

**SB328 INTRODUCED**



1 E5SP22-1  
2 By Senator Gudger  
3 RFD: Fiscal Responsibility and Economic Development  
4 First Read: 16-May-23  
5 2023 Regular Session



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SYNOPSIS:

Existing law does not provide for the use of the 988 Suicide and Crisis Call Lifeline.

This bill would create the 988 Crisis System of Care Act and would require the Department of Mental Health to develop, coordinate, and administer Alabama's Crisis System of Care, which would include 988 Crisis Call Centers and the 988 Suicide and Crisis Call Lifeline.

This bill would require the department to adopt rules related to crisis services, and provide annual reports of its activities and use of funds to certain individuals and entities.

This bill would create the Alabama 988 Crisis Care Fund within the State Treasury to fund 988 related services, and would create the 988 Commission to provide oversight to funds generated for the Crisis System of Care.

This bill would provide for a statewide 988 surcharge to be imposed on certain communication service connections in the state, and would provide for the collection and use of the surcharge.

This bill would also protect certain communication service providers from liability related to the provision of 988 services.



**SB328 INTRODUCED**

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A BILL  
TO BE ENTITLED  
AN ACT

Relating to the 988 Suicide and Crisis Lifeline; to require the Department of Mental Health to develop, administer, and adopt rules relating to Alabama's Crisis System of Care; to create the Alabama 988 Crisis Care Fund; to provide for the collection and use of a statewide surcharge on certain communication service connections; to create the 988 Commission to provide oversight to the fund; and to protect certain communication service providers from certain liability.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) This act shall be known and may be cited as the 988 Crisis System of Care Act.

(b) The purpose of building and sustaining the state's Crisis System of Care is to ensure all Alabamians in need of behavioral health services have and receive equitable access to crisis services.

Section 2. For the purposes of this act the following terms have the following meanings:

(1) 988 SUICIDE AND CRISIS LIFELINE. The National Suicide Prevention Lifeline established by the federal government in accordance with 42 U.S.C. § 290bb-36c to provide a national network of crisis centers linked by a toll-free



## SB328 INTRODUCED

57 number to route callers in suicidal crisis or emotional  
58 distress to the closest crisis center.

59 (2) ALABAMA 911 BOARD or 911 BOARD. The statewide 911  
60 Board established pursuant to Section 11-98-4.1, Code of  
61 Alabama 1975.

62 (3) CMRS. Commercial mobile radio service under  
63 Sections 3(27) and 332(d) of the Federal Telecommunications  
64 Act of 1996, 47 U.S.C. § 151 et seq., and Omnibus Budget  
65 Reconciliation Act of 1993, Pub. L. 103-66, Aug. 10, 1993, 107  
66 Stat. 312. The term includes a wireless and service provider  
67 by any wireless real time two-way voice communication device,  
68 including radio-telephone communications used in cellular  
69 telephone service, personal communication service, or the  
70 functional or competitive equivalent of a radio-telephone  
71 communications line used in cellular telephone service, a  
72 personal communication service, or a network radio access  
73 line. The term does not include service whose customers do not  
74 have access to 911 or to an enhanced 911-like service, to a  
75 communications channel suitable only for data transmission, to  
76 a wireless roaming service or other non-local radio access  
77 line service, or to a private telecommunications system.

78 (4) CMRS CONNECTION. Each mobile telephone number  
79 assigned to a CMRS subscriber with a place of primary use in  
80 Alabama.

81 (5) CMRS PROVIDER. An individual or entity that  
82 provides CMRS.

83 (6) COMMISSION or 988 COMMISSION. The advisory  
84 commission of the 988 Crisis Care Fund as established by



## SB328 INTRODUCED

85 Section 4 of this act.

86 (7) CRISIS CALL CENTER. A call center that provides  
87 crisis intervention when 988 is dialed and meets the National  
88 Suicide Prevention Lifeline Standards (NPSL) for risk  
89 assessment and engagement and the requirements of the  
90 department.

