

Date of Hearing: June 16, 2026

Fiscal: Yes

ASSEMBLY COMMITTEE ON PRIVACY AND CONSUMER PROTECTION

Rebecca Bauer-Kahan, Chair

SB 1146 (Gonzalez) – As Amended June 11, 2026

SENATE VOTE: 36-0

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

SYNOPSIS

The capacity of generative artificial intelligence (GenAI) to create synthetic but authentic-seeming content at scale has left virtually no sector of the economy untouched. One particularly concerning manifestation of this problem is a proliferation of GenAI content portraying medical professionals, both fake and real, hawking dubious medical products and services online.

This bill, sponsored by the California Medical Association, requires advertisements with digital replicas (digital versions of actual humans) or synthetic performers (AI-generated characters that don't correspond to an actual human) that are depicted as a health care provider who is promoting a health-related service or product to include a clear and conspicuous disclosure indicating that the health care provider is AI generated. Violations constitute false advertising, enforceable pursuant to the Unfair Competition Law (UCL). The bill also grants a private right of action for a person whose digital replica is used without a disclosure.

The bill is supported by various medical trade associations and has no registered opposition.

If passed by this Committee, the bill will re-referred to the Judiciary Committee.

EXISTING LAW:

1) Defines:

- a. “Artificial intelligence” 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. (Civ. Code § 3110(a).)
- b. “Digital replica” as 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. “Digital replica” does not include the electronic reproduction, use of a sample of one sound recording or audiovisual work into another, remixing, mastering, or digital remastering of a sound recording or audiovisual work authorized by the copyright holder. (Civ. Code § 3344.1.)

- c. “Generative artificial intelligence” as artificial intelligence that can generate derived synthetic content, such as text, images, video, and audio, that emulates the structure and characteristics of the artificial intelligence’s training data. (Civ. Code § 3110(c).)
- 2) 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 the purposes of advertising or selling, or soliciting purchases of, products, merchandise, goods or services, without such person’s prior consent, is liable for statutory damages, actual damages, lost profits, punitive damages, and attorney’s fees and costs. (Civ. Code § 3344(a).)
- 3) Beginning August 2, 2026, requires a covered provider to include a latent disclosure in AI-generated image, video, or audio content, or content that is any combination thereof, created by the covered provider’s GenAI system that, to the extent technically feasible and reasonable, conveys the name of the covered provider, the name and version number of the GenAI system that created or altered the content, the time and date of the content’s creation or alteration, and a unique identifier, either directly or through a link to a permanent internet website. (Bus. & Prof. Code § 22757.3.)
- 4) Beginning January 1, 2028, requires a capture device manufacturer to, with respect to any capture device the capture device manufacturer first produced for sale in the state on or after January 1, 2028, provide a user with the option to include a latent disclosure in content captured by the capture device, and to embed latent disclosures in content captured by the device by default. (Bus. & Prof. Code § 22757.3.3.)
- 5) Establishes the False Advertising Law (FAL), which proscribes making or disseminating any untrue or misleading statements in connection with advertisements. (Bus. & Prof. Code § 17500 *et seq.*)
- 6) Establishes the 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. (Bus. & Prof. Code § 17200 *et seq.*)
- 7) Regulates healing arts licensees, including false, fraudulent, misleading, or deceptive statements, claims, or images disseminated by licensees to induce the provision of services or products in connection with their professional practice or business. (Bus. & Prof. Code § 651.)

THIS BILL:

- 1) Incorporates the existing definitions of “artificial intelligence,” “generative artificial intelligence,” and “digital replica”.
- 2) Defines:
 - a. “Clear and conspicuous disclosure” as a disclosure that is difficult to miss, easily understandable, and presented in a manner that a reasonable consumer would notice, read, and comprehend, taking into account the medium, format, and context in which the advertisement appears.

