

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

AB 489 (Bonta)
Version: July 8, 2025
Hearing Date: July 15, 2025
Fiscal: Yes
Urgency: No
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SUBJECT

Health care professions: deceptive terms or letters: artificial intelligence

DIGEST

This bill 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 generative AI (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.

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. While these technologies offer tremendous benefits, ensuring the highest level of due care on the part of AI developers and deployers is of paramount importance.

Serious concerns have been raised that various platforms are currently deploying AI chatbots that are claiming to be licensed doctors and psychologists and providing users medical advice and information. Although existing law prohibits false advertising and falsely holding oneself out to have certain qualifications, this bill seeks to make crystal clear that such laws apply to AI or GenAI enabled systems or devices and that the appropriate oversight entities make take action against the developers and deployers of such systems or devices engaging in prohibited acts.

This bill is sponsored by the California Medical Association and the Service Employees International Union California State Council (SEIU California). It is supported by Attorney General Rob Bonta and a wide variety of advocacy and medical organizations, including the California Nurses Association and Privacy Rights Clearinghouse. No

timely opposition has been received by the Committee. This bill passed out of the Senate Business, Professions, and Economic Development Committee on a 10 to 0 vote.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Unfair Competition Law (UCL), which provides a statutory cause of action for any unlawful, unfair, or fraudulent business act or practice and unfair, deceptive, untrue, or misleading advertising, including over the internet. (Bus. & Prof. Code § 17200 et seq.)
- 2) Establishes the False Advertising Law (FAL), which proscribes making or disseminating any statement that is known or should be known to be untrue or misleading with intent to directly or indirectly dispose of real or personal property. (Bus. & Prof. Code § 17500 et seq.)
- 3) Provides remedies for individuals who have suffered damages as a result of fraud or deceit, including situations involving fraudulent misrepresentations. (Civ. Code §§ 1709-1710, 1572-1573.)
- 4) Provides that any person who practices or attempts to practice, or who advertises or holds themselves out as practicing, any system or mode of treating the sick or afflicted in this state, or who diagnoses, treats, operates for, or prescribes for any ailment, blemish, deformity, disease, disfigurement, disorder, injury, or other physical or mental condition of any person, without having at the time of so doing a valid, unrevoked, or unsuspended certificate as provided or without being authorized to perform the act pursuant to a certificate obtained in accordance with some other provision of law is guilty of a public offense, punishable by a fine, by imprisonment, or by both, as provided. (Bus. & Prof. Code § 2052.)
- 5) Enumerates various regulatory boards, bureaus, committees, and commissions under the jurisdiction of the Department of Consumer Affairs (DCA), including healing arts boards. (Bus. & Prof. Code § 101.)
- 6) Establishes that the superior court for the county in which any person has engaged or is about to engage in any act which constitutes a violation of provisions administered or enforced by a board within the DCA may, upon a petition filed by the board with the approval of the director, issue an injunction or other appropriate order restraining such conduct. (Bus. & Prof. Code § 125.5.)
- 7) 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.)

- 8) Requires a health facility, clinic, physician’s office, or office of a group practice that uses GenAI to generate written or verbal patient communications pertaining to patient clinical information to ensure that those communications include a disclaimer that indicates to the patient that the communication was generated by GenAI and clear instructions describing how a patient may contact a human. These requirements do not apply if the communication was read and reviewed by a human licensed or certified health care provider. (Health & Saf. Code § 1339.75.)

This bill:

- 1) Provides that indicated provisions of law that prohibit the use of specified terms, letters, or phrases to indicate or imply possession of a license or certificate to practice a health care profession, without at that time having the appropriate license or certificate required for that practice or profession, shall be enforceable against a person or entity who develops or deploys a system or device that uses one or more of those terms, letters, or phrases in the advertising or functionality of an AI or GenAI system, program, device, or similar technology.
- 2) Prohibits the use of a term, letter, or phrase in the advertising or functionality of an AI or GenAI system, program, device, or similar technology that indicates or implies that the care, advice, reports, or assessments being offered through the AI or GenAI technology is being provided by a natural person in possession of the appropriate license or certificate to practice as a health care professional. Each use of a prohibited term, letter, or phrase shall constitute a separate violation.
- 3) Provides that a violation hereof is subject to the jurisdiction of the appropriate health care professional licensing board or enforcement agency, and such entity may pursue an injunction or restraining order to enforce these provisions of this chapter, as authorized by Section 125.5 of the Business and Professions Code. Nothing limits the authority for a health care professional licensing board or enforcement agency to pursue any remedy otherwise authorized under the law.

COMMENTS

1. Not a doctor

AI-enabled systems and chatbots posing as health professionals have sprouted up across the internet, raising serious consumer and public health concerns. While certain AI systems may be trained on legitimate medical sources, unlike licensed healthcare providers who undergo years of rigorous training, AI systems lack the nuanced clinical judgment needed to properly assess symptoms, consider individual patient history, and account for complex interactions between conditions. When these systems present themselves as medical authorities, users may receive inaccurate diagnoses, inappropriate treatment recommendations, or dangerous advice about medication interactions. These systems are especially concerning when used by certain vulnerable groups that may be more likely to trust authoritative-sounding medical advice, especially those with limited healthcare access or health or technology literacy. While there are certainly legitimate AI applications in healthcare, AI systems that misrepresent their capabilities and credentials put users at risk and deceive consumers into thinking a product, service, or information is something it is not.

