
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1146 (Gonzalez) - Advertisement claims: health-related consumer products and services: digital replicas and synthetic performers

Version: April 16, 2026

Policy Vote: P., D.T., & C.P. 7 - 0, JUD.
12 - 0

Urgency: No

Mandate: No

Hearing Date: April 27, 2026

Consultant: Bob Franzoia

Bill Summary: SB 1146 would require an advertisement that uses an image representing themselves to be a health care provider that was generated by artificial intelligence to include a clear and conspicuous disclosure that the person identifiably depicted is not a health care provider.

Fiscal Impact: This bill would authorize the Attorney General or a district attorney to bring a civil action for a violation against any person who created the advertisement. A real person who is identifiably depicted as a medical professional in an advertisement would have the right to seek recourse for the unauthorized use of their image and provide for cumulative remedies.

Cost pressures to the courts to adjudicate charges pertaining to the creation of prohibited AI-generated advertisements, possibly in the hundreds of thousands of dollars annually. Actual costs will depend on the number of charges filed and the amount of time needed to adjudicate each case. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a need for increased funding for courts from the General Fund. The Governor's 2026-27 budget proposes \$70 million ongoing from the General Fund to backfill declining revenue to the Trial Court Trust Fund.

Background: AI-enabled systems and chatbots posing as health professionals have sprouted up across the internet, raising serious consumer 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.

Proposed Law: The plaintiff in an authorized enforcement action may seek appropriate remedies, including an injunction to remove the advertisement. This bill clarifies that the

remedy provided is cumulative to existing remedies, that is, a person who is depicted in an AI generated ad for health providers would have other causes of action against the defendant, such as a violation of their right to privacy.

Related Legislation: AB 489 (Bonta) Chapter 615/2025) 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.

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. That bill has been referred to the Senate Appropriations Committee.

Staff Comments: This bill provides two enforcement mechanisms. The AG 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. This bill clarifies that the remedy provided is cumulative to existing remedies, that is, 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.