

Attachment B – SB 43 Resolution

**RESOLUTION OF THE BOARD OF
SUPERVISORS COUNTY OF
SANTA BARBARA,
STATE OF CALIFORNIA**

IN THE MATTER OF DEFERRING
IMPLEMENTATION OF SENATE BILL 43 (2023-
2024 REG SESSION) WHICH MODIFIES
WELFARE AND INSTITUTIONS CODE
SECTION 5008 BY EXPANDING THE
DEFINITION OF “GRAVELY DISABLED”

RESOLUTION NO. _____

WHEREAS, the Lanterman-Petris-Short (LPS) Act (Welfare and Institutions Code section 5000, et seq.) provides for the evaluation and treatment of a person who is gravely disabled, which is defined to mean a condition in which a person, as a result of a mental health disorder, is unable to provide for his or her basic personal needs for food, clothing, or shelter; and

WHEREAS, Senate Bill 43 (2023-2024 Reg. Session), Statutes 2023, Chapter 637 (SB 43), signed by the Governor on October 10, 2023, expands the definition of gravely disabled to include a person who, as a result of a mental health disorder, a severe substance use disorder (SUD), or a co-occurring mental health disorder and a severe substance use disorder, or as a result of impairment by chronic alcoholism, is unable to provide for their basic personal needs for food, clothing, shelter, personal safety, or necessary medical care; and

WHEREAS, this expanded definition of gravely disabled became effective on January 1, 2024; and

WHEREAS, the responsibility for administering the LPS system falls largely with counties; and

WHEREAS, SB 43’s expansion of the definition of grave disability requires significant effort in building and expanding the treatment, workforce, delivery networks, housing capacity, and models for locked treatment settings or models of care for involuntary substance use disorder (SUD) treatment to successfully meet the conservatorship needs of the population; and

WHEREAS, SB 43 requires counties to develop criteria for a “severe SUD” grave disability assessment, as no such assessment previously existed, as well as developing new protocols for designating individuals qualified to perform severe SUD grave disability assessments and to recruit and hire staff to perform severe SUD grave disability assessments; and

WHEREAS, SB 43 expands LPS criteria to include an assessment of whether an individual is unable to survive safely in the community or provide for necessary medical care without involuntary detention, counties had to develop policies and procedures for how these determinations are made, along with qualified licensed health care providers; and

WHEREAS, Behavioral Wellness and Public Guardian have provided training to hospital emergency department staff throughout Santa Barbara County and will continue to provide ongoing training for these hospitals staff to be able to perform the assessments needed to request or remove involuntary holds, when appropriate, or recommend conservatorship when appropriate, and how to care for individuals with severe SUD and limited capacity with co-occurring medical conditions; and

WHEREAS, SB 43 expands the demand for county public guardians, Patient Rights Advocates, County Counsel, county behavioral health staff and treatment providers; and

WHEREAS, SB 43 required the build-out of additional locked psychiatric hospital facilities, and subsequently, Senate Bill 1238 (2023-2024 Regular Session), Chapter 644, (SB 1238) signed by the Governor on September 27, 2024, expands the definition of psychiatric health facility to also include a facility that provides 24-hour inpatient care for people with mental health disorders, severe substance use disorder, or co-occurring mental health and substance use disorders, until the time regulations are adopted no later than December 31, 2027; and

WHEREAS, on December 12, 2023, the Board of Supervisors of the County of Santa Barbara (County) approved Resolution 23-290, per SB 43 SECTION 1. Pursuant to Welfare and Institutions Code section 5008, subdivision (h)(4), as enacted by SB 43, the County of Santa Barbara hereby elected to defer implementation of the changes made by that bill to Welfare and Institutions Code section 5008 until January 1, 2026, effective January 1, 2024; and

WHEREAS, the Board of Supervisors is requested to modify the implementation of SB 43 and the adoption of the new definition of grave disability to be effective July 1, 2025, and to adopt and authorize this Resolution to supersede Resolution 23-290.

NOW, THEREFORE, BE IT HEREBY ORDERED AND RESOLVED, that the Board of Supervisors of the County of Santa Barbara hereby determines and declares the implementation of Senate Bill 43 programs and services and reporting requirements shall be in effect for the County of Santa Barbara on July 1, 2025.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara,
this 10th day of June, 2025.

AYES: _____

NOS: _____

ABSTAIN: _____

ABSENT: _____

COUNTY OF SANTA BARBARA:

By: _____

LAURA CAPPS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

MONA MIYASATO
COUNTY EXECUTIVE OFFICER
CLERK OF THE BOARD

By: _____
Deputy Clerk

**APPROVED AS TO
FORM:**

RACHEL VAN MULLEM
COUNTY COUNSEL

By:  _____
Deputy County Counsel

Signed by:
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