A recent article highlighted the flooding of social media with such AI-enabled tools hawking medical information:

AI is easier than ever to produce and as a result, ads with AI talking heads that claim to be medical experts are infiltrating social media's robust wellness ecosystem. This isn't isolated to one app. On Facebook, Instagram, X, and TikTok, a particular kind of AI health video — one that uses an AI avatar to convince people of medical expertise — has become the defacto way for accounts to convince people that they, and their unproven products, are legit. Unlike AI images from just a few years ago, many of these videos feature a combination of real footage and AI, which results in avatars who look extremely lifelike at first glance — and are edited exactly the same as direct to camera content that's popular on video apps.¹

This bill explicitly prohibits AI systems or similar technologies from misrepresenting themselves as human health professionals, and ensures existing protections are applicable in this context. The bill specifically prohibits the use of a term, letter, or phrase in the advertising or functionality of an AI or GenAI system, program, device, or similar technology that indicates or implies that the care, advice, reports, or assessments being offered through the AI or GenAI technology is being provided by a natural

¹ CT Jones, *Social Media Is Flooded With AI Doctor 'Scams': Creators Can't Stand It* (March 13, 2025) RollingStone, <https://www.rollingstone.com/culture/culture-features/ai-doctor-videos-tiktok-avatars-internet-safety-1235294841/> [as of June 26, 2025].

person in possession of the appropriate license or certificate to practice as a health care professional.

The bill provides state health professions boards clear authority to enforce these protections when AI systems or similar technologies misrepresent capabilities and their identity as health professionals. Specifically, it will allow the boards of health professions to enforce violations of existing title protections by making entities who develop and deploy AI systems responsible for any such violations by the systems they develop or deploy. The bill authorizes appropriate health care licensing boards to pursue an injunction or restraining order in addition to any other remedy authorized under the law to enforce these provisions.

According to the author:

The rapid rise of AI systems has sparked a wide range of opinions about their impact on society. However, one thing is certain — AI is advancing faster than the laws and regulations needed to protect Californians. Artificial intelligence (AI) systems have reached a point where they can produce natural-sounding language, and are trained on a vast amount of information, including health-related information. This powerful capability enables it to convincingly mimic a health professional. Without proper safeguards in place, this capability can pose a danger to consumers in both health care and non-health care settings. Californians deserve transparency and protection from misrepresentation, and AI technologies must be developed and deployed responsibly to prevent such misrepresentation. For instance, consumers should be able to trust that a “nurse advice” telephone line or chat box is staffed by a licensed human nurse. AB 489 fills an emerging need by codifying a clear, enforceable prohibition on automated systems misrepresenting “themselves” as health professionals.

2. Stakeholder positions

The California Medical Association and SEIU California, the sponsors of the bill, jointly write:

The dangers of AI in healthcare are numerous and concerning:

- **Misinformation:** AI may provide incorrect information which can significantly undermine public trust, leading individuals to forgo scientifically backed treatments for unproven remedies, adversely affecting health outcomes and public health initiatives.
- **Bias and discrimination:** AI systems trained on biased data can exacerbate health inequities and lead to discriminatory practices.

- Misdiagnosis and improper treatment: AI systems may make errors in diagnosis or treatment recommendations, potentially causing harm to patients.
- Privacy violations: The vast amounts of patient data used to train and operate AI systems raise serious privacy concerns.

AB 489 is a commonsense step to guarding against these dangers and ensuring that AI technologies are developed and deployed responsibly in healthcare settings. By prohibiting AI systems from misrepresenting themselves as licensed health professionals, this bill protects patients from deception and potential harm.

Writing in support, Attorney General Rob Bonta argues:

AI used or developed for health care related applications carries a heightened risk of harm because it affects people's lives and well-being. Attorney General Bonta released a Health AI legal advisory in January 2025 reminding consumers of their rights, and advising entities who develop, sell, or use AI about their obligations under California law.

Californians deserve transparency and protection from misrepresentation, and AI must be developed and deployed responsibly to prevent such misrepresentation.

SUPPORT

California Medical Association (sponsor)
SEIU California (sponsor)
American College of Obstetricians & Gynecologists - District IX
Attorney General Rob Bonta
Board of Behavioral Sciences
California Academy of Child and Adolescent Psychiatry
California Academy of Family Physicians
California Association for Nurse Practitioners
California Association of Marriage and Family Therapists
California Dental Association
California Medical Association
California Nurses Association
California Orthopedic Association
California Psychological Association
California Radiological Society
California Retired Teachers Association
California Society of Plastic Surgeons
California Youth Empowerment Network

CFT

County Behavioral Health Directors Association

Dental Board of California

Kaiser Permanente

Los Angeles Area Chamber of Commerce

Medical Board of California

National Union of Healthcare Workers

Oakland Privacy

Occupational Therapy Association of California

Osteopathic Medical Board of California

Privacy Rights Clearinghouse

San Francisco Marin Medical Society

TechEquity Action

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.

Prior Legislation: SB 1001 (Hertzberg, Ch. 892, Stats. 2018) 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.

PRIOR VOTES:

Senate Business, Professions and Economic Development Committee (Ayes 10, Noes 0)

Assembly Floor (Ayes 79, Noes 0)

Assembly Appropriations Committee (Ayes 14, Noes 0)

Assembly Privacy and Consumer Protection Committee (Ayes 14, Noes 0)

Assembly Business and Professions Committee (Ayes 17, Noes 0)
