

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

SB 1146 (Gonzalez)
Version: March 25, 2026
Hearing Date: April 14, 2026
Fiscal: Yes
Urgency: No
AWM

SUBJECT

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

Generative artificial intelligence, or GenAI, has made it dramatically easier and cheaper to create images and videos of realistic-looking humans. While some AI-generated videos still have an uncanny valley feel, many are so realistic as to be indistinguishable from the real thing. Serious concerns have been raised about the proliferation of GenAI images and their ability to mislead, in contexts ranging from the relatively harmless (e.g., AI-generated images purporting to show Tom Holland and Zendaya’s wedding) to the dire (e.g., fake videos of candidates in elections intended to deceive voters).

This bill addresses AI-generated images in the medical context. Specifically, the author and sponsor report that GenAI content portraying medical professionals is being used to sell various health-related products and services, giving the false impression that a medical professional approves of the product. Additionally, in some cases, the AI-generated voice or likeness is that of a real medical professional who did not consent to that usage. To address this problem, this bill requires 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. The bill permits the Attorney General or a district attorney to enforce the bill’s provisions in a civil action, and gives a private right of action to a real person whose likeness or voice was used without their consent. The author has agreed to

amendments that clarify the scope of the bill and the exception for real medical professionals who consented in advance to the use of their image.

This bill is sponsored by the California Medical Association and is supported by the American Academy of Pediatrics, California; the California Academy of Child & Adolescent Psychiatry; the California Dental Association; the California Orthopaedic Association; the California Podiatric Medical Association; the California Society of Pathologists; and Kaiser Permanente. The Committee has not received timely opposition to this bill. The Senate Privacy, Digital Technologies, and Consumer Protection Committee passed this bill with a vote of 7-0.

PROPOSED CHANGES TO THE LAW

Existing constitutional law:

- 1) Provides that Congress shall make no law abridging the freedom of speech, or the right of the people to peaceably assemble, and to petition the government for redress of grievances. (U.S. Const., 1st amend. (the First Amendment) & 14th amends.; *see Gitlow v. People of State of New York* (1925) 268 U.S. 652, 666 (First Amendment guarantees apply to the states through the due process clause of the Fourteenth Amendment).)
- 2) Provides that every person may freely speak, write, and publish their sentiments on all subjects, and that a law may not restrain or abridge liberty of speech. (Cal. Const., art. I, § 2 (Section 2).)

Existing state law:

- 1) Establishes the California AI Transparency Act, which becomes operative on August 2, 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, div. 8, ch. 25, §§ 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 of a 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 any unfair, deceptive, untrue, or misleading advertising, including over the internet. (Bus. & Prof. Code, div. 7, pt. 2, ch. 5, §§ 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, div. 7, pt. 3, §§ 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. (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) Defines the following relevant terms:
 - a) "Artificial intelligence" means 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.
 - b) "Generated or substantially altered using artificial intelligence or other computer technology" means when a visual or audio media of a natural person is either (1) entirely created using artificial intelligence or other computer technology and would appear to a reasonable person to be authentic, or (2) materially altered by artificial intelligence or other computer technology such that the alteration would cause a reasonable person to have a fundamentally different understanding of the altered media when comparing it to an unaltered version; but a visual or audio media of a natural person is not "generated or substantially altered using artificial intelligence or other computer technology" if the media is immaterially altered by artificial intelligence or other computer technology, including a cosmetic adjustment, color edit, cropped image, or resized image.
 - c) "Health-related consumer product or service" means a product or service that is marketed for use primarily for personal, family, or household purposes, and is marketed as having a health benefit, including dietary supplements and medical and dental goods and services.
 - d) "Health care provider" means a person licensed under Division 2 of the Business and Professions Code.
 - e) "Identifiably depicted" means that 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.
 - f) "Natural person" means a natural human individual, and does not include a firm, partnership, association, corporation, limited liability company, or cooperative association.

