



RESOLUTION NO. 176-2023

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

**RESOLUTION DEFERRING THE IMPLEMENTATION OF THE CHANGES MADE TO WELFARE AND INSTITUTIONS CODE SECTION 5008 BY SENATE BILL 43 (2023-2024 REG. SESSION)**

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

**WHEREAS**, Senate Bill 43 (2023-2024 Reg. Session), Statutes 2023, Chapter 637 (SB 43), signed by the Governor of California on October 10, 2023, expands the definition of gravely disabled to include a person who, 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, 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;

**WHEREAS**, this expanded definition of gravely disabled becomes effective on January 1, 2024;

**WHEREAS**, the responsibility for administering the LPS system falls largely with counties;

**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 treatment to successfully meet the conservatorship needs of the population;

**WHEREAS**, the breadth of that effort requires more time than SB 43's effective date allows; and

**WHEREAS**, in recognition of this, WIC section 5008, subdivision (h)(4), as enacted by SB 43, provides that a county, by adoption of a resolution of its governing body, may elect to defer implementation of the changes made to this section by SB 43 until January 1, 2026, thereby postponing implementation of the new definition of grave disability.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of the County of El Doardo, as follows:

1. Pursuant to WIC section 5008, subdivision (h)(4), as enacted by SB 43, the County of El Dorado hereby elects to defer implementation of the changes made by that bill to WIC section 5008 until January 1, 2026.

2. This Resolution shall go into effect on January 1, 2024.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 5th day of December, 2023, by the following vote of said Board:

Attest:  
Kim Dawson  
Clerk of the Board of Supervisors

Ayes: Thomas, Hidahl, Turnboo, Parlin, Laine  
Noes: None  
Absent: None

By: *Kyra Schuffley*  
Deputy Clerk

*Wendy Thomas*  
Chair, Board of Supervisors  
Wendy Thomas