

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0644.01 Shelby Ross x4510

SENATE BILL 21-154

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SENATE SPONSORSHIP

**Kolker and Simpson,**

HOUSE SPONSORSHIP

**Cutter and Soper,**

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**Senate Committees**  
Health & Human Services

**House Committees**

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A BILL FOR AN ACT

101 CONCERNING THE IMPLEMENTATION OF THE 988 NATIONAL SUICIDE  
102 PREVENTION LIFELINE NETWORK IN COLORADO.

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**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.

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds that on July 16, 2020, the federal communications commission  
4 (FCC) adopted rules, and on October 17, 2020, congress passed the  
5 "National Suicide Hotline Designation Act of 2020", designating 988 as  
6 the three-digit number for the National Suicide Prevention Lifeline to aid  
7 rapid access to suicide prevention and mental health support services.

8           (2) Therefore, the general assembly finds and declares that it is  
9 imperative for Colorado to implement 988 as the three-digit number for  
10 crisis response services in Colorado in order to comply with federal  
11 regulations, improve quality and access to behavioral health crisis

1 services, especially underserved populations and rural areas of the state,  
2 and reduce stigma surrounding suicide, mental health, and substance use  
3 conditions.

4 **SECTION 2.** In Colorado Revised Statutes, **amend** 27-60-100.3  
5 as follows:

6 **27-60-100.3. Definitions.** As used in this article 60, unless the  
7 context otherwise requires:

8 (1) "988 CRISIS HOTLINE CENTER" MEANS A STATE-IDENTIFIED AND  
9 STATE-FUNDED CENTER PARTICIPATING IN THE NATIONAL SUICIDE  
10 PREVENTION LIFELINE NETWORK TO RESPOND TO STATEWIDE OR REGIONAL  
11 BEHAVIORAL HEALTH CRISIS CALLS.

12 ~~(1)~~ (2) "Behavioral health" refers to an individual's mental and  
13 emotional well-being and actions that affect an individual's overall  
14 wellness. Behavioral health problems and ~~disorders~~ CONDITIONS include  
15 substance use ~~disorders~~ CONDITIONS, serious psychological distress,  
16 suicide, and other mental health ~~disorders~~ CONDITIONS. Problems ranging  
17 from unhealthy stress or subclinical conditions to diagnosable and  
18 treatable diseases are included in the term "behavioral health". The term  
19 "behavioral health" is also used to describe service systems that  
20 encompass prevention and promotion of emotional health, prevention and  
21 treatment services for mental health and substance use ~~disorders~~  
22 CONDITIONS, and recovery support.

23 ~~(1.5)~~ (3) "Criminal justice diversion program" means a program  
24 created pursuant to section 27-60-106.5 or programs operated by cities or  
25 counties that connect law enforcement officers with behavioral health  
26 providers to assist individuals in need of behavioral health interventions  
27 or to divert individuals from the criminal justice system.

1           ~~(2)~~(4) "Crisis intervention services" means the array of behavioral  
2 health crisis services that are funded by public or private sources and exist  
3 to serve individuals who are experiencing a behavioral health crisis.

4           ~~(3)~~(5) "Crisis response system" means the behavioral health crisis  
5 response system developed and implemented pursuant to this article 60.

6           ~~(4)~~(6) "Crisis response system contractor" means an entity that  
7 has been awarded a contract to provide one or more crisis intervention  
8 services pursuant to section 27-60-103.

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

15           ~~(4.7)~~(8) "Office" means the office of behavioral health in the  
16 department of human services.

17           ~~(5)~~(9) "State board" means the state board of human services  
18 created and authorized pursuant to section 26-1-107.

19           ~~(6)~~(10) "State department" means the state department of human  
20 services created pursuant to section 26-1-105.

21           (11) "VETERANS CRISIS LINE" MEANS THE VETERANS CRISIS LINE  
22 MAINTAINED BY THE SECRETARY OF VETERANS AFFAIRS.

