STATE OF NEW YORK

4108

2025-2026 Regular Sessions

IN ASSEMBLY

January 31, 2025

Introduced by M. of A. CUNNINGHAM, SANTABARBARA, DE LOS SANTOS -- 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 Assembly, do enact as follows:

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

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

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

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

(2) Notwithstanding the provisions of any law to the contrary, the commissioner, in conjunction with the commissioner of the office of addiction services and supports, is hereby authorized and empowered to adopt, amend or repeal any rule or regulation necessary to impose a surcharge in an amount not to exceed thirty-five cents per access line per month on the customers of every service supplier within the state to pay for the costs associated with the administration, design, installation, construction, operation, or maintenance of a 9-8-8 suicide prevention and behavioral health crisis hotline system serving the state

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

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and to support the crisis intervention services and follow-up services provided to individuals accessing the 9-8-8 suicide prevention behavioral health crisis hotline. The commissioner is authorized and empowered to increase the amount of such surcharge in a certain county or city with a population of one million or more upon the request of such county or city with a population of one million or more to an amount not to exceed the surcharge adopted by such county or city with a population of one million or more under article six or six-A of the county law.

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

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

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

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

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

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

3. Monies of the fund shall be expended only for the costs associated with the administration, design, installation, construction, operation, or maintenance of a 9-8-8 suicide prevention and behavioral health crisis hotline system serving the state and to support the crisis intervention services and follow-up services provided to individuals accessing the 9-8-8 suicide prevention behavioral health crisis hotline.

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

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