91 (8) CRISIS CENTER or CRISIS DIVERSION CENTER. A crisis  
92 intervention and stabilization facility operated by a  
93 community mental health center certified by the department.

94 (9) CRISIS SYSTEM OF CARE. The continuum of care  
95 established by the department pursuant to this act.

96 (10) DEPARTMENT. The Department of Mental Health.

97 (11) FUND. The 988 Crisis Care Fund established by this  
98 act.

99 (12) MOBILE CRISIS SERVICES and MOBILE CRISIS TEAMS.  
100 Teams of mental health service providers which provide  
101 services in the community in accordance with the SAMHSA  
102 National Guidelines for Behavioral Health Crisis Care.

103 (13) RURAL TELEPHONE COMPANY. A local exchange carrier,  
104 provided that the carrier does one of the following:

105 a. Provides common carrier services to any local  
106 exchange carrier study area that does not include any  
107 territory, incorporated or unincorporated, included in an  
108 urbanized area, as defined by the Bureau of the Census.

109 b. Provides telephone exchange services, including  
110 exchange access, to fewer than 50,000 access lines.

111 c. Provides telephone exchange services to any local  
112 exchange carrier study area with fewer than 50,000 access



## SB328 INTRODUCED

113 lines.

114 d. Has less than 15 percent of its access lines in  
115 communities of more than 50,000.

116 (14) SAMHSA. The Substance Abuse and Mental Health  
117 Services Administration, the federal agency within the U.S.  
118 Department of Health and Human Services that leads federal  
119 behavioral health, crisis care, and 988 efforts and funding  
120 for states to develop and guide these efforts.

121 (15) STATEWIDE 911 CHARGE or 911 CHARGE. The statewide  
122 911 charge created pursuant to Section 11-98-5, Code of  
123 Alabama 1975.

124 (16) SUBSCRIBER. A person who purchases or subscribes  
125 to a voice communications service and is able to receive it or  
126 use it periodically over time; provided, however, that for  
127 purposes of the imposition and collection of the 988  
128 surcharge, the term does not include the state, the counties  
129 within the state, incorporated municipalities of the state,  
130 county and city school boards, independent school boards, and  
131 all educational institutions and agencies of the state, the  
132 counties within the state, or any incorporated municipalities  
133 of the state. The term does not include any entity that is not  
134 subject to the statewide 911 charge.

135 (17) VOICE COMMUNICATIONS SERVICE PROVIDER. An entity  
136 that provides voice communications services to a subscriber in  
137 the State of Alabama.

138 (18) VOICE COMMUNICATIONS SERVICE. Any of the  
139 following:

140 a. The transmission, conveyance, or routing of



## SB328 INTRODUCED

141 real-time, two-way voice communications to a point or between  
142 or among points by or through any electronic, radio,  
143 satellite, cable, optical, microwave, wireline, wireless, or  
144 other medium or method, regardless of the protocol used.

145 b. The ability to receive and terminate voice calls to  
146 and from the public switched telephone network.

147 c. Interconnected VoIP service, as that term is defined  
148 by 47 C.F.R. § 9.3.

149 d. Such other services to which the statewide 911  
150 charge is applied pursuant to Chapter 98 of Title 11, Code of  
151 Alabama 1975.

152 Section 3. The department shall have each of the  
153 following duties and responsibilities related to the provision  
154 of Alabama's Crisis System of Care for individuals who are  
155 experiencing a crisis related to behavioral health, substance  
156 use disorder, suicide prevention, or behavioral support needs:

157 (1) To develop, coordinate, certify, and administer  
158 Alabama's Crisis System of Care, in accordance with national  
159 best practices, SAMHSA guidelines, and certification criteria.  
160 The Crisis System of Care shall include each of the following  
161 services:

162 a. 988 crisis call centers.

163 b. Mobile crisis services.

164 c. Crisis centers.

165 d. The operation of 988.