23           **SECTION 3.** In Colorado Revised Statutes, 27-60-103, **amend**  
24 (1)(b)(I) and (6) as follows:

25           **27-60-103. Behavioral health crisis response system - services**  
26 **- request for proposals - criteria - reporting - rules.** (1) (b) The  
27 components of the crisis response system must reflect a continuum of care

1 from crisis response through stabilization and safe return to the  
2 community, with adequate support for transitions to each stage. Specific  
3 components include:

4 (I) ~~A~~ THE twenty-four-hour ~~telephone crisis service~~ 988 CRISIS  
5 HOTLINE CENTER DEVELOPED PURSUANT TO SECTION 27-60-103.5 that is  
6 staffed by skilled professionals who are capable of assessing child,  
7 adolescent, and adult crisis situations and making the appropriate  
8 referrals;

9 (6) (a) Beginning in January 2014, and every January thereafter,  
10 the state department shall report progress on the implementation of the  
11 crisis response system, INCLUDING THE USAGE OF THE 988 CRISIS HOTLINE  
12 CENTER, THE SERVICES PROVIDED, AND THE DEPOSITS AND EXPENDITURES  
13 FROM THE 988 SURCHARGE CASH FUND, as well as information about and  
14 updates to the system, as part of its "State Measurement for Accountable,  
15 Responsive, and Transparent (SMART) Government Act" hearing  
16 required by section 2-7-203.

17 (b) ~~On or before November 1, 2017, the office of behavioral~~  
18 ~~health within the state department shall prepare a report and submit such~~  
19 ~~report to the joint judiciary committee; the joint health and human~~  
20 ~~services committee; the joint budget committee; the governor; and the~~  
21 ~~commission on criminal and juvenile justice, established in section~~  
22 ~~16-11.3-102. At a minimum, the report must include details concerning~~  
23 ~~the current status of funding and the implementation of the expansion of~~  
24 ~~behavioral health crisis services~~ BEGINNING JANUARY 1, 2023, AND EACH  
25 JANUARY 1 THEREAFTER, THE STATE DEPARTMENT SHALL SUBMIT  
26 INFORMATION ABOUT THE USAGE OF THE 988 CRISIS HOTLINE CENTER AND  
27 SERVICES PROVIDED TO THE FEDERAL SUBSTANCE ABUSE AND MENTAL

1 HEALTH SERVICES ADMINISTRATION, AND INFORMATION ABOUT THE  
2 EXPENDITURES OF THE 988 SURCHARGE CASH FUND TO THE FEDERAL  
3 COMMUNICATIONS COMMISSION.

4 ~~(c) On or before May 1, 2018, but after January 31, 2018, the~~  
5 ~~office of behavioral health within the state department shall present a~~  
6 ~~report to the joint judiciary committee and the joint committee on health~~  
7 ~~and human services concerning the current status of funding and the~~  
8 ~~implementation of the expansion of behavioral health crisis services.~~

9 **SECTION 4.** In Colorado Revised Statutes, **add** 27-60-103.5 as  
10 follows:

11 **27-60-103.5. 988 crisis hotline center - implementation - 988**  
12 **surcharge cash fund - creation.** (1) ON OR BEFORE JULY 1, 2022, THE  
13 STATE DEPARTMENT SHALL CONTRACT WITH A NONPROFIT ORGANIZATION  
14 TO CREATE THE 988 CRISIS HOTLINE CENTER TO PROVIDE INTERVENTION  
15 SERVICES AND CRISIS CARE COORDINATION TO INDIVIDUALS CALLING THE  
16 988 CRISIS HOTLINE FROM ANY JURISDICTION WITHIN COLORADO  
17 TWENTY-FOUR HOURS A DAY, SEVEN DAYS A WEEK.

