

▶▶ SENATE BILL 43 (SB 43) FAQ



LOS ANGELES COUNTY
DEPARTMENT OF
MENTAL HEALTH
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COUNTY OF LOS ANGELES
Public Health
Substance Abuse Prevention and Control

What is Senate Bill 43?

Senate Bill 43 was passed and signed in 2023 to significantly update California's conservatorship laws for the first time in more than 50 years. The bill broadens the authority of the Lanterman-Petris-Short (LPS) Act, which governs involuntary detention, treatment and conservatorship of people with behavioral health conditions.

The law, which goes into effect in January 2026 in Los Angeles County, expands the definition of "gravely disabled."

Gravely disabled now includes people with a mental health disorder, a severe substance use disorder, or a co-occurring mental health disorder and severe substance use disorder who are unable to provide for their basic personal needs for food, clothing, shelter, personal safety or necessary medical care.

SB 43 also expands the array of testimony that can be submitted into conservatorship proceedings, requires counties to consider less restrictive alternatives when conducting conservatorship investigations, and expands state reporting requirements.

What is the Lanterman-Petris-Short (LPS) Act?

The LPS Act is a 1967 California law that governs involuntary detention, treatment and conservatorship of people with behavioral health conditions. The act established a system of short-term involuntary holds in designated facilities and set requirements for the path to temporary and permanent conservatorship.

Criteria and examples of grave disability

The new definition of "grave disability" requires specific criteria to be met. 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, must be unable to provide for their basic personal needs for food, clothing, shelter, personal safety, or necessary medical care.

Examples include:

- Personal Safety: The inability to survive safely in the community without involuntary detention:
 - Placing oneself in harm's way of traffic.
 - An individual incapable of defending themselves against ongoing victimization due to a lack of awareness of their vulnerability that presents an imminent danger to the individual.
 - Severe impaired judgement resulting in risky situations that threaten the person's own life or those of others.

- Necessary Medical Care: Due to mental health and/or severe substance use disorder, involuntary detention is necessary to prevent serious deterioration of an existing physical medical condition which, if left untreated, is likely to result in serious bodily injury:
 - Pregnant women so severely impaired with a mental illness and/or severe substance use disorder, neglecting prenatal care, follow-up care, homeless, excessive substance use, often victimized and placing fetus at risk.
 - Signs of significant malnourishment (loss of weight or dehydration) that place the individual's health at serious risk.
 - Wound care and infection issues likely to lead to loss of limb or life if not treated.

What is a 5150 hold?

A 5150 hold allows for an involuntary 72-hour psychiatric detention for someone who is a danger to themselves, a danger to others, or gravely disabled.

A 5150 is not a criminal arrest.

A 5150 hold can be initiated by a police/peace officer, or by a person approved by the Los Angeles County Department of Mental Health and designated as an LPS-Authorized individual. The person under the hold can be detained and transported to a facility for a mental health and/or substance use disorder assessment, but it does not authorize involuntary medication or medical treatment.

A person under a hold is also not required to be hospitalized for the full 72 hours.

After the client is deemed stable or the end of 72 hours, they are:

- Discharged; or
- Admitted as a voluntary patient for continued treatment; or
- Held involuntarily under a different type of hold.

What is considered “severe” substance use disorder under the new law?

Under SB 43, In a clinical setting, a clinician uses the Diagnostic and Statistical Manual of Mental Disorders (DSM-5-TR) to specify the severity of a substance use disorder. The DSM-5-TR uses 11 criteria that can arise from substance use disorder.

- Severe substance use disorder: Person exhibits six or more of the criteria.
- Moderate substance use disorder: Person exhibits four to five criteria.
- Mild substance use disorder: Person displays two or three criteria.

The criteria are:

1. Use in larger amounts or for longer periods of time than intended.
2. Unsuccessful efforts to cut down or quit.
3. Excessive time spent getting, using, intoxicated, and recovering from effects.
4. Craving or Intense desire/urge to use substance.
5. Failure to fulfill major obligations.
6. Continued use despite social/interpersonal problems.
7. Activities/hobbies reduced or given up.
8. Recurrent use in physically hazardous situations.
9. Recurrent use despite physical or psychological problems caused by or worsened by use.
10. Tolerance.
11. Withdrawal.

In the field, an LPS-Authorized individual will make a determination based on observations whether a person has a severe substance use disorder and would qualify for a 5150 hold under the new expanded criteria.

However, LPS Authorized individuals placing people on a 5150 hold for a severe substance use disorder **are not making a clinical diagnosis but rather are making a determination based on their observations of the general criteria above.**

What if my loved one needs mental health and/or substance use treatment now?

After the original 72-hour hold, if it's decided the client needs additional involuntary treatment for a severe substance use disorder, they may be directed to one of the following: a general acute care hospital that provides necessary medical care and/or chemical dependency recovery services as a supplemental service; an acute psychiatric hospital that provides needed medical care and/or chemical dependency recovery services as a supplemental service; or, a Mental Health Crisis Stabilization Unit or Mental Health Urgent Care Center.

What if my loved one needs mental health and/or substance use treatment now?

Contact the L.A. County Help Line for Mental Health and Substance Use at (800) 854-7771. Publicly funded substance use services can also be accessed via the online provider directory at SUDhelpLA.org.

**For a glossary of terms in relation to SB 43 and to view a list of possible indicators and symptoms, please visit LACDMH's website dmh.lacounty.gov/sb43 or scan this QR code.*