166 (2) To certify each service in the Crisis System of  
167 Care. The department shall set all standards and adopt rules  
168 for crisis services related to this act, all of which shall be



## SB328 INTRODUCED

169 in accordance with national best practices, SAMHSA guidelines,  
170 and state and federal law. This act may not be construed as  
171 authorizing the department to direct the operations of a  
172 public safety answering point as defined by Section 11-98-1,  
173 Code of Alabama 1975.

174 (3) To provide its certified providers with updated  
175 national guidelines, federal regulations, and state rules for  
176 crisis services related to this act.

177 (4) To assess and report on the impact, effectiveness,  
178 and use of funds by providing a quarterly report to the 988  
179 Commission outlining each of the following:

180 a. The number of calls to 988 and the percentage of  
181 calls answered by crisis centers.

182 b. The number of mobile crisis responses by catchment  
183 area and statewide.

184 c. The number of crisis responses that required law  
185 enforcement backup.

186 d. The number of individuals served in crisis centers  
187 and through mobile crisis response.

188 e. The number of successful hospital emergency  
189 department and jail diversions.

190 f. The year-to-date budget detailing revenue and  
191 expenses for the Crisis System of Care and financial trends.

192 (5) The department shall manage the Alabama 988 Crisis  
193 Care Fund for the purposes of collecting and distributing  
194 funds pursuant to this act. The department shall budget,  
195 designate, and disburse monies from the fund to certified  
196 services within the Crisis System of Care.





## SB328 INTRODUCED

197 (6) The department shall provide an annual report to  
198 the Governor, Lieutenant Governor, President Pro Tempore of  
199 the Senate, Speaker of the House of Representatives, and  
200 Attorney General outlining the data, updates, and  
201 recommendations relevant to the Crisis System of Care, as well  
202 as its annual expenditures and revenues.

203 Section 4. (a) (1) The 988 Commission is established to  
204 regularly study the impact of the Crisis System of Care, to  
205 provide oversight of funds generated pursuant to this act, and  
206 to serve as an advisory commission to the 988 Crisis Care  
207 Fund.

208 (2) In addition to the duties in subdivision (1), the  
209 988 Commission shall adopt rules establishing and providing  
210 for a financial hardship exemption to the 988 surcharges  
211 required by this act.

212 (b) The 988 Commission shall be comprised of the  
213 following members:

214 (1) The Commissioner of the Alabama Department of  
215 Mental Health or his or her designee, who shall serve as chair  
216 of the commission.

217 (2) The State Health Officer or his or her designee,  
218 who shall serve as cochair of the commission.

219 (3) One member of the House of Representatives,  
220 appointed by the Speaker of the House of Representatives, and  
221 one member of the House of Representatives, appointed by the  
222 Minority Leader of the House of Representatives.

223 (4) One member of the Senate, appointed by the  
224 President Pro Tempore of the Senate, and one member of the



## SB328 INTRODUCED

225 Senate, appointed by the Minority Leader of the Senate.

226 (5) The Commissioner of the Alabama Department of  
227 Veterans Affairs, or his or her designee.

228 (6) The Director of the Alabama Department of Emergency  
229 Management, or his or her designee.

230 (7) The Secretary of the Alabama State Law Enforcement  
231 Agency, or his or her designee.

232 (8) The Governor, or his or her designee.

233 (9) The Executive Director of the Alabama Council for  
234 Behavioral Healthcare.

235 (10) The Executive Director of the Behavioral  
236 Healthcare Alliance of Alabama.

237 (11) One representative from the National Alliance on  
238 Mental Illness - Alabama.

239 (12) One representative from Mental Health America.

240 (13) One representative from the Alabama Fire College.

241 (14) One representative from the Alabama Association of  
242 911 Districts.

243 (15) The director of the Alabama 911 Board, or his or  
244 her designee.

245 (16) One member representing a rural telephone company,  
246 appointed by the Speaker of the House of Representatives.

247 (17) One representative from the Alabama Hospital  
248 Association.