18 (2) THE 988 CRISIS HOTLINE CENTER SHALL:

19 (a) HAVE AN ACTIVE AGREEMENT WITH THE ADMINISTRATOR OF  
20 THE NATIONAL SUICIDE PREVENTION LIFELINE FOR PARTICIPATION WITHIN  
21 THE NETWORK;

22 (b) MEET THE NATIONAL SUICIDE PREVENTION LIFELINE  
23 REQUIREMENTS AND BEST PRACTICE GUIDELINES FOR OPERATIONAL AND  
24 CLINICAL STANDARDS;

25 (c) MEET THE NATIONAL SUICIDE PREVENTION LIFELINE  
26 REQUIREMENTS FOR SERVING HIGH-RISK AND SPECIALIZED POPULATIONS;

27 (d) DEPLOY MOBILE RESPONSE UNITS AND CO-RESPONDER

1 PROGRAMS THAT ARE PART OF THE CRISIS RESPONSE SYSTEM AND  
2 COORDINATE ACCESS TO CRISIS WALK-IN CENTERS, AS APPROPRIATE; AND

3 (e) PROVIDE FOLLOW-UP SERVICES TO INDIVIDUALS ACCESSING THE  
4 988 CRISIS HOTLINE.

5 (3) THE STATE DEPARTMENT SHALL COLLABORATE WITH THE  
6 NATIONAL SUICIDE PREVENTION LIFELINE AND VETERANS CRISIS LINE FOR  
7 THE PURPOSE OF ENSURING CONSISTENT PUBLIC MESSAGING ABOUT THE  
8 988 CRISIS HOTLINE CENTER AND AVAILABLE SERVICES.

9 (4) (a) THE 988 SURCHARGE CASH FUND, REFERRED TO IN THIS  
10 SECTION AS THE "FUND", IS HEREBY CREATED IN THE STATE TREASURY.  
11 THE FUND CONSISTS OF MONEY CREDITED TO THE FUND IN ACCORDANCE  
12 WITH ARTICLE 17.5 OF TITLE 40.

13 (b) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
14 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
15 FUND TO THE FUND.

16 (c) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL  
17 ASSEMBLY, THE OFFICE OF BEHAVIORAL HEALTH MAY EXPEND MONEY  
18 FROM THE FUND FOR THE ADMINISTRATION AND OPERATION OF THE 988  
19 CRISIS HOTLINE CENTER, AND THE PUBLIC UTILITIES COMMISSION AND THE  
20 DEPARTMENT OF REVENUE MAY EXPEND MONEY FROM THE FUND IN  
21 ACCORDANCE WITH ARTICLE 17.5 OF TITLE 40.

22 **SECTION 5.** In Colorado Revised Statutes, **add** article 17.5 to  
23 title 40 as follows:

24 **ARTICLE 17.5**

25 **988 Surcharge for the 988 Crisis Hotline Center**

26 **40-17.5-101. Definitions.** AS USED IN THIS ARTICLE 17.5, UNLESS  
27 THE CONTEXT OTHERWISE REQUIRES:

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

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

15 (3) "988 SURCHARGE" MEANS THE SURCHARGE ESTABLISHED  
16 PURSUANT TO SECTION 40-17.5-102.

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

20 (5) "PERSON" MEANS ANY INDIVIDUAL; FIRM; PARTNERSHIP;  
21 COPARTNERSHIP; JOINT VENTURE; ASSOCIATION; COOPERATIVE  
22 ORGANIZATION; CORPORATION, MUNICIPAL OR PRIVATE AND WHETHER  
23 ORGANIZED FOR PROFIT OR NOT; GOVERNMENTAL AGENCY; STATE;  
24 COUNTY; POLITICAL SUBDIVISION; STATE DEPARTMENT; COMMISSION;  
25 BOARD; OR BUREAU, FRATERNAL ORGANIZATION, NONPROFIT  
26 ORGANIZATION, ESTATE, TRUST, BUSINESS OR COMMON LAW TRUST,  
27 RECEIVER, ASSIGNEE FOR THE BENEFIT OF CREDITORS, TRUSTEE, OR



1 TRUSTEE IN BANKRUPTCY; OR ANY OTHER SERVICE USER.

2 (6) "SERVICE SUPPLIER" MEANS A PERSON PROVIDING 988 ACCESS  
3 CONNECTIONS TO ANY SERVICE USER IN THE STATE, EITHER DIRECTLY OR  
4 BY RESALE.

5 (7) "SERVICE USER" MEANS A PERSON WHO IS PROVIDED A 988  
6 ACCESS CONNECTION IN THE STATE.

