SPONSOR: Rep. Longhurst & Rep. Romer & Rep. Dorsey Walker & Sen. Poore & Sen. Gay
Reps. Baumbach, Briggs King, Bush, Harris, Heffernan, K. Johnson, Minor-Brown; Sens. Buckson, Hansen, Hocker, Hoffner, Huxtable, Wilson

HOUSE OF REPRESENTATIVES
152nd GENERAL ASSEMBLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 160

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO 988 BEHAVIORAL HEALTH CRISIS INTERVENTION SERVICES.

WHEREAS, the Centers for Disease Control and Prevention (CDC) reports that 1 in 5 adults nationwide experience mental illness each year; and

WHEREAS, the National Institutes of Health (NIH) notes in a study published in 2023 that nearly half of Americans surveyed reported that the COVID-19 pandemic has had a negative impact on their mental health; and

WHEREAS, according to National Alliance on Mental Illness (NAMI) Delaware, in 2021 at least 149,000 adults in Delaware had a mental health condition, which is more than 3 times the population of Dover; and

WHEREAS, the Delaware Drug Monitoring Initiative reported that 537 Delawareans died in 2022 from a suspected overdose; and

WHEREAS, the 2022 Delaware Drug Overdose Fatality Review Commission's Report noted that of the 108 fatal overdose cases examined, 42.0% of decedents in the sample had mental health diagnoses with 83.3% of those suffering from depression and 48.9% suffering from anxiety; and

WHEREAS, according to the American Academy of Family Physicians, 1 in 6 U.S. youth (ages 6 to 17) experiences a mental health condition each year; and

WHEREAS, according to NAMI Delaware, in 2021 at least 9,000 Delaware youths aged 12 to 17 had depression; and

WHEREAS, The Trevor Project's 2022 National Survey on LGBTQ Youth Mental Health reported that nationally, 73% of LGBTQ youth reported experiencing symptoms of anxiety, 58% reported experiencing symptoms of depression, 45% seriously considered attempting suicide, and nearly one in five transgender and nonbinary youth attempted suicide; and

WHEREAS, a 2023 Pew study showed that 2 in 5 adults expressed concern that calling for help for a behavioral health crisis might result in law enforcement involvement, being forced to go to a hospital, being charged for services they could not afford, or other people finding out they called; and

WHEREAS, in 2020, Congress passed the National Suicide Hotline Designation Act, requiring a new universal three-digit calling code (9-8-8) for the National Suicide Prevention Lifeline Program to streamline access to behavioral health crisis care; and

WHEREAS, Delaware's 988 lines were launched in July 2022; and

WHEREAS, Congress permitted states to create surcharges on phone lines to support the expansion of behavioral health crisis services, mirroring existing surcharges that support 911 emergency services; and

WHEREAS, Delaware's current behavioral health crisis system of care is fragmented and underfunded, making it difficult for Delawareans to access care; and

WHEREAS, creating a surcharge to fund behavioral health crisis care will provide funding parity with the 911 emergency response system; and

WHEREAS, Delawareans will benefit from sustained funding to support the streamlining of its behavioral health crisis lines and services to ensure Delawareans have someone to call, someone to respond, and somewhere to go.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend Part XII, Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 102A. 988 Behavioral Health Crisis Intervention Services

Subchapter I. General Provisions.

§ 10201A. Definitions.

As used in this chapter:

(1) "988" means the 988 Suicide & Crisis Lifeline, or its successor, maintained under 42 U.S.C. § 290bb–36c.

(2) "Behavioral health condition" includes mental health conditions, substance use disorders, co-occurring disorders, and co-existing conditions.

(3) "Behavioral health crisis" means a situation in which an individual, because of the individual's actual or perceived behavioral health condition, is at risk of causing or experiencing harm absent the provision of appropriate treatment and services.

(4) “Behavioral health treatment program” means a provider delivering any combination of professional counseling, guidance services, or treatment to an individual with a behavioral health condition.

(5) “Board” means the Behavioral Health Crisis Intervention Services Board established under § 10211A of this title.

(6) “Certified peer recovery specialist” means an individual with a valid certification as a certified peer recovery specialist issued by the Delaware Certification Board.

(7) “Co-existing conditions” means the coexistence of a co-occurring disorder and a physical health condition.

(8) “Co-occurring disorders” means the coexistence of both a mental health condition and a substance use disorder.

(9)a. “Crisis intervention services” means services intended to address the needs of an individual in crisis.

b. “Crisis intervention services” includes mobile crisis teams, crisis receiving and stabilization programs, short-term residential programs, and certified peer recovery specialist-operated respite programs.

