

AMENDED IN ASSEMBLY MARCH 11, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

**ASSEMBLY BILL**

**No. 638**

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**Introduced by Assembly Member Quirk-Silva**

February 12, 2021

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An act to amend Section ~~5343~~ 5840 of the Welfare and Institutions Code, relating to mental ~~health~~ *health, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 638, as amended, Quirk-Silva. ~~Mental health and substance use disorders.~~ *Mental Health Services Act: early intervention and prevention programs.*

*Existing law, the Mental Health Services Act (MHSA), an initiative measure enacted by the voters as Proposition 63 at the November 2, 2004, statewide general election, establishes the continuously appropriated Mental Health Services Fund to fund various county mental health programs and requires counties to spend those funds on mental health services, as specified. The MHSA requires counties to establish a program designed to prevent mental illnesses from becoming severe and disabling and authorizes counties to use funds designated for prevention and early intervention to broaden the provision of those community-based mental health services by adding prevention and early intervention services or activities.*

*Existing law authorizes the MHSA to be amended by a  $\frac{2}{3}$  vote of the Legislature if the amendments are consistent with, and further the purposes of, the MHSA.*

*This bill would amend the MHSA by including in the prevention and early intervention services authorized to be provided, prevention and*

early intervention strategies that address mental health needs, substance use or abuse needs, or needs relating to cooccurring mental health and substance use services. By authorizing a new use for continuously appropriated funds, this bill would make an appropriation. The bill would state the finding and declaration of the Legislature that this change is consistent with, and furthers the intent of, the MHSA.

~~Existing law provides for the temporary involuntary commitment for evaluation and treatment of a person who is gravely disabled, as defined, as a danger to themselves or others, either as a result of a mental health disorder, or as a result of the use of controlled substances.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

Vote: ~~majority~~<sup>2/3</sup>. Appropriation: ~~no~~ yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 5840 of the Welfare and Institutions Code
- 2     is amended to read:
- 3     5840. (a) The State Department of Health Care Services, in
- 4     coordination with counties, shall establish a program designed to
- 5     prevent mental illnesses from becoming severe and disabling. The
- 6     program shall emphasize improving timely access to services for
- 7     underserved populations.
- 8     (b) The program shall include the following components:
- 9     (1) Outreach to families, employers, primary care health care
- 10    providers, and others to recognize the early signs of potentially
- 11    severe and disabling mental illnesses.
- 12    (2) Access and linkage to medically necessary care provided
- 13    by county mental health programs for children with severe mental
- 14    illness, as defined in Section 5600.3, and for adults and seniors
- 15    with severe mental illness, as defined in Section 5600.3, as early
- 16    in the onset of these conditions as practicable.
- 17    (3) Reduction in stigma associated with either being diagnosed
- 18    with a mental illness or seeking mental health services.
- 19    (4) Reduction in discrimination against people with mental
- 20    illness.
- 21    (c) The program shall include mental health services similar to
- 22    those provided under other programs effective in preventing mental
- 23    illnesses from becoming severe, and shall also include components

1 similar to programs that have been successful in reducing the  
2 duration of untreated severe mental illnesses and assisting people  
3 in quickly regaining productive lives.

4 (d) The program shall emphasize strategies to reduce the  
5 following negative outcomes that may result from untreated mental  
6 illness:

- 7 (1) Suicide.
- 8 (2) Incarcerations.
- 9 (3) School failure or dropout.
- 10 (4) Unemployment.
- 11 (5) Prolonged suffering.
- 12 (6) Homelessness.
- 13 (7) Removal of children from their homes.

14 (e) Prevention and early intervention funds may be used to  
15 broaden the provision of community-based mental health services  
16 by adding prevention and early intervention services or activities  
17 to these ~~services~~ *services, including prevention and early*  
18 *intervention strategies that address mental health needs, substance*  
19 *use or abuse needs, or needs relating to cooccurring mental health*  
20 *and substance use services.*

21 (f) In consultation with mental health stakeholders, and  
22 consistent with regulations from the Mental Health Services  
23 Oversight and Accountability Commission, pursuant to Section  
24 5846, the department shall revise the program elements in Section  
25 5840 applicable to all county mental health programs in future  
26 years to reflect what is learned about the most effective prevention  
27 and intervention programs for children, adults, and seniors.

28 *SEC. 2. The Legislature finds and declares that this act is*  
29 *consistent with, and furthers the intent of, the Mental Health*  
30 *Services Act within the meaning of Section 18 of that act.*

31 ~~SECTION 1. Section 5343 of the Welfare and Institutions Code~~  
32 ~~is amended to read:~~

33 ~~5343. Notwithstanding any other law, if a person is a danger~~  
34 ~~to others or to themselves, or gravely disabled, as a result of the~~  
35 ~~use of controlled substances, the person shall be subject, insofar~~  
36 ~~as possible, to the provisions of Article 1 (commencing with~~  
37 ~~Section 5150), 2 (commencing with Section 5200), 4 (commencing~~  
38 ~~with Section 5250), 5 (commencing with Section 5275), and 7~~  
39 ~~(commencing with Section 5325) of this chapter, except that~~  
40 ~~custody, evaluation and treatment, or any procedure pursuant to~~

- 1 ~~those provisions shall only be related to, and concerned with, the~~
- 2 ~~problem of the person's use of controlled substances.~~

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