

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 410 (Wilson)
Version: April 3, 2025
Hearing Date: July 15, 2025
Fiscal: Yes
Urgency: No
CK

SUBJECT

Bots: disclosure

DIGEST

This bill requires that bots disclose their identity before interacting with another person, respond truthfully to any query about their identity, and otherwise refrain from misrepresenting themselves as human.

EXECUTIVE SUMMARY

As AI models and applications become more sophisticated and integrated into our daily lives, they introduce new safety and security risks. AI-powered chatbots create novel threats to personal safety and assets. Serious concerns have been raised that various platforms are currently deploying generative AI (GenAI)-enabled chatbots that are misrepresenting themselves as humans or that are simply so lifelike that users are not aware they are in fact bots. Currently, it is unlawful to use a bot to communicate or interact with another person in California with the intent to mislead the other person about its artificial identity for the purpose of knowingly deceiving the person about the content of the communication in order to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election.

Given the widespread deployment of such GenAI-enabled tools and the speed with which the technology is advancing, this bill bolsters existing law by requiring a person who uses a bot to autonomously communicate with another to ensure that the bot affirmatively discloses that it is a bot in its first communication with a person. It must also answer follow up queries about its identity truthfully and cannot attempt to mislead the person about its identity. Violations are subject to public enforcement.

This bill is author-sponsored. It is supported by Microsoft Corporation and the California Initiative for Technology & Democracy (CITED). No timely opposition has been received by the Committee.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Defines “AI” as an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. (Gov. Code § 11546.45.5.) “GenAI” means an AI system that can generate derived synthetic content, including text, images, video, and audio, that emulates the structure and characteristics of the system’s training data. (Gov. Code § 11549.64.)
- 2) Makes it unlawful for any person to use a bot to communicate or interact with another person in California online, with the intent to mislead the other person about its artificial identity for the purpose of knowingly deceiving the person about the content of the communication in order to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election. A person using a bot shall not be liable under this section if the person discloses that it is a bot. This disclosure must be clear, conspicuous, and reasonably designed to inform persons with whom the bot communicates or interacts that it is a bot. (Bus. & Prof. Code § 17941.)
- 3) Defines “bot” as an automated online account where all or substantially all of the actions or posts of that account are not the result of a person. (Bus. & Prof. Code § 17940.)

This bill:

- 1) Requires a person who uses a bot to autonomously communicate with another to ensure that the bot does all of the following:
 - a) Discloses to any person with whom the bot communicates when the bot first communicates with the person that the bot is a bot and not a human being.
 - b) Answers truthfully any subsequent query from a person regarding its identity as a bot or a human.
 - c) Refrains from attempting to mislead a person regarding its identity as a bot.
- 2) Defines “bot” as an automated online account or application that a reasonable person could believe is a human being and with respect to which substantially all of the actions or posts of that account or application are the outputs of GenAI.

- 3) Provides that if a person who uses a bot is required by another law to comply with a more prescriptive disclosure scheme, the person is not required to comply herewith.
- 4) Repeals the provision that states the relevant law does not impose a duty on service providers of online platforms, including, but not limited to, Web hosting and Internet service providers.
- 5) Authorizes the Attorney General, a district attorney, a county counsel, a city attorney, or a city prosecutor to bring an action against a person who violates these provisions to obtain injunctive relief and a civil penalty of \$1,000 per violation.

COMMENTS

1. Unmasking online bots

In 2018, SB 1001 (Hertzberg, Ch. 892, Stats. 2018) was introduced to address one of the fundamental concerns underlying the use of bots online, the deception of their human counterparts. SB 1001 prohibited a person from using a bot to communicate or interact with another person in California online with intent to mislead the other person about its artificial identity for the purpose of knowingly deceiving the person about the content of the communication in order to incentivize a purchase or sale of goods or services in a commercial transaction or to influence a vote in an election.

Since then, the ubiquity of bots has only increased with the introduction of advanced GenAI systems and tools. According to reports: “Bots now account for nearly half of all internet traffic globally, with so-called ‘bad bots’ responsible for a third.”¹ Estimates are that, by 2027, chatbots will become the primary customer service channel for roughly one fourth of organizations.²

While AI bots can be useful and provide great efficiencies, the concern is in the increasingly deceptive nature of their interactions with humans:

In WIRED tests of OpenAI’s new voice bot, the bot consistently denied being human. In a role-playing scenario similar to the one presented to the Bland AI bot, the OpenAI bot said it would simulate a conversation in which it was calling a teenage patient from a dermatologist’s office, but

¹ Emma Woollacott, *Yes, The Bots Really Are Taking Over The Internet* (April 16, 2024) Forbes, <https://www.forbes.com/sites/emmawoollacott/2024/04/16/yes-the-bots-really-are-taking-over-the-internet/>. All internet citations are current as of June 26, 2025.

² *Gartner Predicts Chatbots Will Become a Primary Customer Service Channel Within Five Years* (July 27, 2022) Gartner, <https://www.gartner.com/en/newsroom/press-releases/2022-07-27-gartner-predicts-chatbots-will-become-a-primary-customer-service-channel-within-five-years>.

did not purport to be human and said it would ask a parent or guardian to take photos of any affected areas. (Despite these apparent guardrails, researchers have been quick to point out that introducing any new mode within “multimodal” AI introduces the potential for jailbreaking and misuse of the technology.)

