID WIRELESS 988 CHARGE THAT IS
11 COLLECTED BY A SELLER FROM A CONSUMER IS NOT INCLUDED IN THE BASE
12 FOR MEASURING ANY TAX, FEE, SURCHARGE, OR OTHER CHARGE THAT IS
13 IMPOSED BY THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR
14 ANY INTERGOVERNMENTAL AGENCY.

15 (2) (a) THE SELLER SHALL REMIT ANY COLLECTED PREPAID
16 WIRELESS 988 CHARGES TO THE DEPARTMENT AT THE TIMES AND IN THE
17 MANNER PROVIDED IN PART 1 OF ARTICLE 26 OF TITLE 39. THE
18 DEPARTMENT SHALL ESTABLISH, BY RULE, REGISTRATION AND PAYMENT
19 PROCEDURES THAT SUBSTANTIALLY COINCIDE WITH THE REGISTRATION
20 AND PAYMENT PROCEDURES THAT APPLY UNDER PART 1 OF ARTICLE 26 OF
21 TITLE 39. A SELLER IS SUBJECT TO THE PENALTIES UNDER PART 1 OF
22 ARTICLE 26 OF TITLE 39 FOR FAILURE TO COLLECT OR REMIT A PREPAID
23 WIRELESS 988 CHARGE IN ACCORDANCE WITH THIS SECTION.

24 (b) A SELLER MAY DEDUCT AND RETAIN THREE AND THREE-TENTHS
25 PERCENT OF THE PREPAID WIRELESS 988 CHARGES THAT ARE COLLECTED
26 BY THE SELLER FROM THE CONSUMERS.

27 (c) THE AUDIT AND APPEAL PROCEDURES APPLICABLE TO THE

1 STATE SALES TAX PURSUANT TO PART 1 OF ARTICLE 26 OF TITLE 39 APPLY
2 TO PREPAID WIRELESS 988 CHARGES.

3 (d) THE DEPARTMENT SHALL, BY RULE, ESTABLISH PROCEDURES BY
4 WHICH A SELLER MAY DOCUMENT THAT A TRANSACTION IS NOT A RETAIL
5 TRANSACTION, WHICH PROCEDURES MUST SUBSTANTIALLY COINCIDE WITH
6 THE PROCEDURES FOR DOCUMENTING THAT A SALE WAS WHOLESALE FOR
7 PURPOSES OF THE SALES TAX PURSUANT TO PART 1 OF ARTICLE 26 OF TITLE
8 39.

9 (e) (I) THE STATE TREASURER SHALL CREDIT THE PREPAID
10 WIRELESS 988 CHARGES REMITTED TO THE DEPARTMENT PURSUANT TO
11 SUBSECTION (2)(a) OF THIS SECTION TO THE 988 CRISIS HOTLINE CASH
12 FUND CREATED IN SECTION 27-64-104.

13 (II) THE DEPARTMENT MAY RETAIN UP TO THREE PERCENT OF THE
14 COLLECTED CHARGES NECESSARY TO REIMBURSE THE DEPARTMENT FOR
15 ITS DIRECT COSTS OF ADMINISTERING THE COLLECTION AND REMITTANCE
16 OF PREPAID WIRELESS 988 CHARGES.

17 (3) THE PREPAID WIRELESS 988 CHARGE IMPOSED PURSUANT TO
18 SECTION 27-60-103 (4)(b) IS THE ONLY DIRECT 988 FUNDING OBLIGATION
19 IMPOSED WITH RESPECT TO PREPAID WIRELESS TELECOMMUNICATIONS
20 SERVICE IN THE STATE. NO TAX, FEE, SURCHARGE, OR OTHER CHARGE TO
21 FUND THE 988 CRISIS HOTLINE IS IMPOSED BY THE STATE, ANY POLITICAL
22 SUBDIVISION OF THE STATE, OR ANY INTERGOVERNMENTAL AGENCY UPON
23 A SELLER OR CONSUMER WITH RESPECT TO THE SALE, PURCHASE, USE, OR
24 PROVISION OF PREPAID WIRELESS TELECOMMUNICATIONS SERVICE.

25 **40-17.5-105. Immunity of providers.** NO SERVICE PROVIDER OR
26 SERVICE SUPPLIER, OR ANY EMPLOYEE OR AGENT THEREOF, SHALL BE
27 LIABLE FOR ANY DAMAGES IN A CIVIL ACTION FOR INJURIES, DEATH, OR

1 LOSS TO PERSON OR PROPERTY INCURRED AS A RESULT OF ANY ACT OR
2 OMISSION OF SUCH SERVICE PROVIDER, SERVICE SUPPLIER, EMPLOYEE, OR
3 AGENT IN CONNECTION WITH DEVELOPING, ADOPTING, IMPLEMENTING,
4 MAINTAINING, ENHANCING, OR PROVIDING 988 ACCESS CONNECTION OR
5 SERVICE, UNLESS SUCH DAMAGE OR INJURY WAS INTENTIONALLY CAUSED
6 BY OR RESULTED FROM GROSS NEGLIGENCE OF THE PROVIDER, SUPPLIER,
7 EMPLOYEE, OR AGENT.

8 **SECTION 3. In Colorado Revised Statutes, 24-75-402, add**
9 (5)(rr) as follows:

10 **24-75-402. Cash funds - limit on uncommitted reserves -**
11 **reduction in the amount of fees - exclusions.** (5) Notwithstanding any
12 provision of this section to the contrary, the following cash funds are
13 excluded from the limitations specified in this section:

14 (rr) THE 988 CRISIS HOTLINE CASH FUND CREATED IN SECTION
15 **27-64-104.**

16 **SECTION 4. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly; except
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V
20 of the state constitution against this act or an item, section, or part of this
21 act within such period, then the act, item, section, or part will not take
22 effect unless approved by the people at the general election to be held in
23 November 2022 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.