



CALIFORNIA SENATE BILL 43: AN EXPANSION OF GRAVE DISABILITY

LOS ANGELES COUNTY DEPARTMENT OF MENTAL HEALTH





Outline

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Overview of SB 43 & LPS

Lanterman Petris Short (LPS)

California law, enacted in 1967, that governs involuntary detentions, treatment, and conservatorships of people with behavioral health conditions.

- Under LPS, an individual can be evaluated for involuntary detention if they are a danger to themselves, a danger to others, or gravely disabled.
- Department of Mental Health (DMH) designates the facilities that accommodate involuntary holds.
- Only LPS-authorized individuals can evaluate a person for holds at an LPS-designated facility.

Senate Bill 43 (SB 43)

Signed into law by the Governor on October 10, 2023

- First major change to the LPS law since 1967.
- Updates and expands the definition of Grave Disability and makes changes to the hearsay rule in conservatorship hearings.



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What Has Changed Under California's SB 43?

1. Changes the definition of "gravely disabled"
2. Expands the criteria for involuntary detention and treatment by adding:
 - a. Individuals with severe substance use disorders or co-occurring mental health and severe substance use disorders, and
 - b. Inability to manage personal safety or necessary medical care.
3. Redefines who qualifies for care under the State's conservatorship system.

SB 43 changes will be implemented in Los Angeles County on January 1, 2026



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Understanding SB 43 Changes to Grave Disability

PAST DEFINITION

“A condition in which a person, as a result of a mental health disorder or chronic alcoholism (rather than a chosen lifestyle or lack of funds), is unable to provide for his or her basic needs for food, clothing or shelter.”

REVISED DEFINITION OF GRAVE DISABILITY

“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.**”



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Changes in Grave Disability Definition

ELEMENTS OF GRAVE DISABILITY DEFINITION	OLD DEFINITION	NEW DEFINITION
Mental health disorder diagnosis is a basis for grave disability (GD)	X	X
Severe substance use disorder (SUD) is a basis for GD		X
Co-occurring mental health disorder and severe SUD is a basis for GD	X	X
Inability to provide for food, clothing, shelter is a basis for GD	X	X
Inability to provide for personal safety is a basis for GD		X
Inability to provide for necessary medical care is a basis for GD		X
Causation required between mental health disorder/severe SUD and inability to provide for basic needs	X	X
Referral from psychiatrist/psychologist required for conservatorship petition	X	X
Constitutional rights/protections for patients subject to involuntary holds and conservatorships	X	X

Adapted from Office of San Francisco City Attorney David Chiu Presentation



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Grave Disability Criteria: Severe Substance Use Disorder

"Severe" Substance Use Disorder (SUD) Definition

A substance use-related condition that meets the "severe" criteria according to **DSM-5** at the **time of evaluation**.

- **DSM** = Diagnostic and Statistical Manual used to identify mental health, substance use, and brain-related conditions.
- **Time of evaluation** = Evaluation based on the person's current presentation, not a 12-month diagnostic history.



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Severe Substance Use Criteria

MILD

2 or 3 symptoms

MODERATE

4 or 5 symptoms

SEVERE

6 or more symptoms

1. Cravings and urges to use the substance
2. Continuing to use, even when it causes problems in relationships
3. Using substances again and again, even when it puts you in danger
4. Taking the substance in larger amounts or for longer than you're meant to
5. Giving up important social, occupational or recreational activities because of substance use
6. Spending a lot of time getting, using or recovering from use of the substance
7. Wanting to cut down or stop using the substance, but not managing to
8. Continuing to use, even when you know you have a physical or psychological problem that could have been caused or made worse by the substance
9. Not managing to do what you should at work, home or school because of substance use
10. Needing more of the substance to get the effect you want (tolerance)
11. Development of withdrawal symptoms, which can be relieved by taking more of the substance



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Severe Substance Use Disorder: Observable Considerations

Do not rely solely on **one example** of an observable behavior to determine grave disability.

For example, signs of intoxication — slurred speech, strong smell of alcohol or marijuana, or bloodshot eyes — **do not** necessarily mean a severe SUD.

EXAMPLES OF OBSERVABLE BEHAVIORS TO DETERMINE GRAVE DISABILITY FOR SEVERE SUD

Multiple contacts of incapacitating intoxication of a 12-month period

Refusing to use food, clothing, shelter when offered due to severe SUD

Unable to care for personal hygiene, cleanliness, due to severe SUD

Repeated medically life-threatening substance use (such as multiple overdoses)



Non-Clinical LPS-authorized individuals

(e.g., law enforcement) are only expected to identify and describe **observable behaviors or conditions** that are consistent with DSM criteria, **not diagnose** individuals as having severe SUD.

