

OPPOSE SB 43 (Eggman) – Behavioral Health
Community Education Talking Points

SB 43 expands the definition of “grave disability” in California Welfare & Institutions Code § 5008(h), making it much easier to involuntarily commit people to locked facilities for behavioral health reasons. A coalition of disability organizations, civil rights organizations, and community-based organizations **OPPOSE SB 43** for the following reasons:

SB 43 makes it easier for the government to lock people up.

- SB 43 expands the ability of the government to involuntarily commit people to locked psychiatric facilities for behavioral health reasons.
- Many individuals find locked psychiatric facilities traumatizing.
 - o Individuals can be placed in restraints and forcibly injected with medications.
 - o Locked psychiatric facilities are commonly described as loud, filthy, and overcrowded.
- Involuntary commitment can lead to job loss, eviction, and loss of custody of children.
- Individuals can be transferred out of county to locked psychiatric facilities far away. This makes it difficult for family members and loved-ones to visit.
- Individuals held against their will who are uninsured or underinsured can be stuck with large medical bills.

SB 43 takes resources away from community-based services and housing to fund for-profit corporations.

- Many locked psychiatric facilities are private institutions run by for-profit corporations.
- SB 43 will force resources to expensive locked facilities, leaving less to fund community-based mental health services and housing.
- Private locked psychiatric facilities are financially incentivized to keep patients as long as they can continue to bill for them and for patients to be re-admitted. This can lead to longer stays and poor discharge planning.

SB 43 disproportionately impacts communities of color.

- SB 43 targets unhoused/unsheltered individuals, who are disproportionately people of color.
- Black and Latinx Californians are over 50% more likely to be placed on a 5150. SB 43 will force more individuals of color to locked facilities.
- SB 43 raises exposure to law enforcement engagement for people of color.

SB 43 allows individuals to be locked in an institution for current or past drug use.

- SB 43 drastically changes laws by allowing individuals to be involuntarily committed for substance use disorder alone.
- Involuntary substance use treatment is not effective, resulting in more relapses and overdose deaths than voluntary treatment.

SB 43 makes it harder to fight conservatorship.

- SB 43 creates a hearsay exception for mental health conservatorship hearings.
 - o The court can use medical records to place someone on a conservatorship, without requiring the provider testify in court.

Organizations that oppose SB 43:

- ACLU California Action
- API Equity-LA
- Being Alive
- Black Women for Wellness
- Cal Voices
- California Advocates for Nursing Home Reform
- California Association of Alcohol and Drug Prevention Executives
- California Association of Mental Health Patients' Rights Advocates
- California Association of Social Rehabilitation Agencies
- California Behavioral Health Planning Council
- California Black Health Network
- California Pan-Ethnic Health Network
- California Public Defenders Association
- California Rural Legal Assistance Foundation
- California Youth Empowerment Network
- CAMHPRO
- Caravan for Justice
- Citizens Commission on Human Rights
- Corporation for Supportive Housing
- County of Kern
- Depression and Bipolar Support Alliance – CA
- Western Regional Advocacy Project
- Disability Rights California
- Empowering Pacific Islander Communities
- Hmong Cultural Center of Butte County
- Law Foundation of Silicon Valley
- LGBTQ+ Collaborative
- Lift Up Love Always
- Mental Health America of California
- National Harm Reduction Coalition
- National Health Law Program
- Native American Health Center
- Orange County Equality Coalition
- Pacific Asian Counseling Services
- Peers Envisioning & Engaging in Recovery Services
- Project Amiga
- Racial & Ethnic Mental Health Disparities Coalition
- Sacramento Homeless Union
- Sacramento Regional Coalition to End Homelessness
- Safe Black Space
- San Bernardino Free Them All
- San Francisco Public Defender's Office
- South Asian Network
- Southeast Asia Resource Action Center
- The Sidewalk Project
- Western Center on Law & Poverty

