

Request to delay implementation of SB 43

**Understanding the change
and potential impacts**



**NEVADA
COUNTY**
CALIFORNIA



The roots of SB 43

Crisis of homelessness – too many people suffering on the streets

LPS law is very outdated – written for a world that does not exist

Senator Eggman proposed the legislation with support from the administration; closely tied to MHSA reform efforts

Moved through the legislature with broad support and signed into law on October 10, 2023

What it does:

Expands the definition of Gravely Disabled for placing a person on an involuntary psychiatric hold or conservatorship

Adds people who are gravely disabled due to their severe substance use disorder (currently only due to a mental illness)

Adds people who due to either their mental illness or substance use disorder are unable to provide for their personal safety or necessary medical care

The challenges with the safety and medical care expansion

Current crisis system is staffed with mental health clinicians- we are not trained to diagnose life threatening medical care needs

Appropriate care may not exist: many physical health care needs or conditions are exclusionary criteria for psychiatric hospital placements



Challenges with implementing the Substance Use Disorder expansion

Significant expansion of the population potentially subject to detention

No treatment facilities currently exist to provide locked care: potential significant impacts on hospital emergency departments

The definition of gravely disabled due to an SUD does not currently exist

Other Challenges

**Need to develop
Severe SUD
grave disability
assessment**

**Concerns about
personal rights –
new legal
standards
needed**

**New treatment
modalities
needed**

Other issues to consider

No new funding – LPS law is not strictly mandatory and therefore is not subject to Prop 30

Impacts on the Behavioral Health system, but also on Court processes, Public Guardian, Public Defender and County Counsel

Opportunity to delay implementation

Law allows counties to delay implementation for up to 2 years while infrastructure, policies and programs are designed

Without a resolution by the Board of Supervisors allowing for the delay, the law goes into effect 1/1/24

Most counties are asking to delay as well – 4 counties already passed their resolution

San Francisco is the only county to date that is planning to implement 1/1/24

Process for gathering stakeholder input

Presented information and gathered input from numerous key partners:

- Mental Health and Substance Use Advisory Board
- Hospitals and crisis system
- Criminal Justice partners including courts
- Provider meeting

General support for delaying implementation:

- Shared understanding of the potential challenges if implemented prematurely
- Desire to get help to people as soon as possible

Questions?

This law will go into effect
– it is just a matter of
timing and hopefully
building out effective
services and treatment to
meet the expectations