- 2) 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 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 artificial intelligence and that the person identifiably depicted is not a health care provider, and shall comply with all of the following:
 - a) For visual media, the text of the disclosure shall 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.
 - b) For 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.
- 3) Provides that advertisements subject to 2) shall comply with all other applicable state and federal laws, and that this bill does not abrogate, narrow, or otherwise limit any other applicable state or federal law, including, but not limited to, the FAL, or authorize the use of a person's likeness for commercial purposes without the individual's consent.
- 4) Provides the following remedies:
 - a) The Attorney General or a district attorney may bring a civil action to enforce 2) and may seek any appropriate remedy, including, but not limited to, injunctive relief.
 - b) A natural person identifiably depicted as a health care provider in an advertisement that violates 2) may bring a civil action against the person who created the advertisement and may seek any appropriate remedy, including, but not limited to, injunctive relief.
- 5) Provides that the remedies in 4) are cumulative and shall be in addition to any other remedies provided for by law, including the right of publicity law.
- 6) Clarifies that a violation of 2) shall not constitute a misdemeanor.
- 7) Provides that 2) does not consent to an advertisement that uses the image, audio, or video of a person representing themselves to be, or depicting the 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 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 artificial intelligence.
- 8) Provides that, for purposes of 1)-7), factors that may be considered in determining whether a natural person is “identifiably depicted” in an electronic representation include 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. Author’s comment

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.

2. The Chatbot Will See You Now

As generative AI becomes more sophisticated, health-related AI applications have become more common. The Senate Privacy, Digital Technologies, and Consumer Protection Committee's analysis of this bill explains the issue:

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

One recent article emphasizes the issue:

¹ Jones, *Social Media Is Flooded With AI Doctor 'Scams': Creators Can't Stand It* (Mar. 13, 2025) RollingStone, <https://www.rollingstone.com/culture/culture-features/ai-doctor-videos-tiktok-avatars-internet-safety-1235294841/> (link current as of April 10, 2026).

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.²

3. This bill requires health-related advertisements with AI-generated images or audio of a healthcare professional to contain a disclosure to that effect

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 within an electronic representation is readily identifiable, even if the electronic representation is not identical to the natural person. The bill does not require a disclosure when the advertisement depicts (1) a real person licensed in the practice depicted, (2) who has given prior consent to their portrayal in the advertisement, and (3) agrees with the statements made by their AI avatar.

The author has agreed to amendments to clarify that the bill applies to both AI-generated digital replicas of real people and to fully synthetic AI creations intended to

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

be mistaken for medical professionals. The amendments incorporate concepts from existing law as well as another bill pending before this Committee, SB 1050 (Ashby, 2026), to ensure consistency between legal frameworks.

The Senate Privacy, Digital Technologies, and Consumer Protection Committee considered this bill from an overall standpoint and passed it with a vote of 7-0. This Committee has jurisdiction over (1) the remedies created by the bill and (2) the First Amendment question that arises whenever the state compels commercial speech.

a. Remedies

The bill provides two enforcement mechanisms. The Attorney General or a district attorney may bring a civil action for a violation against any person who created the advertisement. Additionally, a real person who is identifiably depicted as a medical professional in an advertisement for a health-related consumer product or service can sue any person who created the advertisement, thereby giving a falsely depicted person the right to seek recourse for the unauthorized use of their image. The plaintiff in an authorized enforcement action may seek any appropriate remedies, including an injunction, e.g., to remove the violating advertisement. The bill clarifies that the remedy provided is cumulative to existing remedies; it is likely that a person who is depicted in an AI-generated ad for health products would have other causes of action against the defendant, such as a violation of their right to publicity under Civil Code section 3344.

b. First Amendment analysis

“Commercial speech,” including statements made in advertising, is protected by the First Amendment but enjoys a lesser degree of protection than other forms of constitutionally guaranteed expression.³ “The First Amendment’s concern for commercial speech is based on the informational function of advertising.”⁴ Advertising that is misleading or unlawful has no informational value and can be banned by the government.⁵ But for an advertisement that “is neither misleading nor unrelated to unlawful activity, the government’s power is more circumscribed.”⁶ To regulate accurate speech relating to legal activity, the government must assert a “substantial interest” to be achieved, and the limitation “must be designed carefully to achieve the State’s goal.”⁷ When a state seeks to compel commercial speech, e.g., require an advertisement to disclose specific information, “a requirement that [an advertiser] include in [their] advertising purely factual and uncontroversial information” that will

³ *Central Hudson Gas & Elec. Corp. v. Public Service Commission of New York* (1980) 447 U.S. 557, 562-563.