249 (c) (1) All appointing authorities shall coordinate  
250 their appointments to assure the commission membership is  
251 inclusive and reflects the racial, gender, geographic, urban,  
252 rural, and economic diversity of the state.



## SB328 INTRODUCED

253 (2) Each member shall serve at the pleasure of his or  
254 her appointing authority. A vacancy in the membership shall be  
255 filled in the same manner as the original appointment.

256 (d) Members of the 988 Commission shall serve without  
257 compensation but may be reimbursed for expenses as follows:

258 (1) The legislative members of the commission shall be  
259 entitled to their legislative compensation, per diem, and  
260 travel expenses for each day they attend a meeting of the  
261 commission, in accordance with Section 49 of the Constitution  
262 of Alabama of 2022.

263 (2) Other members of the commission may be reimbursed  
264 for necessary expenses associated with attending meetings of  
265 the commission according to policies and procedures of their  
266 respective appointing authority.

267 (e) (1) Each appointment made shall be indicated to the  
268 commissioner of the department no later than July 1, 2023. The  
269 commission shall hold its initial meeting no later than August  
270 1, 2023, after which the commission shall meet quarterly.

271 (2) A majority of the members of the commission shall  
272 constitute a quorum for the transaction of all business at a  
273 regular or special meeting.

274 (3) The commission chair or cochair may ask the  
275 commissioner of the department for research or policy  
276 assistance from department staff.

277 (f) The 988 Commission shall automatically terminate on  
278 October 1, 2027, unless a bill is passed that it be continued,  
279 modified, or reestablished.

280 Section 5. (a) (1) Pursuant to Pub. L. 116-172, there is



## SB328 INTRODUCED

281 created the Alabama 988 Crisis Care Fund within the State  
282 Treasury for the specific purpose of funding 988 related  
283 services and the enhancement of the services within the Crisis  
284 System of Care, including, but not limited to, each of the  
285 following:

286 a. Ensuring the efficient and effective routing of  
287 calls made to 988 to an appropriate crisis center.

288 b. The hiring of personnel.

289 c. The provision of behavioral and mental health,  
290 crisis outreach, and stabilization services.

291 d. Collaboration with emergency services providers to  
292 provide the agency with resources and training related to  
293 behavioral and mental health, crisis outreach, and  
294 stabilization services, including the hiring of behavioral and  
295 mental health professionals and the development and  
296 implementation of the agency's policies and procedures related  
297 to mobile crisis services and 988 call responses.

298 (2) The fund shall be non-reverting, and it shall be  
299 managed and administered by the department.

300 (b) Beginning on the effective date of this act, and  
301 thereafter, all revenues accruing to the fund pursuant to this  
302 act, all monies appropriated to the fund, and any gifts,  
303 donations, grants, bequests, and other funds received on the  
304 fund's behalf shall be paid into the State Treasury and  
305 credited to the fund. Interest earned on monies in the fund  
306 shall remain in the fund and be credited to it. Any monies  
307 remaining in the fund, including interest thereon, at the end  
308 of each fiscal year shall not revert to the State General Fund



## SB328 INTRODUCED

309 but shall remain in the fund.

310 (c) Amounts in the 988 Fund shall be budgeted and  
311 allotted pursuant to the Budget Management Act in accordance  
312 with Article 4, commencing with Section 41-4-80 of Chapter 4  
313 of Title 41, Code of Alabama 1975, and only in the amounts  
314 provided by the Legislature in the general appropriations act  
315 or other appropriations act.

316 Section 6. (a) (1) A single, monthly statewide 988  
317 surcharge shall be imposed on each active voice communications  
318 service connection and CMRS connection in the State of Alabama  
319 that is also subject to the 911 charge imposed under Section  
320 11-98-5, Code of Alabama 1975. The 988 surcharge shall be  
321 applied to active voice communication service connections in  
322 the same manner as the statewide 911 charge implemented by the  
323 911 board pursuant to Section 11-98-5, Code of Alabama 1975,  
324 provided that the 988 surcharge shall only be applied to voice  
325 connections that are subject to the 911 charge. The voice  
326 communications service provider shall list the surcharge  
327 separately from other charges on the subscriber's bill, and  
328 the charge shall be collected according to the regular billing  
329 practice of the voice communications service provider.

