

STATE OF NEW YORK

8020

2023-2024 Regular Sessions

IN ASSEMBLY

September 1, 2023

Introduced by M. of A. CUNNINGHAM -- read once and referred to the
Committee on Mental Health

AN ACT to amend the mental hygiene law and the state finance law, in
relation to imposing a surcharge on phone bills to fund 9-8-8 suicide
prevention and behavioral health crisis hotline system service

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Section 36.03 of the mental hygiene law is amended by
2 adding a new subdivision (g) to read as follows:

3 (g) (1) When used in this subdivision, the following words and phrases
4 shall have the following meanings:

5 (i) "Service supplier" means (A) a telephone corporation which
6 provides local exchange access service within the state; or (B) a
7 provider of voice over internet protocol service that provides such
8 service within the state.

9 (ii) "Voice over internet protocol service" shall mean any service
10 that (A) enables real-time, two-way voice communications; (B) requires a
11 broadband connection from the user's location; (C) requires internet
12 protocol compatible customer premises equipment (CPE); and (D) permits
13 users generally to receive calls that originate on the public switched
14 telephone network and to terminate calls to the public switched tele-
15 phone network.

16 (2) Notwithstanding the provisions of any law to the contrary, the
17 commissioner, in conjunction with the commissioner of the office of
18 addiction services and supports, is hereby authorized and empowered to
19 adopt, amend or repeal any rule or regulation necessary to impose a
20 surcharge in an amount not to exceed thirty-five cents per access line
21 per month on the customers of every service supplier within the state to
22 pay for the costs associated with the administration, design, installa-
23 tion, construction, operation, or maintenance of a 9-8-8 suicide

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

LBD13114-01-3

1 prevention and behavioral health crisis hotline system serving the
2 state.

3 (3) Any such rule or regulation shall state the amount of the
4 surcharge, the date on which the service supplier shall begin to add
5 such surcharge to the billings of its customers and, to the extent prac-
6 ticable, the date on which such 9-8-8 suicide prevention and behavioral
7 health crisis hotline system service is to begin. Such rule or regu-
8 lation may authorize the service supplier to begin billing its customers
9 for such surcharge prior to the date on which such 9-8-8 suicide
10 prevention and behavioral health crisis hotline system service is to
11 begin.

12 (4) Any service supplier within the state which has imposed a
13 surcharge pursuant to the provisions of this section shall be given a
14 minimum of forty-five days written notice prior to the date it shall
15 begin to add such surcharge to the billings of its customers or prior to
16 any modification to or change in the surcharge amount.

17 (5) All moneys collected pursuant to this subdivision shall be depos-
18 ited to the credit of the 9-8-8 suicide prevention and behavioral health
19 crisis hotline trust fund established pursuant to section eighty-five of
20 the state finance law.

21 § 2. The state finance law is amended by adding a new section 85 to
22 read as follows:

23 § 85. 9-8-8 suicide prevention and behavioral health crisis hotline
24 trust fund. 1. There is hereby established in the joint custody of the
25 state comptroller and the commissioners of the office of mental health
26 and the office of addiction services and supports, a special fund to be
27 known as the "9-8-8 suicide prevention and behavioral health crisis
28 hotline trust fund".

29 2. Such fund shall consist of all moneys collected pursuant to subdi-
30 vision (g) of section 36.03 of the mental hygiene law. Nothing contained
31 in this section shall prevent the state from receiving grants, gifts, or
32 bequests for the purposes of the fund as defined in this section and
33 depositing them into the fund according to law.

34 3. Monies of the fund shall be expended only for the costs associated
35 with the administration, design, installation, construction, operation,
36 or maintenance of a 9-8-8 suicide prevention and behavioral health
37 crisis hotline system serving the state.

38 4. Monies shall be payable from the fund on the audit and warrant of
39 the comptroller on vouchers approved and certified by the commissioners
40 of the office of mental health and the office of addiction services and
41 supports.

42 § 3. This act shall take effect on the sixtieth day after it shall
43 have become a law. Effective immediately, the addition, amendment and/or
44 repeal of any rule or regulation necessary for the implementation of
45 this act on its effective date are authorized to be made and completed
46 on or before such effective date.