(10) “Division” means the Division of Substance Abuse and Mental Health of the Department of Health and Social Services.

(11) “Fund” means the Behavioral Health Crisis Intervention Services Fund created under § 10212A of this title.

(12) “Individual in crisis” means an individual experiencing a behavioral health crisis.

(13) “Licensed behavioral health practitioner” means an individual who is at least one of the following:

a. A psychiatrist, as defined under § 5001 of this title.

b. An advanced practice registered nurse as defined in § 1902 of Title 24 who is certified as a psychiatric-mental health nurse practitioner by the American Nurses Credentialing Center.

c. A registered nurse as defined as “the practice of professional nursing” in § 1902 of Title 24 who is certified as a psychiatric-mental health registered nurse by the American Nurses Credentialing Center.

d. A licensed professional counselor or licensed associate counselor of mental health as defined in § 3031 of Title 24.

e. A baccalaureate social worker, licensed clinical social worker, or master's social worker as defined in § 3902 of Title 24.

f. A psychologist or psychological assistant licensed under Chapter 35 of Title 24.

g. A licensed chemical dependency professional as defined in § 3041 of Title 24.

h. A certified advanced alcohol and drug counselor or certified alcohol and drug counselor certified by the Delaware Certification Board.

(14)a. "Mental health condition" means a substantial psychiatric disorder of thought, mood, perception, or orientation.

b. "Mental health condition" includes gambling disorders.

(15) "Mobile crisis team" means a group of trained health professionals, such as licensed behavioral health practitioners and certified peer recovery specialists, that respond on-site to an individual in crisis.

(16) "Public safety answering point" means 911-Enhanced Report Center as defined in § 10002 of this title.

(17) "Substance use disorder" means a cluster of cognitive, behavioral, and physiological symptoms indicating that an individual uses a substance despite significant substance-related problems such as impaired control, social impairment, risky behaviors, pharmacological tolerance, or withdrawal.

§ 10202A. Behavioral health crisis intervention services.

(a) The Division and the Department of Services for Children, Youth and Their Families shall administer the provision of crisis intervention services in this State.

(b) Subject to this chapter, the Division and the Department of Services for Children, Youth and Their Families shall establish operational standards, procedures, and protocols to administer the provision of crisis intervention services in this State.

(c) The Division and the Department of Services for Children, Youth and Their Families may employ individuals qualified by appropriate ability, education, and experience to administer the provision of crisis intervention services in this State.

Subchapter II. Behavioral Health Crisis Services Board and Fund

§ 10211A. Behavioral Health Crisis Intervention Services Board.

(a) The Behavioral Health Crisis Services Intervention Board is established.

(b) The Board shall do all of the following:

(1) Develop and recommend a comprehensive statewide crisis intervention services plan and annually review and update the recommended plan. The Board shall submit the recommended plan with the report required under paragraph (b)(4) of this section.

(2) Within 3 years of the initial convening of the Board, and every 3 years thereafter, the Board shall review the provision of crisis intervention services in this State, the system of care of crisis intervention services in this State,

and the needs for crisis intervention services of Delawareans, and make a written report of the Board's findings and recommendations. The Board shall submit the report with the report required under paragraph (b)(4) of this section.

(3) Make recommendations annually to the Governor and General Assembly, consistent with the purposes for expenditures under § 10213A(b) of this title, for appropriating moneys expected to be received in the next fiscal year. The Board shall submit the recommendations with the report required under paragraph (b)(4) of this section.

(4) Provide a written report not later than November 15 of each year to all of the following:

a. The Governor.

b. The President Pro Tempore and Secretary of the Senate, for distribution to all Senators.

c. The Speaker and Chief Clerk of the House of Representatives, for distribution to all Representatives.

d. The Controller General.

e. The Director and Legislative Librarian of the Division of Research.

f. The Director of the Public Archives.

g. The Secretary of the Department of Health and Social Services.

h. The Secretary of the Department of Safety and Homeland Security.

i. The Secretary of the Department of Services for Children, Youth and Their Families.