7 **40-17.5-102. 988 surcharge - imposition - 988 surcharge cash**  
8 **fund - rules.** (1) (a) EFFECTIVE JANUARY 1, 2022, A 988 SURCHARGE,  
9 REFERRED TO IN THIS SECTION AS THE "SURCHARGE", IS HEREBY IMPOSED  
10 ON SERVICE USERS IN AN AMOUNT TO BE ESTABLISHED ANNUALLY BY THE  
11 COMMISSION BUT NOT TO EXCEED FIFTY CENTS PER MONTH PER 988  
12 ACCESS CONNECTION.

13 (b) ON OR BEFORE OCTOBER 1, 2021, AND ON OR BEFORE OCTOBER  
14 1 EACH YEAR THEREAFTER, THE COMMISSION SHALL ESTABLISH THE  
15 AMOUNT OF THE SURCHARGE FOR THE NEXT CALENDAR YEAR. THE  
16 AMOUNT OF THE SURCHARGE MUST BE REASONABLY CALCULATED TO  
17 MEET THE NEEDS OF THE 988 CRISIS HOTLINE CENTER BASED ON THE  
18 PROPOSED BUDGET PROVIDED TO THE COMMISSION BY THE OFFICE OF  
19 BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES. UPON  
20 ESTABLISHING THE AMOUNT OF THE SURCHARGE, THE COMMISSION SHALL  
21 SEND NOTICE OF THE NEW AMOUNT TO ALL SERVICE SUPPLIERS. THE NEW  
22 AMOUNT TAKES EFFECT ON THE FOLLOWING JANUARY 1.

23 (c) THE AMOUNT OF THE SURCHARGE IMPOSED PER 988 ACCESS  
24 CONNECTION MUST BE UNIFORM, REGARDLESS OF THE TECHNOLOGY USED  
25 TO PROVIDE THE 988 ACCESS CONNECTION.

26 (2) EACH SERVICE SUPPLIER SHALL COLLECT THE SURCHARGE  
27 FROM ITS SERVICE USERS. THE SURCHARGE IS THE LIABILITY OF THE

1 SERVICE USER AND NOT OF THE SERVICE SUPPLIER; EXCEPT THAT THE  
2 SERVICE SUPPLIER IS LIABLE TO REMIT ALL SURCHARGES THAT THE  
3 SERVICE SUPPLIER COLLECTS FROM SERVICE USERS.

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

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

14 (c) (I) THE STATE TREASURER SHALL CREDIT THE SURCHARGE  
15 COLLECTIONS REMITTED TO THE COMMISSION PURSUANT TO SUBSECTION  
16 (3)(a) OF THIS SECTION TO THE 988 SURCHARGE CASH FUND CREATED IN  
17 SECTION 27-60-103.5 (4).

18 (II) SUBJECT TO ANNUAL APPROPRIATION, THE COMMISSION MAY  
19 EXPEND AN AMOUNT, NOT TO EXCEED FOUR PERCENT OF THE COLLECTED  
20 SURCHARGES IN THE 988 SURCHARGE CASH FUND, NECESSARY TO  
21 REIMBURSE THE COMMISSION FOR ITS DIRECT AND INDIRECT COSTS OF  
22 ADMINISTERING THE COLLECTION AND REMITTANCE OF SURCHARGES FOR  
23 THE 988 CRISIS HOTLINE CENTER, INCLUDING COSTS RELATED TO  
24 CONDUCTING AUDITS OF SERVICE SUPPLIERS IN ACCORDANCE WITH  
25 SECTION 40-17.5-103.

26 (4) THIS SECTION DOES NOT APPLY TO PREPAID WIRELESS  
27 TELECOMMUNICATIONS SERVICES.

1           **40-17.5-103. Remittance of charges - administrative fees -**

2           **rules.** (1) EVERY SERVICE SUPPLIER SHALL COLLECT THE 988 SURCHARGE  
3           IMPOSED IN ACCORDANCE WITH SECTION 40-17.5-102 FROM ITS SERVICE  
4           USERS.

5           (2) THE DUTY TO COLLECT OR REMIT THE 988 SURCHARGE  
6           COMMENCES ON JANUARY 1, 2022. THE 988 SURCHARGE MUST BE STATED  
7           SEPARATELY ON A SERVICE USER'S BILL, UNLESS THE SERVICE SUPPLIER  
8           DOES NOT SEPARATELY LIST ANY FEES OR SURCHARGES AS LINE ITEMS.

