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WELFARE AND INSTITUTIONS CODE - WIC

DIVISION 4. MENTAL HEALTH [4000 - 4390] (*Heading of Division 4 amended by Stats. 1977, Ch. 1252.*)

PART 1. GENERAL ADMINISTRATION, POWERS AND DUTIES OF THE DEPARTMENT [4000 - 4098.5] (*Heading of Part 1 amended by Stats. 1977, Ch. 1252.*)

CHAPTER 4. Brandon's Law [4097- 4097.] (*Chapter 4 added by Stats. 2021, Ch. 447, Sec. 2.*)

4097. (a) The Legislature recognizes that some consumers with mental health diagnoses have disabling conditions, and that these consumers and their families are vulnerable and at risk of being easily victimized by fraudulent marketing practices that adversely impact the delivery of health care.

(b) To protect the health, safety, and welfare of this vulnerable population, an operator of a licensed psychiatric or mental health facility, as defined in subdivision (c), shall not do any of the following:

(1) Make a false or misleading statement or provide false or misleading information about the entity's products, goods, services, or geographical locations in its marketing, advertising materials, or media, or on its internet website or on a third-party internet website.

(2) Make a false or misleading statement or provide false or misleading information about medical treatments or medical services offered in its marketing, advertising materials, or media, or on its internet website, on a third-party internet website, or in its social media presence.

(3) Include on its internet website a picture, description, staff information, or the location of an entity, along with false contact information that surreptitiously directs the reader to a business that does not have a contract with the entity.

(4) Include on its internet website false information or an electronic link that provides false information or surreptitiously directs the reader to another internet website.

(c) A licensed psychiatric or mental health facility subject to this section includes all of the following:

(1) A mental health rehabilitation center, as defined in Section 5675.

(2) A psychiatric health facility, as defined in Section 1250.2 of the Health and Safety Code.

(3) A social rehabilitation facility, as defined in Section 1502 of the Health and Safety Code.

(d) The department responsible for the licensing and regulation of the facility may investigate an allegation of a violation of this section and, upon finding a violation of this section, or any regulation adopted to enforce this section, may impose one or more of the sanctions described in Section 1548 of the Health and Safety Code, and Sections 4080 and 5675.1 of this code, in accordance with regulations adopted pursuant to those sections. A violation of this section shall not constitute a crime.

(Amended by Stats. 2022, Ch. 172, Sec. 2. (SB 1165) Effective January 1, 2023.)