

SENATE BILL NO. 390—COMMITTEE ON
HEALTH AND HUMAN SERVICES

MARCH 26, 2021

Referred to Committee on Health and Human Services

SUMMARY—Provides for the establishment of a statewide suicide prevention and mental health crisis hotline. (BDR 39-635)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact. Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to mental health; providing for the establishment of a suicide prevention and mental health crisis hotline; requiring the imposition of a surcharge on certain communications services to support the hotline; creating the Capital Fund for Behavioral Health; requiring the State Treasurer to deposit the proceeds of certain litigation into the Fund; requiring the Department of Health and Human Services to award grants from the Fund to support certain capital projects; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing federal law establishes the National Suicide Prevention Lifeline
2 program, including the establishment of a national suicide prevention and mental
3 health crisis hotline that may be accessed by dialing the digits 9-8-8. (42 U.S.C. §
4 290bb-36c, 47 U.S.C. § 251(e)(4)) **Section 2** of this bill defines the term “National
5 Suicide Prevention Lifeline program” to refer to that program. **Section 3** of this bill
6 requires the Division of Public and Behavioral Health of the Department of Health
7 and Human Services to establish: (1) a hotline for persons who are considering
8 suicide or otherwise in a mental health crisis that may be accessed by dialing the
9 digits 9-8-8; and (2) at least one support center to answer calls to the hotline and
10 coordinate the response to those calls. **Section 3** also requires the Division to: (1)
11 encourage the establishment of or establish mobile crisis teams to respond to calls;
12 and (2) perform certain other duties related to the hotline. **Section 4** of this bill
13 establishes operational requirements and duties for a support center. Those duties
14 include coordinating and deploying necessary services for persons who access the
15 hotline and providing follow-up services for such persons. **Section 6** of this bill
16 requires the Division to annually submit to the Legislature, the Commission on



17 Behavioral Health and each regional behavioral health policy board a report
18 concerning the usage of the hotline and the services provided to persons who access
19 the hotline.

20 Existing federal law authorizes a state to impose a fee or charge on a
21 commercial mobile communication service or an IP-enabled voice service to fund
22 the operations of a suicide prevention and mental health crisis hotline established
23 pursuant to the National Suicide Prevention Lifeline program. (47 U.S.C. § 251a)
24 **Section 5** of this bill requires the Public Utilities Commission to impose a
25 surcharge on those services. **Section 5** requires the Commission to deposit the
26 proceeds from the surcharge into an account administered by the Division. **Section**
27 **5** additionally authorizes the Division to accept gifts, grants and donations to
28 support the operation of the hotline and the services provided to persons who access
29 the hotline. **Section 6** of this bill requires the Division to annually submit to the
30 Legislature a report concerning the revenue generated by the surcharge and deposits
31 and expenditures from the account.

32 Existing law: (1) creates the Fund for a Healthy Nevada; (2) requires the State
33 Treasurer to deposit in the Fund the proceeds of litigation by the State against
34 manufacturers of tobacco products; and (3) requires the Department of Health and
35 Human Services, with the authorization of the Legislature, to allocate the money in
36 the Fund for certain purposes to address the health needs of residents of this State.
37 (NRS 439.620, 439.630) **Sections 7-9** of this bill similarly: (1) create the Capital
38 Fund for Behavioral Health to hold the proceeds of litigation by the State
39 concerning the manufacture, distribution, sale and marketing of opioids; and (2)
40 provide for the distribution of that money as grants to local governments and
41 nonprofit organizations for capital projects that address the impacts of opioid use
42 disorder and other behavioral health disorders. **Section 7** of this bill defines the
43 term "Fund" to refer to the Fund. **Section 8** of this bill creates the Fund and
44 requires the State Treasurer to administer the Fund. **Section 9** of this bill requires
45 the Department of Health and Human Services to distribute the money in the Fund
46 as grants to local governments and nonprofit organizations for capital projects that
47 address the impacts of opioid use disorder and other behavioral health disorders.
48 **Section 8** requires such grants to be authorized by the Interim Finance Committee.
49 **Section 10** of this bill authorizes the Interim Finance Committee to perform duties
50 relating to the authorization of such grants during a regular session of the
51 Legislature. **Section 9** requires the Department or the Grants Management
52 Advisory Committee of the Department to conduct public hearings regarding
53 capital projects that address the impacts of opioid use disorder and other behavioral
54 health disorders and develop recommendations for awarding grants based on the
55 input received at those hearings. **Section 11** of this bill requires any state agency
56 that has previously received proceeds of litigation by the State concerning the
57 manufacture, distribution, sale and marketing of opioids to transfer any
58 uncommitted portion of those proceeds to the State Treasurer for deposit in the
59 Fund.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 433 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 6, inclusive, of this act, unless*
5 *the context otherwise requires, "National Suicide Prevention*