(c) The Board is comprised of all of the following members:

(1) The following members serving by virtue of position, or a designee appointed by the member:

a. The Director of the Division of Substance Abuse and Mental Health.

b. The Director of the Division of Prevention and Behavioral Health Services.

c. The Director of the Division of Medicaid and Medical Assistance.

d. The Insurance Commissioner.

e. The Chair of the Behavioral Health Consortium.

f. The Chair of the Behavioral Health Planning and Advisory Council.

g. The Chair of the Delaware Emergency Medical Services Oversight Council.

h. The Executive Director of the State Council for Persons with Disabilities.

i. The President of the Delaware Association of Chiefs of Police.

j. The Chair of the Delaware Suicide Prevention Coalition.

k. The Executive Director of the Delaware Office of Veterans Services.

l. The Chair of the Enhanced 911 Emergency Reporting System Service Board.

m. The Executive Director of the Delaware Healthcare Association.

n. The Executive Director of the National Alliance on Mental Illness in Delaware.

o. The President of the Mental Health Association in Delaware.

p. The Executive Director of each of Delaware's Lifeline Centers.

q. The Executive Director of the Ability Network of Delaware.

(2) Three members serving by appointment of the Governor as follows:

a. A certified peer recovery specialist.

b. A licensed behavioral health practitioner who provides crisis intervention services.

c. A representative of a behavioral health treatment program providing crisis intervention services.

(d) The members appointed by the Governor serve at the pleasure of the Governor.

(e) The Director of the Division of Prevention and Behavioral Health and the Director of the Division of Substance Abuse and Mental Health, or their designees, shall serve as Co-Chairs of the Board.

(f) Whenever a member designates a designee under this section, the member shall inform the Board's Co-Chairs in writing. A member's designee serves at the pleasure of the member and has the same duties and rights as the member.

(g) The Board shall adopt rules or procedures governing the Board's work, including ethical standards and procedures to identify and address conflicts of interest.

(h) The Board shall meet at least quarterly.

(i) A majority of the Board's current membership constitutes a quorum. Vacancies do not count for purposes of establishing a quorum.

(j) Official action of the Board requires approval of a majority of a quorum of the Board.

(k) The Division shall provide administrative services to the Board. The Division may seek reimbursement from the Fund for reasonable costs incurred in providing administrative services to the Board.

§ 10212A. Behavioral Health Crisis Intervention Services Fund.

(a) A special fund, known as the "Behavioral Health Crisis Intervention Services Fund," is created to support the operation and maintenance of 988, a crisis intervention services system, and the continuum of behavioral health services.

(b) All of the following must be deposited into the Fund:

(1) Money collected under this chapter.

(2) Grants, gifts, and other money intended for the Fund.

(3) Money appropriated or transferred to the Fund by the General Assembly.

(c) The State Treasurer shall invest the Fund consistent with the investment policies established by the Cash Management Policy Board and credit interest to the Fund monthly consistent with the rate established by the Cash Management Policy Board.

(d) Money in the Fund at the end of a State fiscal year carries forward and must not revert to the General Fund.

(e) At least monthly, the State Treasurer shall provide a statement of account of the Fund to the Co-Chairs of the Board.

§ 10213A. Disbursements from the Fund.

(a) The Division may not expend the moneys in the Fund except under an appropriation authorized in the annual appropriation act or annual bond and capital improvement act.

(b) Moneys in the Fund may be expended for any of the following purposes in furtherance of the administration of this chapter:

(1) Establishing, operating, maintaining, and improving 988, including personnel costs, technology, and infrastructure enhancements necessary to achieve operational and clinical standards and evidence-based best practices.

(2) Providing crisis intervention services.

(3) Recruiting and retaining qualified personnel.

(4) Providing specialized training related to serving at-risk communities, including providing culturally and linguistically competent services.

(5) Raising public awareness of 988, behavioral health crisis intervention services available in this State, and education on behavioral health conditions.

(6) Data collection and analysis, reporting, evaluation participation, and related quality improvement activities.

(7) Administration, oversight, and evaluation of the Fund.

(8) Reimbursement of money appropriated by the General Assembly to implement this chapter.

(9) Any other purpose authorized by the annual appropriation act or annual bond and capital improvement act.

(c) The Director of the Office of Management and Budget may waive the procurement requirements under Chapter 69 of Title 29 for expenditures made from the Fund.

(d) The Secretary of the Department of Health and Social Services shall provide a written report not later than the second Tuesday of January each year to all of the following regarding each expenditure made under the Fund in the previous fiscal year and to what extent the expenditure accomplished the intended purpose of the expenditure:

(1) The Governor.

(2) The President Pro Tempore and Secretary of the Senate, for distribution to all Senators.

(3) The Speaker and Chief Clerk of the House of Representatives, for distribution to all Representatives.

(4) The Controller General.

(5) The Director and Legislative Librarian of the Division of Research.

