

**TO:** The Honorable Brian Maienschein, Chair  
Assembly Judiciary Committee

**FROM:** Nossaman LLP on behalf of the Monterey County Board of Supervisors

**DATE:** July 7, 2023

**RE:** **SB 43 (Eggman) Behavioral Health - OPPOSE**

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The County of Monterey opposes Senate Bill 43 by Senator Susan Talamantes Eggman. This measure would expand the definition of “gravely disabled,” for purposes of involuntarily detaining an individual, as a condition that will result in substantial risk of serious harm, as defined, to the physical or mental health of an individual due to a mental health or substance use disorder (MH/SUD).

The County of Monterey recognizes that many individuals with MH/SUDs fail to receive necessary medical treatment because of the narrow legal definition of the term “gravely disabled” but we have strong concerns about the impact this bill will have on county resources and community medical resources, not just in Monterey but across the state. SB 43 will mandate changes that include an increased workload on law enforcement, public guardians, courts, health care, and behavioral health workforce, which are already strained under a firehose of new laws and responsibilities aimed at mitigating the impact of homelessness in the state (such as CARE Court) without providing counties with the necessary resources to meet the new mandates.

We are concerned about the chronic underinvestment of ongoing support in public and private treatment resources, housing facilities, and public guardians to absorb millions of individuals into the health care system who will likely need expensive, long-term care. Counties specialize in providing a full continuum of prevention, outpatient, intensive outpatient, crisis and inpatient, and residential MH/SUD primarily to low-income Californians who have Medi-Cal or are uninsured. There needs to be a guarantee of sufficient funding to cover the increased costs necessary to humanely meet the needs of the population who will be impacted by the expanded definition.

In addition, counties also have responsibility for involuntary commitments under the Lanterman-Petris-Short (LPS) Act. The LPS Act was established to end the inappropriate, indefinite, and involuntary commitment of persons with MH disorders, developmental disabilities, and chronic alcoholism, as well as to safeguard a person’s rights, provide prompt evaluation and treatment, and provide services in the least restrictive setting appropriate to the needs of each person.

The proposed expansion of LPS is overly broad and ultimately would not benefit the clients and communities they serve. These changes would also further stigmatize behavioral health conditions and frustrate clients and the public, who want to see real action to meaningfully address the needs of those with MH/SUDs.

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For these reasons, the County of Monterey opposes SB 43. Should you have any questions, please feel free to contact the County of Monterey's Public Policy Advisor, Ashley Walker of Nossaman LLP at 916-442-8888.

Sincerely,



Ashley Walker  
Nossaman LLP

CC: Honorable Susan Talamantes Eggman, California State Senate  
Members, Assembly Judiciary Committee  
Consultants, Assembly Judiciary Committee  
Daryl Thomas, Assembly Republican Consultant  
Hon. Dawn Addis, 30<sup>th</sup> Assembly District  
Hon. Anna Caballero, 14<sup>th</sup> Senate District  
Hon. John Laird, 17<sup>th</sup> Senate District  
Hon. Robert Rivas, 29<sup>th</sup> Assembly District  
California State Association of Counties (CSAC)  
Rural County Representatives of California (RCRC)