

SB 43: Legal Changes to Involuntary Hold Criteria

Expanding Behavioral Health Support in Riverside County

Senate Bill 43 (SB 43), signed in October 2023, provides the most significant updates to California's Lanterman-Petris-Short (LPS) Act in over 50 years. (The LPS Act is a 1967 state law governing the involuntary detention, treatment, and conservatorship of people with behavioral health conditions.) SB 43 expands access to care for people facing serious mental health or substance use challenges who are unable to seek help on their own.

Riverside County plans to fully implement the program on **January 1, 2026**.

How Does SB 43 Work?

SB 43 strengthens existing intervention pathways by expanding who qualifies for care and providing clear steps for support. These pathways are part of California's Welfare and Institutions Code (WIC), the state law that outlines how behavioral health crises are addressed:

WIC 5150 (Up to 72 hours): Immediate care and safety in a designated facility for individuals in crisis.

WIC 5250 (Up to 14 days): short-term stabilization and support, with legal review to guide next steps.

WIC 5270.15 (Up to 30 days, new in Riverside County, effective September 2024) extended care and recovery planning for those needing additional time before transitioning to community-based services.

WIC 5350 (LPS Conservatorship, 6 months to 1 year, renewable): a supportive legal arrangement for individuals who need structured assistance with medical care, housing, and treatment coordination.

What Does SB 43 Change?

SB 43 expands the definition of "gravely disabled" to include individuals who:

- Are facing serious risks to their health or safety, such as repeated overdoses, severe withdrawal symptoms, or other medical emergencies.
- Are unable to access essential medical care, such as treatment for infections, chronic conditions, or critical medications.
- Are living with a significant mental health or substance use condition that interferes with their ability to meet their basic daily needs.

***Example:** A person who does not recognize their need for care or who is experiencing repeated medical emergencies due to an untreated condition may now qualify for additional support under SB 43.*

Protecting Individual Rights

SB 43 emphasizes dignity, recovery, and the least restrictive care possible.

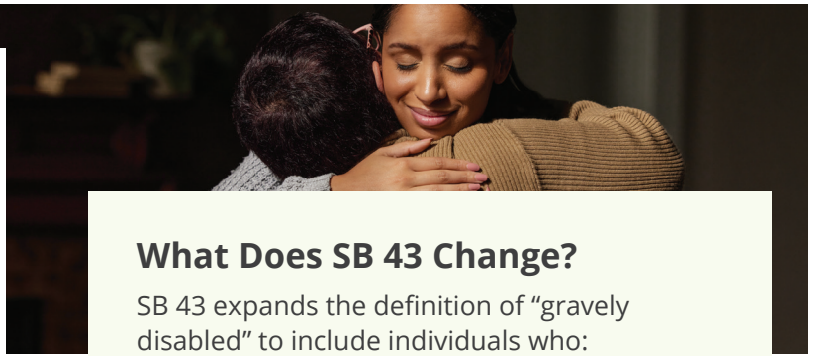
Even when receiving care under SB 43, individuals retain the right to:

- A legal hearing before extended treatment can occur.
- Advocacy and representation to ensure fairness in all decisions.
- Regular case reviews to evaluate the least restrictive level of care.
- Riese Hearings to protect the right to make decisions about medication, except in emergencies.

SB 43 and Minors

- SB 43 does not change the definition of "grave disability" for children and youth under 18.
- A separate statute, Welfare and Institutions Code (WIC) 5585.25, outlines the criteria for minors who may require involuntary support.

Minors experiencing a behavioral health crisis may be placed on a **WIC 5585.50** hold (similar to a 5150) for up to 72 hours of evaluation and care.



SB43: Frequently Asked Questions



Can SB 43 help my loved one if they are struggling with substance use?

Yes. Before SB 43, individuals with severe substance use conditions did not qualify for involuntary care unless they also had a mental health diagnosis. Now, if their substance use places their health or safety at serious risk, such as repeated overdoses or not seeking critical care, they may be eligible for intervention.

Does SB 43 mean someone will be forced into treatment?

SB 43 is not about forcing treatment unnecessarily. It is intended for situations where someone is at serious risk and unable to recognize their need for care. The goal is to provide stabilization and recovery, not to remove rights.

What happens if my loved one is placed on an involuntary hold?

If placed on a 5150 (up to 72 hours), your loved one will receive a crisis evaluation and short-term support. If more care is needed, a 5250 (up to 14 days) or the new 5270.15 (up to 30 days) may follow, with legal safeguards in place.

How does SB 43 protect my loved one's rights?

SB 43 involves legal protection at every step. Individuals on extended holds have the right to representation, hearings, and regular reviews to ensure care is appropriate and minimally restrictive.

Will my loved one be arrested or sent to jail?

No. When someone is placed on a 5150 hold, they are being detained for psychiatric evaluation—not arrested. SB 43 prioritizes healthcare, not incarceration. Individuals receive care in hospitals, crisis stabilization units, or supervised community settings, not in jail.

What if my loved one refuses medication?

Individuals may refuse medication unless a judge determines otherwise in a Riese Hearing or in emergencies where there is a risk of harm to self or others. Riese Hearings ensure treatment decisions respect individual rights.

Will we be turned away if we can't afford treatment?

No. Services are provided regardless of ability to pay.

How to Get Help Now

- **Call the CARES Line:** (800) 499-3008. Available 24/7 for service questions, referrals, and help determining where to start.
- **For urgent concerns:** Call 911 or the Crisis HELP Line at 951-686-HELP (4357).
- **For questions about SB 43:** Call (951) 743-9451
- Visit: ruhealth.org/behavioral-health