(6) The Director of the Public Archives.

(7) The Secretary of the Department of Safety and Homeland Security.

(8) The Secretary of the Department of Services for Children, Youth and Their Families.

(9) The Board.

§ 10214A. Regulatory authority.

The Division and the Department of Services for Children, Youth and Their Families may adopt regulations or policies and procedures to administer, enforce, and implement this subchapter.

Subchapter III. Behavioral Health Crisis Intervention Services Surcharges

§ 10221A. Definitions

As used in this subchapter:

(1) "Behavioral health crisis intervention services surcharge" or "surcharge" means the amount imposed by a provider or collected by a prepaid wireless seller under this subchapter.

(2) "Business telephone service" means network access telephone service where the use of the service is primarily for business purposes.

(3) "Consumer" means a person who purchases prepaid wireless telecommunications service in a retail transaction.

(4) "Fund" means the Behavioral Health Crisis Intervention Services Fund created by § 10212A of this title.

(5) "Prepaid wireless provider" means a person that provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.

(6) "Prepaid wireless telecommunications service" means a wireless telecommunications service that allows a caller to dial 988 to access the 988 system, which service must be paid for in advance and is sold in predetermined units or dollars of which the number declines in a known amount.

(7) "Provider" means a telecommunications service provider, including a wireless provider, any other provider that is required to or opts to provide 988 service, or any intermediate entity or pass through agent providing telecommunications services.

(8) “Residential telephone service” means network access telephone service where the use of the service is primarily for social or domestic purposes.

(9) “Retail transaction” means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

(10) “Seller” means a person who sells prepaid wireless telecommunications service to another person.

(11) “Wholesale services” means services that a provider furnishes to another provider, rather than to end-use customers.

(12) “Wireless provider” means as “wireless provider” is defined in § 10002 of this title.

(13) “Wireless service” means as “wireless service” is defined in § 10002 of this title.

§ 10222A. Behavioral health crisis intervention services surcharge on residential telephone service, business telephone service, and wireless service.

(a) The Fund is to be funded by means of a monthly behavioral health crisis intervention services surcharge of 60 cents per month imposed by providers on subscribers of telecommunications services in this State as follows:

(1) Residential telephone service. — The surcharge must be imposed by each provider providing residential telephone service on all Delaware residential subscribers per residence exchange access line or per Basic Rate Interface (“BRI”) Integrated Services Digital Network (“ISDN”) arrangement, where the residence exchange access service is provided via a BRI ISDN arrangement. The surcharge must not be applied to residence exchange access lines provided to Lifeline subscribers.

(2) Business telephone service. — The surcharge must be imposed by each provider providing business telephone service on all Delaware business subscribers per business exchange access line and trunk or per BRI ISDN arrangement where the business exchange access service is provided via a BRI ISDN arrangement. Each Centrex access line must be charged the equivalent of 1/9 of the surcharge; provided, however, that where a Centrex customer has fewer than 9 lines, the maximum monthly charge for those lines will be the surcharge imposed on each business exchange access line or trunk divided by the customer’s Centrex lines. Each Primary Rate Interface ISDN system must be charged a rate equal to 5 times the surcharge. The surcharge must not be applied to lines provided under wholesale arrangements.

(3) Wireless service. — The surcharge must be imposed by each wireless provider on all wireless service customers for each wireless telephone number for which the wireless service customers are billed by the provider.

(4) Nontraditional communication services. — The surcharge must be imposed by each provider of nontraditional communications service on subscribers of such services where the provider is required to or opts to provide 988 service.

(b) The surcharge amounts collected under this section must be deposited into the Fund as provided under § 10212A(b) of this title.

(c) A provider shall impose the surcharge on the person purchasing the service but shall collect the surcharge on behalf of the State. The surcharge collected by a provider is not subject to taxes or charges levied by the State, or any political subdivision of the State, and the surcharge is not considered revenue of the provider for any purpose.

(d) Each provider imposing the surcharge shall state the surcharge as a clearly identifiable, separate item on all subscriber invoices rendered after [the implementation date of this Act].

(e) The surcharge under this section does not apply to wholesale services.

(f) The surcharge imposed by subsection (a) of this section must be collected by providers from subscribers to telecommunications service with each invoice for service and must be paid by providers on a monthly basis to the Department of Finance no later than the fifteenth day of the month following the surcharge's collection. The surcharge imposed by subsection (a) of this section must be deposited into the Fund on a monthly basis.