9           (3) A SERVICE SUPPLIER IS LIABLE ONLY FOR THE 988 SURCHARGE  
10          COLLECTED PURSUANT TO THIS ARTICLE 17.5 UNTIL IT IS REMITTED TO THE  
11          COMMISSION. THE AMOUNT REMITTED BY THE SERVICE SUPPLIER MUST  
12          REFLECT THE ACTUAL COLLECTIONS BASED ON THE ACTUAL 988 ACCESS  
13          CONNECTIONS BILLED.

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

17          (5) (a) THE SERVICE SUPPLIER SHALL MAINTAIN A RECORD OF THE  
18          AMOUNT OF EACH 988 SURCHARGE COLLECTED AND REMITTED BY SERVICE  
19          USER ADDRESS FOR A PERIOD OF THREE YEARS AFTER THE TIME THE  
20          CHARGE WAS COLLECTED AND REMITTED.

21          (b) IF A SERVICE SUPPLIER FAILS TO TIMELY FILE A REPORT AND  
22          REMIT THE 988 SURCHARGE AS REQUIRED BY THIS SECTION, OR IF A  
23          SERVICE SUPPLIER FILES AN INCORRECT REPORT OR FAILS TO REMIT THE  
24          CORRECT AMOUNT, THE COMMISSION SHALL ESTIMATE THE AMOUNT OF  
25          THE REMITTANCE DUE FOR THE PERIOD OR PERIODS FOR WHICH THE  
26          SERVICE SUPPLIER IS DELINQUENT. THE COMMISSION SHALL MAKE THE  
27          ESTIMATE BASED UPON THE INFORMATION AVAILABLE. THE COMMISSION

1 SHALL COMPUTE AND ASSESS A PENALTY EQUAL TO FIFTEEN PERCENT OF  
2 THE ESTIMATE OF THE DELINQUENT AMOUNT, AND SHALL ASSESS INTEREST  
3 ON THE DELINQUENT CHARGES AT THE RATE OF ONE PERCENT EACH MONTH  
4 FROM THE DATE WHEN DUE UNTIL THE DATE PAID.

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

18 (d) IF, BEFORE THE EXPIRATION OF THE TIME PRESCRIBED FOR THE  
19 ASSESSMENT OF DELINQUENT AMOUNTS IN SUBSECTION (5)(c) OF THIS  
20 SECTION, THE COMMISSION AND THE SERVICE SUPPLIER CONSENT IN  
21 WRITING TO AN ASSESSMENT AFTER SUCH TIME, THE AMOUNT  
22 CALCULATED IN ACCORDANCE WITH SUBSECTION (5)(b) OF THIS SECTION  
23 MAY BE ASSESSED AT ANY TIME PRIOR TO THE EXPIRATION OF THE PERIOD  
24 AGREED UPON. THE PERIOD AGREED UPON MAY BE EXTENDED BY  
25 SUBSEQUENT AGREEMENTS IN WRITING MADE BEFORE THE EXPIRATION OF  
26 THE PERIOD PREVIOUSLY AGREED UPON. THE COMMISSION MAY FILE A LIEN  
27 AGAINST THE PROPERTY OF THE SERVICE SUPPLIER FOR UP TO ONE YEAR

1 AFTER THE EXPIRATION OF ANY SUCH PERIOD, UNLESS OTHERWISE  
2 SPECIFICALLY PROVIDED IN THIS ARTICLE 17.5.

3 (e) THE COMMISSION MAY CONDUCT AN AUDIT OF A SERVICE  
4 SUPPLIER'S BOOKS AND RECORDS CONCERNING THE COLLECTION AND  
5 REMITTANCE OF THE CHARGES AUTHORIZED BY THIS ARTICLE 17.5. A  
6 PUBLIC INSPECTION OF THE AUDIT AND OF DOCUMENTS REVIEWED IN THE  
7 AUDIT IS SUBJECT TO SECTION 24-72-204. THE COMMISSION IS RESPONSIBLE  
8 FOR EXPENSES THE COMMISSION MAY INCUR TO CONDUCT THE AUDIT. IN  
9 CONNECTION WITH AUDITS PERFORMED, SERVICE SUPPLIERS SHALL MAKE  
10 RELEVANT RECORDS AVAILABLE TO THE AUDITORS AT NO CHARGE. THE  
11 COMMISSION SHALL PROMULGATE RULES GOVERNING THE AUDIT AND  
12 APPEAL PROCEDURES.

