

SENATE PRIVACY, DIGITAL TECHNOLOGIES, AND CONSUMER PROTECTION COMMITTEE  
Senator Christopher Cabaldon, Chair  
2025-2026 Regular Session

SB 1146 (Gonzalez)  
Version: March 25, 2026  
Hearing Date: April 6, 2026  
Fiscal: Yes  
Urgency: No  
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**SUBJECT**

Advertisement claims: health-related consumer products and services: artificial intelligence.

**DIGEST**

This bill requires an advertisement to include a disclosure, as applicable, when it depicts a digitally altered or generated person representing themselves to be, or “identifiably depicting” a person as, a health care provider to promote the sale of a health-related consumer product or service, except as provided.

**EXECUTIVE SUMMARY**

Certain forms of media – audio recordings, video recordings, and still images – can be powerful evidence of the truth. While such media have always been susceptible to some degree of manipulation, fakes were relatively easy to detect. The rapid advancement of AI technology, specifically the wide-scale introduction of GenAI models, has made it drastically cheaper and easier to produce synthetic content, including images, videos, and audio, that are not real, but that are so realistic that they are virtually impossible to distinguish from authentic content, including so-called “deepfakes.”

Serious concerns have been raised that the use of GenAI created or altered content featuring the likeness or voice of actual health care providers are being used to sell various health-related products or services without the consent or knowledge of those being depicted. This bill addresses the issue by requiring advertisements to include clear disclosures when a health care provider is “identifiably depicted,” meaning the visual likeness or voice of a natural person within an electronic representation is readily identifiable, even if the electronic representation is not identical to the natural person.

This bill is sponsored by the California Medical Association and supported by a variety of medical associations. No timely opposition was received. Should the bill pass out of this Committee, it will next be heard by the Senate Judiciary Committee.

## PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the California AI Transparency Act, which becomes operative on January 1, 2026, and requires certain “covered providers” to make an AI detection tool available at no cost by which a person can assess whether content was created or altered by the provider’s GenAI system. (Bus. & Prof. Code § 22757 et seq.)
- 2) Requires a covered provider to offer users the option to include in AI-generated image, video, or audio content created by its own generative AI system a manifest disclosure that meets specified criteria, including that it identifies the content as AI-generated content. (Bus. & Prof. Code § 22757.3(a).)
- 3) Requires a covered provider to include in AI-generated image, audio, and video content created by its generative AI system a latent disclosure that is detectable by the tool specified above and is, to the extent technically feasible, permanent or extraordinarily difficult to remove. (Bus. & Prof. Code § 22757.3(b).)
- 4) Requires a large online platform, starting January 1, 2027, to do the following:
  - a) Detect whether any provenance data that is compliant with widely adopted specifications adopted by an established standards-setting body is embedded into or attached to content distributed on the large online platform.
  - b) Provide a user interface to disclose the availability of system provenance data that reliably indicates that the content was generated or substantially altered by a GenAI system or captured by a capture device. The user interface shall make clearly and conspicuously available to users information sufficient to identify the content’s authenticity, origin, or history of modification, including specified information such as whether provenance data is available.
  - c) Allow a user to inspect all available system provenance data that is compliant with widely adopted specifications adopted by an established standards-setting body in an easily accessible manner by any of several specified means. (Bus. & Prof. Code § 22757.3.1.)
- 5) Provides that violators of the above provisions are liable for a civil penalty in the amount of \$5,000 per violation to be collected in a civil action filed by the Attorney General, a city attorney, or a county counsel. Each day in violation is deemed a discrete violation. (Bus. & Prof. Code § 22757.4.)
- 6) 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.)

- 7) 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.)
- 8) Defines “unfair competition” to mean and include any unlawful, unfair, or fraudulent business act or practice and any unfair, deceptive, untrue, or misleading advertising, and any act prohibited by the False Advertising Law, Business and Professions Code section 17500 et seq. (Bus. & Prof. Code § 17200.)
- 9) Provides remedies for individuals who have suffered damages as a result of fraud or deceit, including situations involving fraudulent misrepresentations. (See Civ. Code §§ 1709-1710, 1572-1573.)
- 10) Establishes California’s right of publicity law, which provides that any person who knowingly uses another’s name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services, without such person’s prior consent, shall be liable for any damages sustained by the person or persons injured as a result thereof. (Civ. Code § 3344(a).)
- 11) Provides that any person who knowingly and without consent credibly impersonates another actual person through or on a website or by other electronic means for purposes of harming, intimidating, threatening, or defrauding another person is guilty of a public offense punishable by a fine and/or imprisonment. (Pen. Code § 528.5.)
- 12) Provides that every person who falsely impersonates another in either their private or official capacity, and in that assumed character carries out specified actions, is punishable by a fine and/or imprisonment. (Pen. Code § 529.)

This bill:

- 1) Requires an advertisement that uses the image, audio, or video of a natural person representing themselves to be, or identifiably depicting a person as, a health care provider that is generated or substantially altered using artificial intelligence or other computer technology to promote the sale of a health-related consumer product or service to include a clear and conspicuous disclosure that the relevant material in the advertisement was generated or substantially altered

by AI and that the person identifiably depicted is not a health care provider. The bill details the specific requirements for such disclosures.