⁴ *Id.* at p. 563.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ *Ibid.*

“dissipate the possibility of consumer confusion or deception” will generally pass First Amendment muster.⁸

The disclosure here appears reasonably tailored to achieve the important goal of avoiding consumer confusion about the nature of an advertisement, specifically, whether an actual doctor is recommending a health product. The amendments agreed upon by the author, set forth below in Comment 4, also clarify that the obligation to add a disclosure is on the person who created the advertisement, or caused it to be created, thereby ensuring that persons who subsequently broadcast or disseminate the advertisement are not held liable for the creator’s misfeasance.

4. Amendments

As noted above, the author has agreed to amendments that clarify the bill’s scope, including by adding terms and making the person who creates the advertisement, or causes it to be created, responsible for adding the disclosure. The amendments are set forth below, subject to any nonsubstantive changes the Office of Legislative Counsel may make.

Amendment 1

At page 3, between lines 2 and 3, insert:

(3) “Creates” includes causing a video or audio media to be created through prompts to a generative artificial intelligence system.

(4) “Digital replica” has the same meaning as in Section 3344.1 of the Civil Code.

Amendment 2

At page 3, between lines 17 and 18, insert:

(9) “Synthetic performer” means a human-like digital figure, voice, or representation created in whole or in part using artificial intelligence, machine learning, or computational techniques, and not based on, derived from, or intended to depict any particular identifiable natural person as described in Section 3344 of the Civil Code.

Amendment 3

At page 3, delete lines 18-19 and line 20 through “as,” and insert:

(b) A person who creates or causes to be created an advertisement that includes the image, audio, or video of a digital replica or synthetic performer depicted as

⁸ *Zauderer v. Office of Disciplinary Counsel of Supreme Court of Ohio* (1985) 471 U.S. 626, 651.

Amendment 4

At page 3, in lines 26-27, delete “that the person identifiably depicted is not a health care provider” and insert “that no human health care provider is depicted”

Amendment 5

At page 4, in lines 15-16, delete “identifiably depicted as a health care provider” and insert “whose digital replica is used”

Amendment 6

At page 4, delete line 32 and line 33 through “as,” and insert “a digital replica depicted as”

Amendment 7

At page 4, delete lines 38-40, and at page 5, delete lines 1-5, and insert:

(1) The natural person whose digital replica is used in the advertisement is a health care provider.

(2) The digital replica in the advertisement is depicted as being licensed in the same profession as the natural person.

(3) The natural person has provided prior consent to the use of their digital replica in the advertisement.

(4) The natural person agrees with all of the statements made in the advertisement by the digital replica generated or substantially altered by artificial intelligence.

Amendment 8

At page 5, delete line 7 after “a” and delete line 8 through “representation” and insert “depiction of a health care provider is a “digital replica”

5. Arguments in support

According to the California Medical Association:

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.

SUPPORT

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

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation:

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 pending before this Committee.

SB 1050 (Ashby, 2026) requires an advertisement depicting a synthetic performer, as defined, to include a clear and conspicuous disclosure that the performer is synthetic. SB 1050 is pending before this Committee.

SB 903 (Padilla, 2026) regulates when a licensed professional may engage in the use of AI to assist in providing supplementary support in therapy or psychotherapy, as specified, and provides that an individual or entity may not provide or offer therapy in the state unless the services are conducted by a licensed professional. SB 903 is pending before the Senate Business, Professions and Economic Development Committee.

Prior legislation: AB 489 (Bonta, Ch. 615, Stats. 2025) prohibited AI systems from misrepresenting themselves as licensed or certified health care professionals, and permitted the appropriate health care profession board to take action against an AI system that violates this prohibition.

PRIOR VOTES:

Senate Privacy, Digital Technologies, and Consumer Protection Committee (Ayes 7,
Noes 0)