1 *Lifeline program” means the National Suicide Prevention Lifeline*
2 *program established by 42 U.S.C. § 290bb-36c.*

3 **Sec. 3. 1. The Division shall:**

4 (a) *Establish a hotline for persons who are considering suicide*
5 *or otherwise in a mental health crisis that may be accessed by*
6 *dialing the digits 9-8-8;*

7 (b) *Establish at least one support center that meets the*
8 *requirements of section 4 of this act to answer calls to the hotline*
9 *and coordinate the response to persons who access the hotline;*

10 (c) *Encourage the establishment of and, to the extent that*
11 *money is available, establish mobile crisis teams to provide*
12 *community-based intervention, including, without limitation, de-*
13 *escalation and stabilization, for persons who are considering*
14 *suicide or otherwise in a mental health crisis and access the*
15 *hotline;*

16 (d) *Participate in any collection of information by the Federal*
17 *Government concerning the National Suicide Prevention Lifeline*
18 *program;*

19 (e) *Collaborate with the National Suicide Prevention Lifeline*
20 *program and the Veterans Crisis Line program established*
21 *pursuant to 38 U.S.C. § 1720F(h) to ensure consistent messaging*
22 *to the public about the hotline; and*

23 (f) *Adopt any regulations necessary to carry out the provisions*
24 *of sections 2 to 6, inclusive, of this act, including, without*
25 *limitation:*

26 (1) *Regulations establishing the qualifications of providers*
27 *of services who are involved in responding to persons who are*
28 *considering suicide or are otherwise in a mental health crisis and*
29 *access the hotline; and*

30 (2) *Any regulations necessary to allow for communication*
31 *and sharing of information between persons and entities involved*
32 *in responding to crises and emergencies in this State to facilitate*
33 *the coordination of care for persons who are considering suicide*
34 *or are otherwise in a mental health crisis and access the hotline.*

35 2. *A mobile crisis team established pursuant to paragraph (c)*
36 *of subsection 1 must be:*

37 (a) *A team based in the jurisdiction that it serves which*
38 *includes persons professionally qualified in the field of psychiatric*
39 *mental health and providers of peer support services;*

40 (b) *A team established by a provider of emergency medical*
41 *services that includes providers of peer support services; or*

42 (c) *A team established by a law enforcement agency that*
43 *includes law enforcement officers, persons professionally*
44 *qualified in the field of psychiatric mental health and providers of*
45 *peer support services.*



1 3. As used in this section, "peer support services" has the
2 meaning ascribed to it in NRS 449.01566.

3 **Sec. 4. I.** Any support center established pursuant to
4 section 3 of this act must:

5 (a) Meet the requirements established for participation in the
6 National Suicide Prevention Lifeline program including, without
7 limitation, requirements established by the National Suicide
8 Prevention Lifeline Program for serving lesbian, gay, bisexual,
9 transgender and questioning persons, persons with substance use
10 disorders or persons with co-occurring disorders, Native
11 Americans and other high-risk and specialized populations
12 identified by the Substance Abuse and Mental Health Services
13 Administration of the United States Health and Human Services.
14 Such requirements include, without limitation, requirements for
15 training staff to respond to callers who are members of specialized
16 populations and transferring such callers to an appropriate
17 specialized center or subnetwork.

18 (b) Use technology that is interoperable between systems for
19 responding for crises and emergencies across this State, including,
20 without limitation:

21 (1) Systems used to provide emergency 911 service;

22 (2) Systems used by providers of emergency medical
23 services; and

24 (3) Registries of beds available for persons who require
25 inpatient psychiatric treatment.

26 2. A support center shall:

27 (a) Enter into an agreement with the National Suicide
28 Prevention Lifeline program to participate in the network of local
29 crisis support centers established by that program;

30 (b) Implement the operational and clinical standards and best
31 practices prescribed by the National Suicide Prevention Lifeline
32 program for a local crisis support center;

33 (c) Share information with other persons and entities in this
34 State responsible for providing services to persons in a mental
35 health crisis to facilitate performance of the duties described in
36 paragraph (d);

37 (d) Coordinate and deploy necessary services, including,
38 without limitation, crisis receiving and stabilization services and
39 mobile crisis teams, for persons who are considering suicide or
40 otherwise in a mental health crisis and access the hotline
41 established pursuant to section 3 of this act; and

42 (e) Provide follow-up services for persons who are considering
43 suicide or otherwise in a mental health crisis and access the
44 hotline established pursuant to section 3 of this act.



