

**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF YUBA**

**RESOLUTION DEFERRING )  
IMPLEMENTATION OF )  
CHANGES MADE TO )  
WELFARE AND INSTITUTIONS )  
CODE SECTION 5008 BY )  
SENATE BILL 43 )**

**RESOLUTION NO. 2023-092**

**WHEREAS**, the Lanterman-Petris-Short (“LPS”) Act (Welfare and Institutions Code section 5000, et seq.) provides for the evaluation and treatment of persons who are gravely disabled. The term “gravely disabled” is currently 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 (“SB”) 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 condition in which a person, as a result of a mental health disorder, a severe substance use disorder, or a co-occurring mental health disorder and a severe substance use disorder, 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 the term “gravely disabled” becomes effective on January 1, 2024; and

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

**WHEREAS**, SB 43’s expansion of the definition of grave disability will require a 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's expansion of LPS criteria to include individuals with a severe SUD, will significantly expand the portion of the population potentially subject to detention and conservatorship under the LPS Act from around 1% to around 10% of the population based on SUD prevalence estimates; and

**WHEREAS**, SB 43 will require counties to develop "severe SUD" grave disability criteria for assessments, protocols/procedures for assessments, and hiring/ training of staff, as no such "severe SUD" grave disability assessment currently exists; 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. This will also require counties to work with qualified licensed health care providers to develop policies and procedures for how these determinations will be made; and

**WHEREAS**, hospitals will be without qualified designated individuals to perform the assessments needed to remove involuntary holds, when appropriate, or recommend conservatorship when appropriate because there is currently no locked treatment capacity for individuals with severe SUD and limited capacity for co-occurring medical conditions. Local hospital emergency departments will be impacted by additional individuals who are boarding there in the absence of this new treatment capacity; and

**WHEREAS**, SB 43 will expand the demand for county Public Guardians, Patient Rights Advocates, County Counsel, and county behavioral health staff and treatment providers; and

**WHEREAS**, SB 43 will require the build out of new and novel treatment capacity such as locked SUD treatment facilities which currently do not exist in California; and,

**WHEREAS**, the breadth of this necessary effort requires more time than SB 43's effective date allows; and

**WHEREAS**, in recognition of this, Welfare and Institutions Code section 5008, subdivision (h)(4), as enacted by SB 43 provides that a county, by adoption of a resolution of its governing body, may elect to defer implementation of the changes made by SB 43 until January 1, 2026, thereby postponing implementation of the new definition of grave disability.

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**NOW, THEREFORE, BE IT RESOLVED** by the Yuba County Board of Supervisors hereby defers the implementation of the changes made by SB43 until January 1, 2026, as provided by Welfare and Institutions Code section 5008, subdivision (h)(4) as of January 1, 2024.

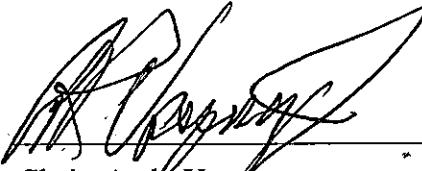
**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the 28 day of November, 2023 by the following vote:

AYES: Supervisors VAsquez, Blaser, Fuhrer, Messick

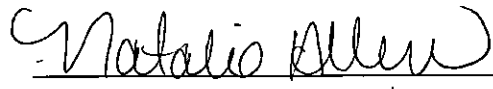
NOES: None

ABSENT: Supervisor Bradford

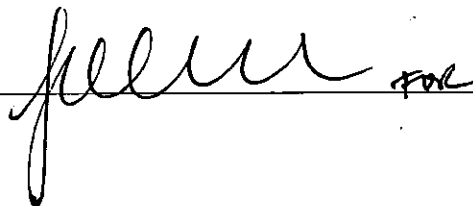
ABSTAIN: None§

  
Chair, Andy Vasquez

ATTEST: MARY PASILLAS  
CLERK OF THE BOARD OF SUPERVISORS

  
Natalie Allen, Board Clerk

JOSEPH LARMOUR  
YUBA COUNTY COUNSEL  
APPROVED AS TO FORM:

  
JLC