- 2) Defines “generated or substantially altered using artificial intelligence or other computer technology” to mean when visual or audio media of a natural person is either of the following:
  - a) Entirely created using artificial intelligence or other computer technology and would appear to a reasonable person to be authentic.
  - b) Materially altered by artificial intelligence or other computer technology, and that alteration would cause a reasonable person to have a fundamentally different understanding of the altered media when comparing it to an unaltered version.
- 3) Provides that such media does not meet the definition if the media is immaterially altered by AI or other computer technology, including a cosmetic adjustment, color edit, cropped image, or resized image.
- 4) Define “identifiably depicted” as the visual likeness or voice of a natural person within an electronic representation that is readily identifiable, even if the electronic representation is not identical to the natural person.
- 5) Defines “health-related consumer product or service” as a product or service that is marketed for use primarily for personal, family, or household purposes, and is marketed as having a health benefit. Examples include dietary supplements and medical and dental goods and services.
- 6) Clarifies that advertisements subject hereto must comply with all other applicable laws and that the bill does not abrogate, narrow, or otherwise limit such laws. It explicitly states that it does not authorize use of a person’s likeness for commercial purposes without the individual’s consent.
- 7) Authorizes civil actions to enforce these provisions to be brought by the Attorney General or by any district attorney. A person identifiably depicted as a health care provider in an advertisement that violates these provisions may also bring a civil action against the person who created the advertisement.
- 8) Clarifies that it does not apply to an advertisement if all of the following conditions are met:
  - a) The health care provider depicted in the advertisement is an identifiably depicted natural person who is licensed in the same professional practice as depicted in the advertisement.
  - b) The identifiably depicted natural person has provided prior consent to the use of their image in the advertisement.

- c) The identifiably depicted natural person agrees with all of the statements made by the image, audio, or video of themselves generated or substantially altered by AI.
- 9) Lays out factors that may be considered in determining whether a natural person is “identifiably depicted,” including whether the electronic representation identifies itself by the natural person’s name, whether the electronic representation uses any visual or auditory cues commonly associated with the natural person, and whether the advertisement featuring the electronic representation addresses a subject matter or health issue in which the natural person specializes.

### 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.<sup>1</sup>

One recent article emphasizes the issue:

Dr. Robert H. Lustig is an endocrinologist, a professor emeritus of pediatrics at the University of California, San Francisco, and an author of best-selling books on obesity.

He is absolutely not — despite what you might see and hear on Facebook — hawking “liquid pearls” with dubious claims about weight loss. “No injections, no surgery, just results,” he appears to say in one post.

Instead, someone has used artificial intelligence to make a video that imitates him and his voice — all without his knowledge, let alone consent.

The posts are part of a global surge of frauds hijacking the online personas of prominent medical professionals to sell unproven health products or simply to swindle gullible customers, according to the doctors, government officials and researchers who have tracked the problem.

While health care has long attracted quackery, A.I. tools developed by Big Tech are enabling the people behind these impersonations to reach millions online — and to profit from them. The result is seeding disinformation, undermining trust in the profession and potentially endangering patients.<sup>2</sup>

## 2. Ensuring transparency in AI-generated health advertisements

This bill seeks to address these deceptive advertisements by requiring them to include specified disclosures. Specifically, an advertisement that uses the image, audio, or video of a natural person representing themselves to be, or *identifiably depicting* a person as, a health care provider that is generated or substantially altered using AI or other computer technology to promote the sale of a health-related consumer product or service shall include a clear and conspicuous disclosure that the image, audio, or video, as applicable, of the person in the advertisement was generated or substantially altered by AI and that the person identifiably depicted is not a health care provider. “Identifiably depicted” means that the visual likeness or voice of a natural person

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<sup>1</sup> 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/>. All internet citations are current as of March 30, 2026.

<sup>2</sup> Steven Lee Myers, Alice Callahan, & Teddy Rosenbluth, *The Doctors Are Real, but the Sales Pitches Are Frauds* (September 5, 2025) The New York Times, <https://www.nytimes.com/2025/09/05/technology/ai-doctor-scams.html>.

within an electronic representation is readily identifiable, even if the electronic representation is not identical to the natural person. The bill provides factors that may be considered in determining whether a natural person is “identifiably depicted” including whether the representation identifies itself by the person’s name, uses any visual or auditory cues commonly associated with the natural person, and the advertisement addresses a subject matter or health issue in which the natural person specializes.

The bill details the specifics of the required disclosure. For visual media, the text of the disclosure must appear in a prominent location and in a size that is easily readable by the average viewer. For visual media that is video, that disclosure shall be displayed for the duration of the video. If it is audio-only media, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at intervals of not greater than two minutes each.

The bill authorizes action to be brought against those in violation by the Attorney General, any district attorney, and the person identifiably depicted.