13 (f) THE COMMISSION SHALL DEPOSIT ANY PENALTIES OR INTEREST  
14 IN THE 988 SURCHARGE CASH FUND CREATED IN SECTION 27-60-103.5 (4).

15 **40-17.5-104. Imposition of charge on prepaid wireless - rules**  
16 **- definitions - repeal.** (1) AS USED IN THIS SECTION:

17 (a) "CONSUMER" MEANS A PERSON WHO PURCHASES PREPAID  
18 WIRELESS TELECOMMUNICATIONS SERVICE IN A RETAIL TRANSACTION.

19 (b) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

20 (c) "PREPAID WIRELESS 988 CHARGE" OR "CHARGE" MEANS THE  
21 CHARGE IMPOSED UNDER SUBSECTION (2) OF THIS SECTION TO PAY FOR THE  
22 EXPENSES AUTHORIZED IN SECTION 27-60-103.5.

23 (d) "RETAIL TRANSACTION" MEANS THE PURCHASE OF PREPAID  
24 WIRELESS TELECOMMUNICATIONS SERVICE FROM A SELLER FOR ANY  
25 PURPOSE OTHER THAN RESALE.

26 (e) "SELLER" MEANS A PERSON WHO SELLS PREPAID WIRELESS  
27 TELECOMMUNICATIONS SERVICE TO ANOTHER PERSON.

1           (2) (a) A PREPAID WIRELESS 988 CHARGE IS HEREBY IMPOSED ON  
2 EACH RETAIL TRANSACTION. THE PRIMARY PURPOSE OF THE PREPAID  
3 WIRELESS 988 CHARGE IS TO DEFRAY THE COSTS OF ADMINISTERING AND  
4 OPERATING THE 988 CRISIS HOTLINE CENTER.

5           (b) (I) (A) ON AND BEFORE DECEMBER 31, 2021, THE PREPAID  
6 WIRELESS 988 CHARGE IS ONE AND FOUR-TENTHS PERCENT OF THE PRICE  
7 OF THE RETAIL TRANSACTION.

8           (B) THIS SUBSECTION (2)(b)(I) IS REPEALED, EFFECTIVE JULY 1,  
9 2022.

10          (II) EFFECTIVE JANUARY 1, 2022, THE CHARGE IS IN AN AMOUNT  
11 TO BE ESTABLISHED ANNUALLY BY THE COMMISSION IN ACCORDANCE  
12 WITH SUBSECTION (2)(c) OF THIS SECTION. THE CHARGE MUST BE A FLAT  
13 AMOUNT IMPOSED ON EACH RETAIL TRANSACTION IN WHICH PREPAID  
14 WIRELESS SERVICE IS PURCHASED IN COLORADO.

15          (c) ON OR BEFORE OCTOBER 1, 2021, AND ON OR BEFORE OCTOBER  
16 1 EACH YEAR THEREAFTER, THE COMMISSION SHALL ESTABLISH THE  
17 AMOUNT OF THE PREPAID WIRELESS 988 CHARGE FOR THE NEXT CALENDAR  
18 YEAR. THE AMOUNT OF THE CHARGE MUST BE REASONABLY CALCULATED  
19 TO MEET THE NEEDS OF THE 988 CRISIS HOTLINE CENTER BASED ON THE  
20 PROPOSED BUDGET PROVIDED TO THE COMMISSION BY THE OFFICE OF  
21 BEHAVIORAL HEALTH IN THE DEPARTMENT OF HUMAN SERVICES. THE NEW  
22 AMOUNT TAKES EFFECT ON THE FOLLOWING JANUARY 1.