1 3. *As used in this section, “crisis receiving and stabilization*
2 *services” means services provided over the 24 hours immediately*
3 *following a call to the hotline established pursuant to section 3 of*
4 *this act in the home of the person receiving services or an*
5 *environment similar to a home. Such services may include,*
6 *without limitation, diagnosis, initial management, observation,*
7 *crisis stabilization and referrals for additional services.*

8 **Sec. 5. 1. The Public Utilities Commission shall:**

9 (a) *Impose a surcharge on each access line of each customer*
10 *of a company that provides commercial mobile communication*
11 *services or IP-enabled voice services in this State in accordance*
12 *with 47 U.S.C. § 251a. Those companies shall collect the*
13 *surcharge from their customers and transfer the money collected*
14 *to the Commission pursuant to regulations adopted by the*
15 *Commission.*

16 (b) *In consultation with the Division, adopt regulations*
17 *establishing the amount of the surcharge, which must be sufficient*
18 *to support the uses set forth in subsection 2.*

19 2. *The Crisis Response Account is hereby created in the State*
20 *General Fund. Any money collected from the surcharge imposed*
21 *pursuant to subsection 1 must be deposited in the State Treasury*
22 *for credit to the Account. The Division shall administer the*
23 *Account. The money in the Account must be used only for*
24 *purposes authorized by 47 U.S.C. § 251a.*

25 3. *Any money remaining in the Account at the end of each*
26 *fiscal year does not revert to the State General Fund but must be*
27 *carried over into the next fiscal year.*

28 4. *The Division may accept gifts, grants and donations for the*
29 *purpose of carrying out the provisions of sections 2 to 6, inclusive,*
30 *of this act.*

31 **Sec. 6. On or before December 31 of each year, the Division**
32 **shall compile:**

33 1. *A report concerning the usage of the hotline established*
34 *pursuant to section 3 of this act and the services provided to*
35 *persons who are considering suicide or otherwise in a mental*
36 *health crisis and access the hotline and submit the report to:*

37 (a) *The Commission on Behavioral Health;*

38 (b) *Each regional behavioral health policy board created by*
39 *NRS 433.429; and*

40 (c) *The Director of the Legislative Counsel Bureau for*
41 *transmittal to:*

42 (1) *In odd-numbered years, the Legislative Committee on*
43 *Health Care created by NRS 439B.200 and the Legislative*
44 *Committee on Senior Citizens, Veterans and Adults With Special*
45 *Needs created by NRS 218E.750; and*



1 (2) *In even-numbered years, the next regular session of the*
2 *Legislature.*

3 2. *A report concerning the revenue generated by the*
4 *surcharge imposed pursuant to section 5 of this act and deposits*
5 *and expenditures from the Account created by that section and*
6 *submit the report to the Director of the Legislative Counsel*
7 *Bureau for transmittal to:*

8 (a) *In odd-numbered years, the Interim Finance Committee;*
9 *and*

10 (b) *In even-numbered years, the next regular session of the*
11 *Legislature.*

12 **Sec. 7.** *As used in sections 8 and 9 of this act, unless the*
13 *context otherwise requires, "Fund" means the Capital Fund for*
14 *Behavioral Health created by section 8 of this act.*

15 **Sec. 8.** 1. *The Capital Fund for Behavioral Health is*
16 *hereby created in the State Treasury. The State Treasurer shall*
17 *deposit in the Fund:*

18 (a) *All money received by this State pursuant to any settlement*
19 *entered into by the State of Nevada concerning the manufacture,*
20 *distribution, sale and marketing of opioids; and*

21 (b) *All money recovered by this State from a judgment in a*
22 *civil action by the State of Nevada concerning the manufacture,*
23 *distribution, sale and marketing of opioids.*

24 2. *The State Treasurer shall administer the Fund. As*
25 *administrator of the Fund, the State Treasurer:*

26 (a) *Shall maintain the financial records of the Fund;*

27 (b) *Shall invest the money in the Fund as the money in other*
28 *state funds is invested;*

29 (c) *Shall manage any account associated with the Fund;*

30 (d) *Shall maintain any instruments that evidence investments*
31 *made with the money in the Fund;*

32 (e) *May contract with vendors for any good or service that is*
33 *necessary to carry out the provisions of this section; and*

34 (f) *May perform any other duties necessary to administer the*
35 *Fund.*

36 3. *The interest and income earned on the money in the Fund*
37 *must, after deducting any applicable charges, be credited to the*
38 *Fund. All claims against the Fund must be paid as other claims*
39 *against the State are paid.*

