

THIRD READING

Bill No: SB 1146
Author: Gonzalez (D)
Amended: 4/16/26
Vote: 21

SENATE PRIV., DIGITAL TECH. & CONS. PROT. COMMITTEE: 7-0, 4/6/26
AYES: Cabaldon, Gonzalez, McNerney, Padilla, Reyes, Umberg, Wiener
NO VOTE RECORDED: Jones, Ochoa Bogh

SENATE JUDICIARY COMMITTEE: 12-0, 4/14/26
AYES: Umberg, Niello, Allen, Ashby, Caballero, Durazo, McNerney, Reyes,
Stern, Wahab, Weber Pierson, Wiener
NO VOTE RECORDED: Valladares

SENATE APPROPRIATIONS COMMITTEE: 6-0, 5/14/26
AYES: Cervantes, Cabaldon, Dahle, Grayson, Richardson, Wahab
NO VOTE RECORDED: Seyarto

SUBJECT: Advertisement claims: health-related consumer products and
services: digital replicas and synthetic performers

SOURCE: California Medical Association

DIGEST: This bill requires a person who creates an advertisement to include a disclosure, as applicable, when it includes a digital replica or synthetic performer depicted as a health care provider to promote the sale of a health-related consumer product or service, except as provided.

ANALYSIS:

Existing law:

- 1) Establishes the California AI Transparency Act, which becomes operative on January 1, 2026, and requires certain “covered providers” to make an artificial intelligence (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. (Business (Bus.) & Professions (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. (Civil (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. (Penal (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 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 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 person in the advertisement was generated or substantially

altered by artificial intelligence and that no human healthcare provider is depicted. The bill details the specific requirements for such disclosures.

- 2) Defines “digital replica” to mean a computer-generated, highly realistic electronic representation that is readily identifiable as the voice or visual likeness of an individual that is embodied in a sound recording, image, audiovisual work, or transmission in which the actual individual either did not actually perform or appear, or the actual individual did perform or appear, but the fundamental character of the performance or appearance has been materially altered, subject to certain exemptions.
- 3) 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.
- 4) 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.
- 5) Defines “synthetic performer” as a humanlike 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.
- 6) 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.
- 7) 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.

- 8) Authorizes civil actions to enforce these provisions to be brought by the Attorney General or by any district attorney. A person whose digital replica is used in an advertisement that violates these provisions may also bring a civil action against the person who created the advertisement.
- 9) Clarifies that it does not apply to an advertisement if all of the following conditions are met:
 - a) The person whose digital replica is used in the advertisement is a health care provider.
 - b) The digital replica in the advertisement is depicted as being licensed in the same profession as the person.
 - c) The person has provided prior consent to the use of their digital replica in the advertisement.
 - d) The person agrees with all of the statements made in the advertisement by the digital replica generated or substantially altered by AI.

Background

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 is 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 a person who creates an advertisement to include clear disclosures when the advertisement includes a digital replica or synthetic performer depicted as a healthcare provider.

This bill is sponsored by the California Medical Association and supported by a variety of medical associations. No opposition has been received. For a more thorough discussion, please see the Senate Privacy, Digital Technologies, and Consumer Protection analysis of this bill.

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

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.

SUPPORT: (Verified 5/13/26)

California Medical Association (Source)
American Academy of Pediatrics, California

Board of Registered Nursing
California Academy of Child and Adolescent Psychiatry
California Dental Association
California Dermatology Advocacy Network
California Orthopedic Association
California Podiatric Medical Association
California Society of Pathologists
Kaiser Permanente
1 Individual

OPPOSITION: (Verified 5/13/26)

None received

ARGUMENTS IN SUPPORT: California Medical Association writes:

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.

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