(g) Each provider collecting the surcharge is entitled to recover the actual incremental costs of billing, collecting, and remitting the surcharge, as well as the costs of compliance with any memorandum of understanding as described in subsection (h) of this section, through a credit against them. This cost is defined as the additional incremental expense incurred by the provider that is in addition to the normal expense of billing and collecting the charges for the provision of the provider's normal telephone service. Where moneys collected by the provider are equal to or less than the total charge for the telephone service provided to subscribers or customers by that provider, not including the surcharge, all moneys collected will be applied to the charges for the actual telephone service provided.

(h) A provider collecting the surcharge is not responsible for uncollectable surcharges. The State may also enter into a memorandum of understanding with each provider which must include the terms related to the collection and distribution of funds under this chapter and provide for reporting to the Board the names and addresses of subscribers that fail to pay the surcharge. However, nothing in this chapter may be construed to prevent the State or the Board from taking appropriate actions to collect the surcharge designated by a provider as uncollectable.

(i) Each provider collecting the surcharge is fulfilling a governmental function and in so doing is immune from suit for damages of any kind and is not liable for refunds except to the extent that the provider has failed to collect or remit surcharges to the Fund in accordance with the requirements of this section.

§ 10223A. Behavioral health crisis intervention services surcharge on prepaid wireless telecommunications service retail transactions; administrative provisions; liability

(a) A behavioral health crisis intervention services surcharge must be assessed on each retail transaction. The initial rate of the surcharge is 60 cents per retail transaction. Any rate change must be implemented under subsection (f) of this section.

(b) The surcharge is to be collected by the seller from the consumer for each retail transaction occurring in this State. The amount of the surcharge must be separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller.

(c) For purposes of determining whether a retail transaction is subject to the surcharge, the following transactions are deemed to occur in Delaware and are subject to the surcharge imposed under this section:

(1) The retail transaction is effected in person by the consumer at a business location of the seller if that business location is in Delaware.

(2) The prepaid wireless telecommunications service is physically delivered to a consumer at a Delaware address provided to the seller.

(3) The seller's records that are maintained in the regular course of business indicate that the consumer's address is in Delaware and the records are not kept or made in bad faith.

(4) The consumer gives a Delaware address during the consummation of the retail transaction, including the customer's payment instrument if no other address is available, and the address is not given in bad faith.

(5) The consumer's mobile telephone number is associated with a Delaware location.

(d) The surcharge is the liability of the consumer and not of the seller or of any prepaid wireless provider, except that the seller shall remit all surcharges that the seller collects from consumers as provided in this section, including all surcharges that the seller is deemed to collect where the amount of the surcharge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(e) The amount of the surcharge that is collected by a seller from a consumer, if the amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, must not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this State, any political subdivision of this State, or any intergovernmental agency.

(f) The surcharge may be proportionately increased or reduced, as applicable, on any change to the rate of the surcharge as determined under the provisions of § 10222A(a) of this title. Provided, however, that any rate changes may only be effective on the first day of the calendar quarter not less than 60 days after the Board provides final notice of the

rate change. The Division of Revenue shall provide not less than 30 days of advance notice of the increase or reduction on the Division of Revenue's website.

(g) If a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single, nonitemized price, the seller may elect not to apply the surcharge imposed by this section to the retail transaction. For purposes of this paragraph, an amount of service denominated as 10 minutes or less, or $5.00 or less, is minimal.

(h) The surcharge may not be applied to prepaid wireless telecommunications service provided to a person through the Lifeline program.

(i) The surcharge collected by sellers must be remitted to the Division of Revenue quarterly on forms issued by the Director of the Division of Revenue and subject to such regulations and requirements as shall be prescribed by the Director of the Division of Revenue.

(j) The Division of Revenue shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is a sale for resale transaction and not a retail transaction.

(k) A seller is permitted to deduct and retain 3% of surcharges that are collected by the seller from consumers.

§ 10224A. Administrative provisions.

(a) The Department of Finance may adopt regulations or policies and procedures to administer, enforce, and implement this subchapter.

(b) A provider or seller shall remit the behavioral health crisis intervention services surcharge on forms authorized by the Director of the Division of Revenue.

(c) Subject to this chapter, the Department of Finance may make agreements with a provider or seller relating to collecting and remitting surcharges.

(d) To the extent practicable, the audit, appeal, and other administrative provisions of Chapters 3 and 5 of Title 30 apply to the administration of the behavioral health crisis intervention services surcharge.