40 4. *The State Treasurer or the Department may submit to the*
41 *Interim Finance Committee a request for an allocation for*
42 *administrative expenses from the Fund pursuant to this section.*
43 *Except as otherwise limited by this subsection, the Interim*
44 *Finance Committee may allocate all or part of the money so*



1 *requested. The annual allocation for administrative expenses from*
2 *the Fund must:*

3 *(a) Not exceed 2 percent of the money in the Fund, as*
4 *calculated pursuant to subsection 5, each year to pay the costs*
5 *incurred by the State Treasurer to administer the Fund; and*

6 *(b) Not exceed 5 percent of the money in the Fund, as*
7 *calculated pursuant to subsection 5, each year to pay the costs*
8 *incurred by the Department to carry out its duties set forth in*
9 *section 9 of this act.*

10 *5. For the purposes of subsection 4, the amount of money*
11 *available for allocation to pay for the administrative costs must be*
12 *calculated at the beginning of each fiscal year based on the total*
13 *amount of money anticipated by the State Treasurer to be*
14 *deposited in the Fund during that fiscal year.*

15 *6. The money in the Fund remains in the Fund and does not*
16 *revert to the State General Fund at the end of any fiscal year.*

17 *7. All money that is deposited or paid into the Fund is hereby*
18 *appropriated to be used to award grants of money to local*
19 *governments and nonprofit organizations pursuant to section 9 of*
20 *this act. Money expended from the Fund must not be used to*
21 *supplant existing methods of funding that are available to local*
22 *governments.*

23 *8. The Department may accept and transfer to the State*
24 *Treasurer for deposit into the Fund gifts, grants, donations and*
25 *appropriations to support the capital projects described in section*
26 *9 of this act.*

27 *9. The Department shall submit all proposed expenditures*
28 *from the Fund pursuant to section 9 of this act to the Interim*
29 *Finance Committee. Upon approval of the appropriate committee*
30 *or committees, the money may be so expended.*

31 **Sec. 9. 1. The Department shall:**

32 *(a) Conduct, or require the Grants Management Advisory*
33 *Committee created by NRS 232.383 to conduct, public hearings to*
34 *accept public testimony from a wide variety of sources and*
35 *perspectives regarding capital projects that address the impacts of*
36 *opioid use disorder and other behavioral health disorders.*

37 *(b) Establish a process to evaluate the needs of the residents of*
38 *this State relating to opioid use disorder and other behavioral*
39 *health disorders and a system to use available data to measure the*
40 *impact of opioid use disorder in this State, including, without*
41 *limitation, disparities in the impact of opioid use disorder relating*
42 *to race, ethnicity and geography. The Department shall annually*
43 *report the results of the evaluation to:*

44 *(1) The Legislative Committee on Health Care;*

45 *(2) The Commission;*



1 (3) Each regional behavioral health policy board created by
2 NRS 433.429; and

3 (4) Any other committees or commissions the Director of
4 the Department deems appropriate.

5 (c) Subject to legislative authorization and in accordance with
6 the procedures developed pursuant to paragraph (f), award grants
7 from the Fund to local governments and nonprofit organizations
8 for capital projects that address the impacts of opioid use disorder
9 and other behavioral health disorders, including, without
10 limitation, the construction, purchasing, remodeling and
11 equipment of:

12 (1) Psychiatric hospitals operating as crisis stabilization
13 centers in accordance with NRS 449.0915;

14 (2) Specialized foster homes, as defined in NRS 424.018;

15 (3) Emergency shelters for children and other forms of
16 emergency housing; and

17 (4) Transitional housing and supportive housing for
18 persons with opioid use disorders or other behavioral health
19 disorders.

20 (d) Maximize expenditures through local, federal and private
21 matching contributions.

22 (e) Ensure that any money expended from the Fund will not be
23 used to supplant existing methods of funding that are available to
24 local governments.

25 (f) Develop policies and procedures for the administration and
26 distribution of grants pursuant to paragraph (c). A condition of
27 any such grant must be that not more than 8 percent of the grant
28 may be used for administrative expenses or other indirect costs.

29 (g) In awarding grants pursuant to paragraph (c):

30 (1) Prioritize and quantify the needs for the capital projects
31 described in that paragraph based on the results of the evaluation
32 conducted pursuant to paragraph (b);

33 (2) Develop, solicit and accept applications for grants;

34 (3) Review and consider the recommendations of the
35 Grants Management Advisory Committee submitted pursuant to
36 subsection 3; and

37 (4) Conduct annual evaluations of programs to which
38 grants have been awarded.

