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Introduced by Senator Mendoza

February 26, 2015

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An act to amend Section 139.43 of the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

SB 542, as introduced, Mendoza. Workers' compensation.

Existing law prohibits a person or entity, other than physicians or attorneys, from advertising, printing, displaying, publishing, distributing, or broadcasting in any manner a statement concerning services or benefits to be provided to an injured worker, which is paid for by that person or entity that is false, misleading, or deceptive. Violation of these provisions is a misdemeanor punishable by incarceration in the county jail for not more than one year, or by a fine not exceeding \$10,000, or by both that imprisonment and fine.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1 SECTION 1. Section 139.43 of the Labor Code is amended to  
2 read:  
3 139.43. (a) ~~No~~A person or entity shall *not* advertise, print,  
4 display, publish, distribute, or broadcast, or cause or permit to be  
5 advertised, printed, displayed, published, distributed, or broadcast  
6 in any manner, ~~any~~ a statement concerning services or benefits to  
7 be provided to an injured worker, ~~that~~ *which* is paid for directly

1 or indirectly by that person or entity and is false, misleading, or  
2 deceptive, or that omits material information necessary to make  
3 the statement therein not false, misleading, or deceptive.

4 (b) As soon as reasonably possible, but not later than January  
5 1, 1994, the administrative director shall adopt regulations  
6 governing advertising by persons or entities other than physicians  
7 and attorneys with respect to services or benefits for injured  
8 workers. In promulgating regulations pursuant to this subdivision,  
9 the administrative director shall review existing regulations,  
10 including those adopted by the State Bar, to identify those  
11 regulatory approaches that may serve as a model for regulations  
12 required by this subdivision.

13 (c) A violation of subdivision (a) is a misdemeanor, punishable  
14 by incarceration in the county jail for not more than one year, or  
15 by a fine not exceeding ten thousand dollars (\$10,000), or *by both*  
16 *that imprisonment and fine*.

17 (d) This section shall not apply to physicians or attorneys. It is  
18 the intent of the Legislature to exempt physicians and attorneys  
19 from this section because the conduct regulated by this section,  
20 with respect to physicians and attorneys, is governed by other  
21 provisions of law.