Section 2. The Behavioral Health Crisis Intervention Services Board established under this Act shall develop and recommend a plan for establishing, operating, and maintaining a behavioral health crisis communications center, which shall receive calls from individuals experiencing a behavioral health crisis or persons requesting assistance for an individual in crisis, provide appropriate crisis intervention services, deliver quality coordination of behavioral health crisis care, and conduct follow-up to ensure appropriate connection to treatment and services.

(1) For purposes of this Section, the definitions of the terms defined in Section 1 of this Act apply.

(2) The plan must include recommendations that do all of the following:

a. Ensure the behavioral health crisis communications center operates 24 hours every day and answers each call made to the behavioral health crisis communications center.

b. Create a system able to receive calls via telephone, text message, internet-based chat, and other similar methods.

c. Ensure that all individuals are served regardless of age, behavioral health condition, or location within Delaware.

d. Consider 988 Suicide & Crisis Lifeline and Substance Abuse and Mental Health Services Administration (SAMHSA) requirements, best practices, and guidelines for operational and clinical standards.

e. Establish how the behavioral health crisis communications center will coordinate mobile crisis teams and other outgoing services as well as access to crisis receiving and stabilization services for individuals experiencing a behavioral health crisis.

f. Evaluate how to conduct follow-up services for individuals who contact the behavioral health crisis communications center.

g. Create an operational and technological system that does all of the following:

1. Has interoperability with other crisis and emergency response systems, including systems used by public safety.

2. Has the capability to 1-button transfer call data to a public safety answering point.

3. Includes an integrated referral ability to provide information to other entities involved in behavioral health care.

4. Provides access to real-time information relevant to the coordination of behavioral health crisis services, including bed availability for behavioral health treatment programs and services.

5. Facilitates dispatching of mobile crisis teams.

6. Allows for tracking mobile crisis teams using global positioning technology.

7. Includes a mobile application for mobile crisis teams and others responding to an individual in crisis.

8. Automatically collects data related to calls and provides real-time reporting.

9. Allows for the integration of case management, quality assurance, and billing software.

(3) The Board shall submit the plan to all of the following not later than 12 months after the implementation date of this Act under Section 3 of this Act:

a. The President Pro Tempore and Secretary of the Senate, for distribution to all Senators.

b. The Speaker and Chief Clerk of the House of Representatives, for distribution to all Representatives.

c. The Director and Librarian of the Division of Research of Legislative Council.

d. The Director of the Delaware Public Archives.

e. The Governor.

Section 3. This Act takes effect on enactment and is to be implemented the earlier of the following:

(1) Six months from the date of the Act's enactment.

(2) The date of publication in the Register of Regulations of a notice of implementation by the Secretary of the Department of Finance.

Ssynopsis

The National Suicide Hotline Designation Act of 2020 established 988 as the universal phone number for "the national suicide prevention and mental health crisis hotline system operating through the National Suicide Prevention Lifeline." This Act provides the framework to maximize the benefits of 988 and provide crucial support to Delawareans in need through the implementation of a practical, modern, and comprehensive, integrated crisis care system.

This Act is a substitute for House Bill No. 160. Like House Bill No. 160 this Act does the following:

(1) Created the Behavioral Health Crisis Services Board ("Board") to provide oversight and input on the development of an integrated behavioral health crisis care system in this State.

(2) Imposes a behavioral health crisis intervention services surcharge on business and residential telephone services, wireless telephone services, and prepaid wireless telephone services. The surcharge will create a dedicated funding source for behavioral health crisis services. The Behavioral Health Crisis Intervention Services Fund is created to receive the surcharge funds. Specifically, this Act establishes a 60-cent per month per line fee on phone lines and a 60-cent one-time fee on prepaid services.

This Act differs from House Bill No. 160 as follows:

(1) Models the behavioral health crisis intervention services surcharge after the existing E-911 surcharge and prepaid wireless E911 surcharge created under Chapter 101 of Title 16 of the Delaware Code.

(2) Removes the creation of the Behavioral Health Crisis Communication Center and instead directs the Board to develop and recommend a plan for establishing, operating, and maintaining a behavioral health crisis communications center. The Board must submit the plan to the Governor and General Assembly within 12 months from the effective date of this Act.

(3) Makes changes to the definition of "mobile crisis team".

(4) Makes changes to the composition of the Board to add the Executive Director of the Ability Network of Delaware and the Executive Director of each of Delaware's Lifeline Centers.

This Act requires a greater than majority vote for passage because § 11 of Article VIII of the Delaware Constitution requires the affirmative vote of three-fifths of the members elected to each house of the General Assembly to impose or levy a tax or license fee.