39 (h) On or before January 31 of each year transmit a report of
40 all findings and recommendations made and grants awarded
41 pursuant to this section to:

42 (1) The Governor;

43 (2) The Director of the Legislative Counsel Bureau for
44 transmittal to:



1 (I) *In odd-numbered years, the next regular session of*
2 *the Legislature; and*

3 (II) *In even-numbered years, the Legislative Committee*
4 *on Health Care and the Interim Finance Committee;*

5 (3) *The Commission;*

6 (4) *Each regional behavioral health policy board created by*
7 *NRS 433.429; and*

8 (5) *Any other committees or commissions the Director of*
9 *the Department deems appropriate.*

10 2. *The Department may adopt any regulations or take such*
11 *other actions as are necessary to carry out its duties pursuant to*
12 *this section.*

13 3. *On or before June 30 of each even-numbered year, the*
14 *Grants Management Advisory Committee shall submit to the*
15 *Director of the Department a report that includes, without*
16 *limitation, recommendations regarding community needs and*
17 *priorities that are determined by the Advisory Committee after any*
18 *public hearings held by the Advisory Committee or the*
19 *Department.*

20 **Sec. 10.** NRS 218E.405 is hereby amended to read as follows:

21 218E.405 1. Except as otherwise provided in subsection 2,
22 the Interim Finance Committee may exercise the powers conferred
23 upon it by law only when the Legislature is not in a regular or
24 special session.

25 2. During a regular or special session, the Interim Finance
26 Committee may also perform the duties imposed on it by NRS
27 228.1111, subsection 5 of NRS 284.115, NRS 285.070, subsection 2
28 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS
29 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS
30 341.126, NRS 341.142, paragraph (f) of subsection 1 of NRS
31 341.145, NRS 353.220, 353.224, 353.2705 to 353.2771, inclusive,
32 353.288, 353.335, 353C.224, 353C.226, paragraph (b) of subsection
33 4 of NRS 407.0762, NRS 428.375, 439.4905, 439.620, 439.630,
34 445B.830, subsection 1 of NRS 445C.320 and NRS 538.650 **§** *and*
35 *section 8 of this act.* In performing those duties, the Senate Standing
36 Committee on Finance and the Assembly Standing Committee on
37 Ways and Means may meet separately and transmit the results of
38 their respective votes to the Chair of the Interim Finance Committee
39 to determine the action of the Interim Finance Committee as a
40 whole.

41 3. The Chair of the Interim Finance Committee may appoint a
42 subcommittee consisting of six members of the Committee to
43 review and make recommendations to the Committee on matters of
44 the State Public Works Division of the Department of
45 Administration that require prior approval of the Interim Finance



1 Committee pursuant to subsection 3 of NRS 341.126, NRS 341.142
2 and paragraph (f) of subsection 1 of NRS 341.145. If the Chair
3 appoints such a subcommittee:

4 (a) The Chair shall designate one of the members of the
5 subcommittee to serve as the chair of the subcommittee;

6 (b) The subcommittee shall meet throughout the year at the
7 times and places specified by the call of the chair of the
8 subcommittee; and

9 (c) The Director or the Director's designee shall act as the
10 nonvoting recording secretary of the subcommittee.

11 **Sec. 11.** Any state agency that has received money from a
12 settlement or judgment in a civil action by the State of Nevada
13 concerning the manufacture, distribution, sale and marketing of
14 opioids before January 1, 2022, shall, to the extent authorized by the
15 settlement or judgment, transfer to the State Treasurer any portion of
16 such money that remains uncommitted for deposit in the Capital
17 Fund for Behavioral Health pursuant to section 8 of this act.

18 **Sec. 12.** The provisions of subsection 1 of NRS 218D.380 do
19 not apply to any provision of this act which adds or revises a
20 requirement to submit a report to the Legislature.

21 **Sec. 13.** Notwithstanding the provisions of NRS 218D.430 and
22 218D.435, a committee, other than the Assembly Standing
23 Committee on Ways and Means and the Senate Standing Committee
24 on Finance, may vote on this act before the expiration of the period
25 prescribed for the return of a fiscal note in NRS 218D.475. This
26 section applies retroactively from and after March 22, 2021.

27 **Sec. 14.** 1. This section and section 13 of this act become
28 effective upon passage and approval.

29 2. Sections 1 to 12, inclusive, of this act become effective:

30 (a) Upon passage and approval for the purpose of adopting any
31 regulations and performing any other preparatory administrative
32 tasks that are necessary to carry out the provisions of this act; and

33 (b) On January 1, 2022, for all other purposes.