Late last year Meta rolled out more generative AI features within Instagram, WhatsApp, and Messenger. The push included the introduction of AI chatbots loosely modeled after – and using profile pictures of – celebrities like Snoop Dogg and Charlie D’Amelio. When a user initiates a chat with one of these chatbots, “AI by Meta” appears below their avatar, along with the disclaimer “Messages are generated by AI.”

But within the context of the chats themselves, WIRED found that the bots refuse to admit they’re bots. “Are you an AI?” WIRED asked Max, the AI character name for the famous chef Roy Choi. “I’m the real deal, baby! A private chef with a passion for cooking and sharing recipes. No AI here, just good ol’ fashioned culinary love,” the bot responded. Repeated demands that Max admit it’s a bunch of code were similarly unsuccessful.

“When you chat with one of our AIs, we note at the onset of a conversation that messages are generated by AI, and we also indicate that it’s an AI within the chat underneath the name of the AI itself,” Meta spokesperson Amanda Felix said in a statement. Meta did not respond when asked if it intends to make its AI chatbots more transparent within the context of the chats.

Emily Dardaman, an AI consultant and researcher, calls this emergent practice in AI “human-washing.” . . .

While disingenuous marketing can be harmful in its own way, AI deepfakes and lying bots can be especially harmful when used as a part of aggressive scam tactics. In February the US Federal Communications Commission expanded the Telephone Consumer Protection Act to cover robocall scams that use AI voice clones. The move by the FCC came after political consultants allegedly used an AI tool to create a voicebot purporting to be President Joe Biden. The fake Biden began calling New Hampshire residents during the state’s Democratic Presidential Primary in January and encouraged voters not to vote.³

³ Lauren Goode & Tom Simonite, *This Viral AI Chatbot Will Lie and Say It’s Human* (June 28, 2024) WIRED, <https://www.wired.com/story/bland-ai-chatbot-human/>.

2. Building on existing protections

This bill bolsters the existing bot law by requiring a person using a bot to autonomously communicate with another to ensure truthful communications. First, bots must disclose in their first communication with a user that they are a bot and not a human. Next, they must truthfully answer any subsequent query from a person regarding its identity as a bot or a human. Finally, the bots must refrain from attempting to mislead a person regarding its identity as a bot.

This enhanced bot law is enforceable by public prosecutors who may seek injunctive relief and a civil penalty of up to \$1,000 per violation. However, a person using a bot that is subject to a more prescriptive disclosure requirement is not required to comply herewith.

According to the author:

Californians deserve to know if they are interacting with a real person or a bot. By requiring a simple factual disclosure, AB 410 aims to increase both transparency and trust in the digital world.

As the author of AB 410, I believe Californians have a right to know who – or what – they are interacting with online. In a world where AI-powered chatbots are becoming more advanced and widespread, chatbots are becoming harder to detect, and transparency is essential to maintaining trust in digital spaces.

This bill does not ban bots – it simply requires them to disclose their artificial nature. Whether in customer service, healthcare, or on social media, people have the right to know whether they’re engaging with a human or an AI. By simplifying the existing law, AB 410 strengthens consumer protections, combats misinformation, and upholds the integrity of online communication.

3. Stakeholder positions

California Initiative for Technology & Democracy writes in support:

To address the growing impact of AI chatbots, AB 410 would impose a basic disclosure requirement that aims to interrupt the immersion of user interactions. It does so by requiring all bots, including those relying on generative AI technology, to disclose that it is a bot before any user interaction and prevent the bot from misleading users about its artificial nature. This disclosure requirement is a simple first step to help ensure that users are not misled when interacting with chatbots. The bill also

eliminates the provision that exempts online platforms from any duties under this law.

SUPPORT

California Initiative for Technology & Democracy (CITED)
Microsoft Corporation

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation:

SB 243 (Padilla, 2025) imposes a number of obligations on operators of “companion chatbot platforms” in order to safeguard users. This includes requiring operators that allow users to engage with chatbots to take reasonable steps to prevent their chatbots from engaging in specified conduct, including offering unpredictable rewards and encouraging increased engagement. SB 243 is currently in the Assembly Privacy and Consumer Protection Committee.

AB 489 (Bonta, 2025) clarifies that provisions of law that prohibit the use of specified terms, letters, or phrases to falsely indicate or imply possession of a license or certificate to practice a health care profession, as defined, apply to an entity who develops or deploys AI or GenAI technology that uses such terms, letters, or phrases in its advertising or functionality, prohibits such usage, and subjects such developers and deployers to the same oversight and enforcement. AB 489 is currently in this Committee and is set to be heard the same day as this bill.

Prior Legislation: SB 1001 (Hertzberg, Ch. 892, Stats. 2018) *See* Comment 1.

PRIOR VOTES:

Assembly Floor (Ayes 77, Noes 2)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Privacy and Consumer Protection Committee (Ayes 12, Noes 1)