CONSIDER THE INDIVIDUAL'S ENTIRE SITUATION



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Grave Disability Criteria: Personal Safety

Definition

The inability of one to survive safely in the community without involuntary detention or treatment **due to** a mental health disorder, severe SUD, or co-occurring mental health and severe SUD disorders.

Observable Considerations



Severe impaired judgment, resulting in risky situations that threaten the person's own life or those of others (i.e., walking in and out of traffic).



An individual incapable of defending themselves against ongoing victimization due to a lack of awareness of their vulnerability.



Inability to care for personal hygiene or cleanliness, leading to illness or infection.



Unhygienic/uninhabitable living conditions or behaviors which are so severe and significant as to contribute to an unsafe physical environment. Poor hygiene alone and/or being unhoused is not sufficient.

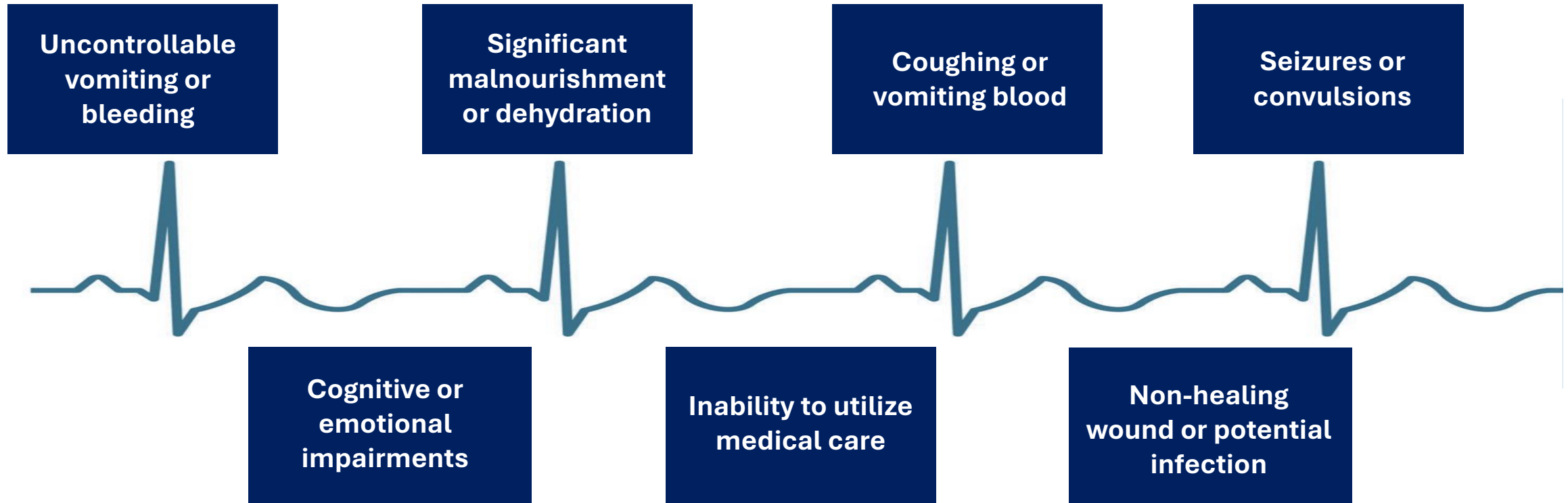


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Grave Disability Criteria: Necessary Medical Care

Care that a licensed health care practitioner, while operating within the scope of their practice, determines to be necessary to prevent serious deterioration of an existing physical medical condition which, if left untreated, is likely to result in serious bodily injury. Section 15610.67. WIC § 5008(q)



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Understanding SB 43 Changes to Conservatorship

While expanding the criteria for conservatorship, SB 43 also emphasizes the importance of individual rights.

- Changes the hearsay rule to allow expert witnesses to testify to information in a medical record if that information is relevant to the expert's opinion.
- Requires a Public Guardian to consider less restrictive alternatives, including Assisted Outpatient Treatment (AOT) and CARE Court, when conducting conservatorship investigations.



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Thank you for your time
and commitment to
support wellness.

Resources

California Legislative Information
[Senate Bill 43](#)

California Department of Health Care Services:
dhcs.ca.gov

Los Angeles County Department of Mental Health webpage
[LPS & SB 43](#)

Los Angeles County Department of Public Health Substance
Abuse Prevention and Control Bureau Substance Use Resource
RecoverLA.org

Los Angeles County Help Line for Mental Health and Substance
Abuse Services
[800-854-7771](tel:800-854-7771), available 24/7



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Case Studies

Examples for applying changes to
SB 43



SCENARIO #1A TANYA

Grave Disability in relation to
Severe Substance Use Disorder



Tanya is a 42-year-old female who has been using methamphetamine, alcohol, tobacco, and other substances for several years. Over the past two years, her use of both alcohol and methamphetamine has escalated.

