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California Senate Bill 43: What's Changing and Why it Matters

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Overview of SB 43

Understanding Changes to Grave Disability

Updated Criteria for Involuntary Hold Evaluations

Understanding SB 43 Changes in Practice

Resources

SB 43 & LPS Overview

- **Lanterman-Petris-Short (LPS) Act** was a California Law enacted in **1967** under which an individual can be evaluated for involuntary detention if they are a danger to themselves, a danger to others or gravely disabled as a result of a mental health disorder.
- **SB 43** is a new law passed in **2023** by California that updates and expands the definition of grave disability under the LPS Act and makes changes to the hearsay rule in conservatorship hearings
- All counties, including Contra Costa County, are required to implement by January 1st, 2026

SB 43: What has Changed?

1. Changes the definition of “gravely disabled.”
2. LPS (1967) defined grave disability as 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.
3. SB 43 expands **the eligibility criteria for LPS evaluation 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**.

Understanding Changes to Grave Disability

Past Definition

"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."

New Definition

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.**

SB 43 Grave Disability Definition: What's Changed and What Hasn't

Elements of Grave Disability Definition	Past	New
Mental Health disorder diagnosis is 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 involuntary holds and conservatorships	X	X

Adapted from Office of San Francisco City Attorney David Chiu Presentation

SB 43:

Severe Substance Use Disorder

MILD

2 or 3 symptoms

MODERATE

4 or 5 symptoms

SEVERE

6 or more symptoms

Criteria	
Use in larger amounts or for longer periods of time than intended	Activities/hobbies reduced or given up
Unsuccessful efforts to cut down or quit	Recurrent use in physically hazardous situations
Excessive time spent getting, using, intoxicated, and recovering from effects	Recurrent use despite physical or psychological problems caused by or worsened by use
Craving or intense desire/urge to use substance	Tolerance
Failure to fulfill major obligations	Withdrawal
Continued use despite social/interpersonal problems	

Examples of Observable Behaviors to Determine GD for Severe SUD

Multiple occurrences of incapacitating intoxication over a 12-month period.

Refusing food, clothing or shelter when offered due to severe SUD.

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

Repeatedly medically life-threatening substance use (e.g., multiple overdoses).

Note: Non-clinical LPS-authorized individuals like law enforcement are only expected to identify and describe observable behaviors or conditions that are consistent with DSM criteria, not diagnose individuals.

SB 43 GD Observable Function: Necessary Medical Care Examples

Failure to Seek or Follow Medical Care	Inability to Manage Chronic Conditions	Impaired Judgement Re Health Risks	Refusal of Basic Self Care	Imminent Health Risk
<ul style="list-style-type: none"> • Refusal or inability to obtain medical evaluation or treatment for serious or worsening conditions. • Discontinuation of prescribed medication or treatments despite medical necessity. • Inability to recognize severity of illness or injury requiring urgent attention 	<ul style="list-style-type: none"> • Non-adherence to essential medical regimens (e.g., diabetes, cardiac, seizure care) due to mental illness or substance use disorder. • Repeated hospitalizations or medical crises from neglecting treatment needs. • Failure to monitor or respond to symptoms indicating medical deterioration. 	<ul style="list-style-type: none"> • Engaging in behaviors leading to medical harm (e.g., untreated infections, wound neglect). • Using substances or engaging in unsafe behaviors that exacerbate medical conditions. • Demonstrating delusional or disorganized reasoning that prevents necessary care. 	<ul style="list-style-type: none"> • Refusing hydration, nutrition, or hygiene leading to medical compromise. • Failure to use assistive devices or supports (e.g., oxygen, mobility aids) when provided. • Unwillingness to clothe or feed oneself when food or clothing are made available. 	<ul style="list-style-type: none"> • Rapid decline in medical condition due to non-treatment or neglect. • Life-threatening infection or dehydration resulting from refusal or inability to access care. • Physical deterioration placing individual at risk of death or grave harm without intervention.

“Necessary medical care” means 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 that, if left untreated, is likely to result in serious bodily injury” (WIC § 5008(h)).

SB 43 GD Observable Function: Personal Safety Examples

Neglect of Essential Health and Safety Needs	Vulnerability and Exploitation Risk	Exposure to Dangerous Conditions	Failure to Recognize or Respond to Danger	Direct Imminent Risk Behaviors
<ul style="list-style-type: none">• Refusal or inability to seek medical care for serious illness or injury.• Severe neglect of hygiene leading to infection or infestation.• Failure to use available food, shelter, or clothing resulting in harm.	<ul style="list-style-type: none">• Inability to protect self from harm or exploitation.• Allowing unsafe individuals into living spaces or giving away essentials.• Repeated victimization due to impaired judgment.	<ul style="list-style-type: none">• Wandering into traffic or unsafe• Remaining in hazardous or unsanitary locations despite risk.• Refusing to leave areas posing imminent harm (e.g., extreme weather).	<ul style="list-style-type: none">• Inability to perceive or avoid threats (e.g., moving vehicles).• Unsafe use of fire, electricity, or toxic substances.• Disorganized or confused wandering leading to danger or exploitation.	<ul style="list-style-type: none">• Self-endangering behaviors (e.g., fire, sharp objects) without intent to die.• Failure to escape or protect self from immediate threats.

“Personal safety means the ability of one to survive safely in the community without involuntary detention or treatment pursuant to this part” (WIC§ 5008(q)).

Understanding SB 43: Changes in Practice

- Updates how expert testimony may be presented in some conservatorship proceedings, including when written or remote testimony may be used.
- Requires counties to consider less restrictive alternatives such as assisted outpatient treatment (AOT) and CARE Court in conducting conservatorship investigations.
- Updates state reporting to include aggregate, non-identifying information on admissions and detentions related to grave disability involving mental health and/or severe substance use conditions.

California Legislative Information Senate Bill 43 [Senate Bill 43](#)

California Department of Health Care Services [DHCS Homepage](#)

Contra Costa County Behavioral Health Services [Behavioral Health | Services & Programs](#)

Country Costa County AODS [Alcohol and Other Drugs Services | Contra Costa Health](#)

Help Line for Behavioral Health Crises [A3 Crisis Response - 24/7 | Contra Costa Health](#)



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