

RESOLUTION NO. _____

**RESOLUTION OF THE NAPA COUNTY BOARD OF SUPERVISORS,
STATE OF CALIFORNIA, DEFERRING IMPLEMENTATION OF THE
CHANGES MADE TO WELFARE AND INSTITUTIONS CODE
SECTION 5008 BY SENATE BILL 43**

WHEREAS, the Lanterman-Petris-Short (LPS) Act, Welfare and Institutions Code section 5100, et seq., provides for the evaluation and treatment of a person who is gravely disabled; and

WHEREAS, gravely disabled has been defined as a condition when a person is unable to provide for his or her basic personal needs for food, clothing, or shelter as a result of a mental disorder; and

WHEREAS, on October 10, 2023, the Governor signed Senate Bill 43, effective January 1, 2024, expanding the definition of gravely disabled to include people with a severe substance use disorder (SUD); and

WHEREAS, based on estimates from SUD data, SB 43's expansion of LPS criteria to include individuals with a SUD will significantly expand the LPS conservatorship population from about 1% to around 10% of the total population; and

WHEREAS, the responsibility for administering the LPS system falls largely with counties and will expand demand for county public guardians, Patient Rights Advocates, County Counsel, public defenders, county behavioral health staff and treatment providers; and

WHEREAS, SB 43 will require development of new and novel treatment capacity that currently do not exist in California, such as locked SUD treatment facilities; and will require expanding delivery networks, housing capacity and models for locked treatment settings and models of care for involuntary SUD treatment to successfully meet the expanded conservatorship population's needs; and

WHEREAS, because there is currently no locked treatment for individuals with severe SUD and limited treatment for individuals with co-occurring medical conditions, local hospital emergency departments will be impacted by individuals who meet the expanded definition of conservatorship, but do not have facilities to treat them; and

WHEREAS, because SB 43 requires counties to assess if individuals can survive safely in community or provide for necessary medical care without involuntary detention, counties will need to develop policies and procedures and staffing for these assessments; and

WHEREAS, Welfare and Institutions Code section 5008, subdivision (h)(4), as enacted by SB 43, provides that a county may elect to defer implementation of the changes made by SB 43 postponing implementation of the new definition of grave disability until January 1, 2026; and

WHEREAS, for the reasons stated above, the County is currently unable to implement SB 43.

NOW, THEREFORE, BE IT RESOLVED by the Napa County Board of Supervisors as follows:

1. Pursuant to Welfare and Institutions Code section 5008, subdivision (h)(4), as enacted by SB 43, Napa County hereby elects to defer implementation of the changes made by that bill to Welfare and Institutions Code section 5008 until January 1, 2026.
2. This Resolution shall go into effect on January 1, 2024.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Napa County Board of Supervisors, State of California, at a regular meeting of the Board held on the _____ day of _____, _____, by the following vote:

AYES: SUPERVISORS _____

NOES: SUPERVISORS _____

ABSTAIN: SUPERVISORS _____

ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of
the State of California

By: _____

Belia Ramos, Chair of the
Board of Supervisor

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <i>Susan B. Altman, Deputy</i> Deputy County Counsel</p> <p>Date: November 14, 2023</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____</p> <p>Processed By: _____</p> <p>_____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
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