330 (2) The statewide 988 charge collected under this  
331 section shall not be subject to taxes or charges levied on or  
332 by the voice communications service provider, nor shall the  
333 charges and fees be considered revenue of the voice  
334 communications service provider for any purposes. Partial  
335 payments made by a subscriber are applied first to the amount  
336 owed for the voice communications service. The Alabama 911



## SB328 INTRODUCED

337 Board shall collect from each voice communications service  
338 provider the monthly statewide 988 surcharges prescribed  
339 herein each month, using a reporting format consistent with  
340 that used for the 911 charge.

341 (b) Beginning on October 1, 2024, the statewide 988  
342 surcharge for each CMRS or voice communications service  
343 connection shall be ninety-eight cents (\$0.98).

344 (c) The Alabama 911 Board shall transfer all collected  
345 988 surcharges to the Alabama 988 Crisis Care Fund, as  
346 provided in Section 5, within 60 days of receipt for use in  
347 accordance with the purposes permitted by this act.

348 (d) (1) A voice communications service provider may  
349 deduct and retain from the statewide 988 charges it receives  
350 from its subscribers and remits to the 911 board an  
351 administrative allowance in an amount equal to one percent.  
352 The voice communications service provider shall maintain  
353 records of the amount of the statewide 988 fees collected for  
354 a period of at least two years from the date of collection.

355 (2) Good faith compliance with this chapter by a voice  
356 communications service provider shall constitute a complete  
357 defense to any legal action or claim that may result from the  
358 voice communications service provider's determination of  
359 nonpayment, the identification of service users, or both.

360 (e) The Alabama 911 Board may deduct an amount, not to  
361 exceed one percent of collected 988 surcharges, to be used to  
362 reimburse the 911 board for the direct costs of administering  
363 the collection and remittance of surcharges outlined in this  
364 act. The amount of reimbursement shall be agreed upon by the



## SB328 INTRODUCED

365 Commissioner of the Department of Mental Health and the  
366 Director of the Alabama 911 Board.

367 Section 7. (a) As used in this section, the following  
368 terms have the following meanings unless the context clearly  
369 indicates otherwise:

370 (1) PREPAID RETAIL TRANSACTION. The purchase of prepaid  
371 wireless telecommunications service from a seller for any  
372 purpose other than resale.

373 (2) PREPAID WIRELESS 988 SURCHARGE. The charge that is  
374 required to be collected by a dealer from an end user in the  
375 amount established in this act.

376 (3) PREPAID WIRELESS CONSUMER or CONSUMER. An  
377 individual who purchases prepaid wireless telecommunications  
378 service in a retail transaction.

379 (4) PREPAID WIRELESS TELEPHONE SERVICE. A service that  
380 meets all of the following requirements:

381 a. Authorizes the purchase of CMRS either exclusively  
382 or in conjunction with other services.

383 b. Is paid for in advance.

384 c. Is sold in units or dollars, provided that the  
385 number or dollar value declines with use and is known on a  
386 continuous basis.

387 (5) SELLER. The seller of prepaid wireless  
388 telecommunications services for any purposes other than resale  
389 to a consumer.

390 (b) Beginning on October 1, 2024, the prepaid wireless  
391 988 surcharge shall be collected, at the same rate as provided  
392 by subsection (b) of Section 6, on each prepaid retail



## SB328 INTRODUCED

393 transaction by the seller from the consumer occurring in the  
394 State of Alabama. The amount of the prepaid wireless 988  
395 charge shall be either separately stated on an invoice,  
396 receipt, or other similar document that is provided to the  
397 consumer or otherwise disclosed to the consumer by the seller.  
398 If a minimal amount of prepaid wireless telephone service is  
399 sold for a single, non-itemized price as part of the purchase  
400 of a wireless communications device, the seller may elect not  
401 to apply the prepaid communications charge to the initial  
402 transaction. For these purposes, a service allotment  
403 denominated as 10 minutes or less, or five dollars (\$5) or  
404 less, is a minimal amount. If the seller elects to collect  
405 such a charge, it shall be treated as all other prepaid  
406 communications charges under this act.