A field team encountered her while she was living in a makeshift shelter under a freeway overpass in Los Angeles, amidst trash and broken glass.

Tanya claims she initially drank only socially, but with work and home stress, **regularly consumed larger amounts of alcohol than she had planned**, often binge drinking for days.

She also began using methamphetamine daily to stay awake during long shifts at work but now uses it almost continuously for 3-4 days at a time before crashing. Tanya says **she spends most of her day attempting to obtain substances** from strangers, often placing herself at risk for serious harm.



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SCENARIO #1A TANYA

Grave Disability in relation to
Severe Substance Use Disorder
(continued)



She reports that **she knows it is not safe, however, she states, “I can’t think about anything else until I get high.”** She goes on to say that **she “has wanted to stop using so many times before, but just can’t,” due to cravings and withdrawal symptoms.**

Tanya reports that **her substance use has resulted in regular absences and poor work performance**, ultimately resulting in her being fired from her job and losing her apartment. **Tanya’s partner also left due to ongoing conflicts related to her drug and alcohol use** and she is estranged from her family due to her erratic behavior.

Tanya is aware **that her substance use has caused serious problems, including loss of housing, job, and relationships, as well as worsening physical and mental health**, but feels unable to stop and is interested in receiving substance use treatment. She displays good insight into her situation, has a coherent thought process, and is able to describe how she will take care of herself with respect to her basic needs of food, shelter, and clothing. She also does not endorse any psychiatric symptoms.



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SCENARIO #1B TANYA

Grave Disability in relation to
Severe Substance Use Disorder



Tanya is a 42-year-old female who has been using methamphetamine, alcohol, tobacco, and other substances for several years. Over the past two years, her use of both alcohol and methamphetamine has escalated.

A field team encountered her while she was living in a makeshift shelter under a freeway overpass in Los Angeles, amidst trash and broken glass. Tanya claims she initially drank only socially, but with work and home stress, **regularly consumed larger amounts of alcohol than she had planned**, often binge drinking for days. She also began using methamphetamine daily to stay awake during long shifts at work but now uses it almost continuously for 3-4 days at a time before crashing.

Tanya says she **spends most of her day attempting to obtain substances from strangers**, often placing herself at risk for serious harm. She reports that **she knows it is not safe, however, she states, “I can’t think about anything else until I get high.”** She goes on to say that **she “has wanted to stop using so many times before but just can’t”** due to cravings and withdrawal symptoms.



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SCENARIO #1B TANYA

Grave Disability in relation to
Severe Substance Use Disorder
(continued)



Tanya reports that her **substance use has resulted in regular absences and poor work performance**, ultimately resulting in her being fired from her job and losing her apartment. **Tanya's partner also left due to ongoing conflicts related to her drug and alcohol use** and she is estranged from her family due to her erratic behavior.

Tanya is **aware that her substance use has caused serious problems, including loss of housing, job, and relationships, as well as worsening physical and mental health, but indicates that she has no interest in stopping and rejects repeated offers to connect her with treatment services**. She displays a coherent thought process and does not exhibit any major identifiable psychotic, mood, or other psychiatric symptoms. She has no viable plan for how she will take care of herself with respect to her basic needs of food, shelter, and clothing.

She is also upset when asked about her substance use and clearly **not interested in services, saying that she has tried to stop using substances previously and that it "never works,"** and that she's an adult and that no one should tell her how she should make decisions.



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SCENARIO #2 THOMAS

Grave Disability related to Necessary Medical Care



A 48-year-old male is brought into the Emergency Room by his sister, who is concerned about a worsening wound on his left leg. Upon arrival, the ER staff observed the following:

- The patient has an open wound on his lower leg that is red, swollen, and leaking pus, with an accompanying foul odor, indicating possible infection.
- He avoids direct questions about the wound, stating, "It's healing fine with the powders I've been using." However, he is unable to explain what these "powders" are.
- He repeatedly refuses treatment, saying, "I don't need it because the Earth will heal me naturally."
- Staff note that the patient appears thin and malnourished. When asked about his eating habits, he claims, "I survive on sunlight and energy from the Earth," suggesting irrational beliefs.
- He seems agitated and restless, with bloodshot eyes and visible tremors. The sister discloses that he has been using methamphetamine regularly but denies needing medical care.
- Upon review, his medical history reveals untreated diabetes. The sister mentions that he has not been taking his insulin for more than a year, leading to worsening health issues, including his current wound.



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Questions and Discussion