According to the author:

Californians deserve to know when the physician they encounter online is real and when it is not. Unfortunately, with the rise of artificial intelligence (AI) and generative AI it is becoming increasingly difficult to distinguish between real and fake content. This has led to a dangerous new trend of scammers using AI images of physicians to sell unproven supplements and dispense baseless medical advice. In a single month, one investigation found more than 100 such videos circulating across social media platforms, misleading viewers on important health and safety topics. Consumers misled by AI-generated health advertising may forgo proven treatments, ingest unsafe supplements, or spend money on products with no demonstrated medical benefit. SB 1146 responds to this threat by requiring any health product or service advertisement that uses the image, audio or video of a natural person that is AI generated to include a clear and conspicuous disclosure that the content was produced using AI. By empowering Californians with the transparency they need to make informed decisions about their health, SB 1146 is a critical step toward protecting vulnerable consumers from deceptive AI-driven advertising and preserving the integrity of trusted medical information.

Writing in support, the California Medical Association, the sponsor of the bill, asserts:

Advances in artificial intelligence have created new opportunities for innovation, but it is also easier than ever for bad actors to generate convincing “deepfake” images, audio, and video that falsely portray physicians endorsing products or providing medical advice. These AI-generated impersonations are increasingly being used to promote unproven supplements, “miracle cures,” and other health-related products online. Often, scammers clone real physicians’ faces or voices, without their knowledge or consent.

These scams exploit the trust that patients place in physicians and can expose consumers to misleading health information and potentially harmful products. Deepfake “doctors” are garnering millions of views online while promoting non-FDA-approved treatments and dubious medical devices. Patients, particularly older adults and individuals with chronic conditions, are often targeted with deceptive claims, leading them to waste money on ineffective products or delay seeking legitimate medical care.

By requiring clear disclosures when AI is used to generate or significantly alter a person’s likeness or voice in health-related advertising, this bill will help consumers better recognize manipulated content and make informed decisions about their health. The bill also provides enforcement authority to the Attorney General to hold bad actors accountable, ensure consistent oversight, and prevent abuse of the law.

Importantly, SB 1146 does not restrict legitimate innovation or the responsible use of artificial intelligence in health care or other sectors. Instead, it draws a clear line against deceptive commercial practices that misappropriate physicians’ identities and put patients at risk.

### 3. Interaction with existing law

One issue that has been raised is whether existing law already specifically addresses the issue. For instance, California has a right of publicity law, which provides that any person who knowingly uses another’s name, voice, signature, photograph, or likeness, in any manner, on or in products, merchandise, or goods, or for purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services, without such person’s prior consent, shall be liable for any damages sustained by the person or persons injured as a result thereof.

In addition, the FAL 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. Violators are subject to a civil penalty not to exceed \$2,500 for each violation in an action brought by specified public prosecutors. The FAL provides that a person may bring an action for an injunction or restitution if the person has suffered injury in fact and has lost money or property as a result of a violation of the FAL. There are also laws providing remedies for those damaged by fraudulent misrepresentations and criminal laws that prohibit and provide penalties for false impersonation.

In response, the author asserts:

While California already has robust protections they were not designed with the use of AI-generated imagery or deepfake videos impersonating licensed medical professionals. As a result, medical professionals' images are being used with little recourse or practical enforcement to stop these deep-fakes. Therefore, SB 1146 builds on existing laws to provide greater protections for physicians and consumers alike. First, it ensures consumers have the information they need to make informed decisions about health-related products by requiring clear and conspicuous disclosures when AI-generated or manipulated media is used to depict a purported health care provider. Second, it creates meaningful accountability by empowering the Attorney General, any district attorney, and the physician whose likeness was used without consent to bring civil action against these bad actors. This legislation is a targeted, necessary update to California law that closes a significant gap exploited daily by those willing to deceive vulnerable consumers for profit.

### SUPPORT

California Medical Association (sponsor)  
American Academy of Pediatrics, California  
California Academy of Child and Adolescent Psychiatry  
California Dental Association  
California Orthopedic Association  
California Podiatric Medical Association  
California Society of Pathologists  
Kaiser Permanente

### OPPOSITION

None known

**RELATED LEGISLATION**

SB 1050 (Ashby, 2026) makes it an unlawful practice for a person, in connection with the creation or dissemination of an advertisement in this state, to use or cause to be used a synthetic performer, as defined, without a clear and conspicuous disclosure that the performer is synthetic. SB 1050 is set to be heard by this Committee the same day as this bill.

SB 1142 (Becker, 2026) requires a provider of a GenAI tool that is also a large online platform that allows users to create digital replicas to create a mechanism for users to revoke access to their digital replica using the platform's tool and requires their terms of service to prohibit unlawful digital replicas, as provided. Platforms are required to establish a mechanism to report unlawful digital replicas and a process to respond to such reports. The bill also provides enhanced liability for those using, with actual knowledge, a digital replica that violates specified criminal laws or defamation law. SB 1142 is set to be heard by this Committee the same day as this bill.

AB 489 (Bonta, Ch. 615, Stats. 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.

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