407 (c) For purposes of subsection (b), a retail  
408 transaction that is affected in person by a prepaid wireless  
409 consumer at a business location of the seller shall be treated  
410 as occurring in this state if that business location is in  
411 this state, and any other retail transaction shall be treated  
412 as occurring in this state if the retail transaction is  
413 treated as occurring in this state for purposes of Chapter 23  
414 of Title 40, Code of Alabama 1975.

415 (d) The prepaid wireless 988 charge is the liability of  
416 the prepaid wireless consumer and not of the seller or of any  
417 provider, except that the seller shall be liable to remit all  
418 prepaid wireless 988 charges that the seller collects from  
419 prepaid wireless consumers as provided in this section,  
420 including all charges that the seller is required to collect





## SB328 INTRODUCED

421 where the amount of the charge has not been separately stated  
422 on an invoice, receipt, or other similar document provided to  
423 the prepaid wireless consumer by the seller.

424 (e) The amount of the prepaid wireless 988 charge that  
425 is collected by a seller from a prepaid wireless consumer, if  
426 the amount is separately stated on an invoice, receipt, or  
427 other similar document provided to the prepaid wireless  
428 consumer by the seller, shall not be included in the base for  
429 measuring any tax, fee, surcharge, or other charge that is  
430 imposed by this state, any political subdivision of this  
431 state, or any intergovernmental agency.

432 (f) The prepaid wireless 988 charge shall be increased  
433 or decreased, as applicable, upon any change to the rate  
434 specified in Section 6 of this act, upon its implementation,  
435 in the statewide 988 charge. The increase or decrease shall be  
436 effective on the effective date of the change to the postpaid  
437 charge or, if later, the first day of the first calendar month  
438 to occur at least 60 days after the enactment of the change to  
439 the rate, or, upon its implementation, in the statewide 988  
440 charge. The Department of Revenue shall provide not less than  
441 30 days of advance notice of the increase or decrease on its  
442 website.

443 (g) Prepaid wireless 988 charges collected by sellers  
444 shall be remitted to the Department of Revenue at the times  
445 and in the manner provided by Chapter 23 of Title 40, Code of  
446 Alabama 1975. The Department of Revenue shall establish  
447 registration and payment procedures that substantially  
448 coincide with the registration and payment procedures that



## SB328 INTRODUCED

449 apply to Chapter 23, Title 40, Code of Alabama 1975.

450 (h) The Department of Revenue shall pay all remitted  
451 prepaid wireless charges to the Alabama 988 Crisis Care Fund,  
452 as defined in Section 5, within 60 days of receipt for use in  
453 accordance with the purposes permitted by this act, and after  
454 deducting an amount not to exceed one percent of the collected  
455 surcharges to be retained by the Department of Revenue to  
456 reimburse the direct costs of administering the collection and  
457 remittance of prepaid wireless 988 charges.

458 Section 8. Any certified provider of Alabama's Crisis  
459 System of Care, including call centers, mobile crisis teams,  
460 or crisis centers, and its employees and agents, shall be  
461 entitled to immunity to the same extent afforded to state  
462 employees pursuant to Section 36-1-12, Code of Alabama 1975.

463 Section 9. This act shall become effective on October  
464 1, 2023, following its passage and approval by the Governor,  
465 or its otherwise becoming law, except that Section 4 shall  
466 become effective immediately and Sections 6 and 7 shall become  
467 effective on October 1, 2024, following its passage and  
468 approval by the Governor, or its otherwise becoming law.