23          (d) (I) THE SELLER SHALL COLLECT THE PREPAID WIRELESS 988  
24 CHARGE FROM THE CONSUMER ON EACH RETAIL TRANSACTION OCCURRING  
25 IN THE STATE. THE AMOUNT OF THE PREPAID WIRELESS 988 CHARGE SHALL  
26 BE EITHER DISCLOSED TO THE CONSUMER OR SEPARATELY STATED ON AN  
27 INVOICE, RECEIPT, OR OTHER SIMILAR DOCUMENT THE SELLER PROVIDES

1 TO THE CONSUMER. A SELLER SHALL ELECT TO EITHER DISCLOSE OR  
2 SEPARATELY STATE THE CHARGE AND SHALL NOT CHANGE THE ELECTION  
3 WITHOUT THE WRITTEN CONSENT OF THE DEPARTMENT. THE SELLER IS  
4 DEEMED TO HAVE COLLECTED THE CHARGE NOTWITHSTANDING THE  
5 SELLER'S FAILURE TO SEPARATELY DISCLOSE OR STATE THE CHARGE ON AN  
6 INVOICE, RECEIPT, OR OTHER SIMILAR DOCUMENT THE SELLER PROVIDES  
7 TO THE CONSUMER.

8 (II) FOR PURPOSES OF THIS SECTION, A RETAIL TRANSACTION  
9 OCCURS IN COLORADO IF:

10 (A) THE CONSUMER EFFECTS THE RETAIL TRANSACTION IN PERSON  
11 AT A BUSINESS LOCATION IN COLORADO;

12 (B) IF SUBSECTION (2)(d)(II)(A) OF THIS SECTION DOES NOT APPLY,  
13 THE PRODUCT IS DELIVERED TO THE CONSUMER AT A COLORADO ADDRESS  
14 PROVIDED TO THE SELLER;

15 (C) IF SUBSECTIONS (2)(d)(II)(A) AND (2)(d)(II)(B) OF THIS  
16 SECTION DO NOT APPLY, THE SELLER'S RECORDS, MAINTAINED IN THE  
17 ORDINARY COURSE OF BUSINESS, INDICATE THAT THE CONSUMER'S  
18 ADDRESS IS IN COLORADO AND THE RECORDS ARE NOT MADE OR KEPT IN  
19 BAD FAITH;

20 (D) IF SUBSECTIONS (2)(d)(II)(A) TO (2)(d)(II)(C) OF THIS SECTION  
21 DO NOT APPLY, THE CONSUMER GIVES A COLORADO ADDRESS DURING THE  
22 CONSUMMATION OF THE SALE, INCLUDING THE CONSUMER'S PAYMENT  
23 INSTRUMENT IF NO OTHER ADDRESS IS AVAILABLE, AND THERE IS NO  
24 INDICATION THAT THE ADDRESS IS GIVEN IN BAD FAITH; OR

25 (E) IF SUBSECTIONS (2)(d)(II)(A) TO (2)(d)(II)(D) OF THIS SECTION  
26 DO NOT APPLY, THE MOBILE TELEPHONE NUMBER IS ASSOCIATED WITH A  
27 COLORADO LOCATION.

1           (e) THE PREPAID WIRELESS 988 CHARGE IS THE LIABILITY OF THE  
2 CONSUMER AND NOT OF THE SELLER; EXCEPT THAT THE SELLER IS LIABLE  
3 TO REMIT ALL PREPAID WIRELESS 988 CHARGES THAT THE SELLER  
4 COLLECTS FROM CONSUMERS AS PROVIDED IN SUBSECTION (3) OF THIS  
5 SECTION.

6           (f) THE AMOUNT OF THE PREPAID WIRELESS 988 CHARGE THAT IS  
7 COLLECTED BY A SELLER FROM A CONSUMER IS NOT INCLUDED IN THE BASE  
8 FOR MEASURING ANY TAX, FEE, SURCHARGE, OR OTHER CHARGE THAT IS  
9 IMPOSED BY THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, OR  
10 ANY INTERGOVERNMENTAL AGENCY.

