

## RESOLUTION NO. 23-193

### RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS AUTHORIZING MENDOCINO COUNTY TO DEFER IMPLEMENTATION OF SENATE BILL 43, SPECIFIC TO THE EXPANSION OF THE DEFINITION OF “GRAVELY DISABLED” UNDER THE LANTERMAN-PETRIS-SHORT ACT, UNTIL JANUARY 1, 2026

WHEREAS, the existing law, Lanterman-Petris-Short Act (LPS), (Welfare and Institutions Code section 5100, *et seq.*), includes, in part, provisions addressing the involuntary detention and treatment of a person who is a danger to themselves or others or who is gravely disabled, and for purposes of conservatorship, defines “gravely disabled”, in pertinent part, as a condition in which a person, as a result of a mental health disorder, is unable to provide for their 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, effective January 1, 2024, includes a provision which expands the definition of “gravely disabled” to include the inability to provide for a person’s “personal safety or necessary medical care”; and

WHEREAS, SB 43, effective January 1, 2024, also includes a provision which expands the definition of “gravely disabled” to include a condition in which a person, as a result of a severe substance use disorder, 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, the responsibility for administering the LPS system 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, the expansion of the definition of grave disability to include severe SUD will also require the creation of new and novel treatment capacity such as locked SUD treatment facilities, which do not currently exist in California; and

WHEREAS, SB 43 will increase the demand for and caseload of county public conservators, Patients’ Rights Advocates, county behavioral health staff, County Counsel, and Public Defender’s offices; and.

WHEREAS, SB 43, pursuant to Welfare and Institutions Code section 5008(h)(4), counties are authorized, through the adoption of a resolution by its governing body, to defer implementation of the expanded definition of “gravely disabled” from January 1, 2024, until January 1, 2026; and

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors authorizes as follows:

1. Pursuant to Welfare and Institutions Code section 5008, subdivision (h)(4), as enacted by SB 43, the County of Mendocino hereby elects to defer implementation of the expanded definition of “gravely disabled” until January 1, 2026.
2. This Resolution shall go into effect on January 1, 2024.

The foregoing Resolution introduced by Supervisor Mulheren, seconded by Supervisor Williams, and carried this 19<sup>th</sup> day of December, 2023, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: DARCIE ANTLE  
Clerk of the Board

  
\_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CHRISTIAN M. CURTIS  
County Counsel

  
\_\_\_\_\_

  
\_\_\_\_\_  
GLENN MCGOURTY, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: DARCIE ANTLE  
Clerk of the Board

  
\_\_\_\_\_  
Deputy