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

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

23           (c) THE AUDIT AND APPEAL PROCEDURES APPLICABLE TO THE  
24 STATE SALES TAX UNDER PART 1 OF ARTICLE 26 OF TITLE 39 APPLY TO  
25 PREPAID WIRELESS 988 CHARGES.

26           (d) THE DEPARTMENT SHALL, BY RULE, ESTABLISH PROCEDURES BY  
27 WHICH A SELLER MAY DOCUMENT THAT A TRANSACTION IS NOT A RETAIL



1 TRANSACTION, WHICH PROCEDURES MUST SUBSTANTIALLY COINCIDE WITH  
2 THE PROCEDURES FOR DOCUMENTING THAT A SALE WAS WHOLESALE FOR  
3 PURPOSES OF THE SALES TAX UNDER PART 1 OF ARTICLE 26 OF TITLE 39.

4 (e) (I) THE STATE TREASURER SHALL CREDIT THE PREPAID  
5 WIRELESS 988 CHARGES REMITTED TO THE DEPARTMENT PURSUANT TO  
6 SUBSECTION (3)(a) OF THIS SECTION TO THE 988 SURCHARGE CASH FUND  
7 CREATED IN SECTION 27-60-103.5 (4).

8 (II) SUBJECT TO ANNUAL APPROPRIATION, THE DEPARTMENT MAY  
9 EXPEND AN AMOUNT, NOT TO EXCEED THREE PERCENT OF THE COLLECTED  
10 CHARGES IN THE 988 SURCHARGE CASH FUND, NECESSARY TO REIMBURSE  
11 THE DEPARTMENT FOR ITS DIRECT COSTS OF ADMINISTERING THE  
12 COLLECTION AND REMITTANCE OF PREPAID WIRELESS 988 CHARGES.

13 (4) THE PREPAID WIRELESS 988 CHARGE IMPOSED BY THIS SECTION  
14 IS THE ONLY DIRECT 988 FUNDING OBLIGATION IMPOSED WITH RESPECT TO  
15 PREPAID WIRELESS TELECOMMUNICATIONS SERVICE IN THE STATE. NO  
16 TAX, FEE, SURCHARGE, OR OTHER CHARGE TO FUND THE 988 CRISIS  
17 HOTLINE IS IMPOSED BY THE STATE, ANY POLITICAL SUBDIVISION OF THE  
18 STATE, OR ANY INTERGOVERNMENTAL AGENCY UPON A SELLER OR  
19 CONSUMER WITH RESPECT TO THE SALE, PURCHASE, USE, OR PROVISION OF  
20 PREPAID WIRELESS TELECOMMUNICATIONS SERVICE.

21 **SECTION 6.** In Colorado Revised Statutes, 24-75-402, **add**  
22 (5)(rr) as follows:

23 **24-75-402. Cash funds - limit on uncommitted reserves -**  
24 **reduction in the amount of fees - exclusions.** (5) Notwithstanding any  
25 provision of this section to the contrary, the following cash funds are  
26 excluded from the limitations specified in this section:

27 (rr) THE 988 SURCHARGE CASH FUND CREATED IN SECTION

1 27-60-103.5 (4).

2 **SECTION 7.** In Colorado Revised Statutes, 15-18.7-201, **amend**  
3 (3) and (7)(c) as follows:

4 **15-18.7-201. Definitions.** As used in this part 2, unless the  
5 context otherwise requires:

6 (3) "Behavioral health" has the same meaning as set forth in  
7 ~~section 27-60-100.3 (1)~~ SECTION 27-60-100.3 (2).

8 (7) "Emergency medical service personnel" means:

9 (c) A crisis response system contractor, as defined in ~~section~~  
10 ~~27-60-100.3 (4)~~ SECTION 27-60-100.3 (6).

11 **SECTION 8. Act subject to petition - effective date.** This act  
12 takes effect at 12:01 a.m. on the day following the expiration of the  
13 ninety-day period after final adjournment of the general assembly; except  
14 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
15 of the state constitution against this act or an item, section, or part of this  
16 act within such period, then the act, item, section, or part will not take  
17 effect unless approved by the people at the general election to be held in  
18 November 2022 and, in such case, will take effect on the date of the  
19 official declaration of the vote thereon by the governor.