- b. “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.
 - c. “Synthetic performer” as a digital figure, voice, or representation created in whole or in part using generative artificial intelligence, that creates the realistic impression of an audiovisual or visual performance of a human performer who is not recognizable as any identifiable natural person.
- 3) Requires a person who creates or causes to be created an advertisement that 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 to include a clear and conspicuous disclosure that the health care provider depicted in the advertisement was generated or substantially altered by AI or that no human health care provider is depicted.
 - 4) Provides that a violation of the bill is a violation of the FAL, enforceable pursuant to the UCL.
 - 5) Grants a private right of action for a person whose digital replica is used in an advertisement that violates the requirement set forth in 3) and may seek injunctive relief and any appropriate remedy.
 - 6) Specifies that the remedies under the bill are cumulative and are in addition to any other remedies provided by law.

COMMENTS:

1) **Author’s statement.** 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) **Background.** *GenAI.* AI refers to the mimicking of human intelligence by artificial systems such as computers.¹ AI uses algorithms – sets of rules – to transform inputs into outputs. Inputs and outputs can be anything a computer is able to process: numbers, text, audio, or video, for example. AI is not fundamentally different from other computer functions; unlike other computer functions, however, AI is able to accomplish tasks that are normally performed by humans.

Most modern AI tools are created through a process known as “machine learning,” which enables AI tools to learn relationships between inputs and outputs without being explicitly programmed.² The process of exposing a naïve AI to data is known as “training.” The algorithm that an AI develops during training is known as its “model.” At its core, training is an optimization problem: machine learning attempts to identify model parameters – weights – that minimize the difference between predicted outcomes and actual outcomes. During training, these weights are continuously adjusted to improve the model’s performance. Once trained, the model can process new, never-before-seen data.³

Models trained on small, specific datasets in order to make recommendations and predictions are sometimes referred to as “predictive AI.” This differentiates them from generative AI (GenAI) which are trained on massive datasets in order to produce detailed text, images, audio, and video.⁴ When ChatGPT generates text in clear, concise paragraphs, it uses GenAI that has been trained on the written contents of the internet.⁵ When Netflix suggests content to a viewer, its recommendation is produced using predictive AI that has been trained on the viewing habits of Netflix users.⁶

Digital replicas. Technological advances have had major implications for likeness rights. The term “digital replicas” is used to describe computer-generated avatars of an individual’s likeness—including their face, body, voice, movement; indeed, their very identity—that can appear authentic but be manipulated to create entirely new “performances,” even if the actor had no active role in the making of the performance. For example, James Dean, despite passing away over 60 years ago, was cast in a 2019 movie using a digital replica.⁷

Meanwhile, “[a]spirings musicians, actors, and models routinely sign predatory blanket, long-term (sometimes perpetual) assignments and licenses of their publicity rights as a condition of getting representation, a record deal, a role, or a photo shoot,” writes Professor Jennifer Rothman, a leading scholar on the issue. “Similarly, the NCAA has had student-athletes sign

¹ AB 2885 (Bauer-Kahan, Stats. 2024, Ch. 843) defined the term 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.”

² IBM, *What is machine learning?*, www.ibm.com/topics/machine-learning.

³ *Ibid.*

⁴ AB 2013 (Irwin, Ch. 817, Stats. 2024) defined GenAI as “artificial intelligence that can generate derived synthetic content, such as text, images, video, and audio, that emulates the structure and characteristics of the artificial intelligence’s training data.”

⁵ OpenAI, *How ChatGPT and Our Language Models Are Developed*, <https://help.openai.com/en/articles/7842364-how-chatgpt-and-our-foundation-models-are-developed>.

⁶ Netflix, *How Netflix’s Recommendations System Works*, <https://help.netflix.com/en/node/100639>.

⁷ “James Dean set to star in new film through digital resurrection, horrifying fans” (Nov. 7, 2019) *NBC News*, <https://www.nbcnews.com/pop-culture/celebrity/james-dean-set-star-new-film-through-digital-resurrection-horrifying-n1078051>.

contracts as a condition of participation in college athletics that the NCAA claimed assigned to it the perpetual rights to those students' names and likenesses for use in any context."⁸

Concerns regarding the use of artificial intelligence in the entertainment industry played a major role in the 2023 strike by writers and performers that brought Hollywood to a standstill. After months of negotiations with the Alliance of Motion Picture and Television Producers, SAG-AFTRA ratified an agreement that, among other things, "establishes detailed informed consent and compensation guardrails for the use of AI, hair and makeup equity, meaningful protections for the casting process, sexual harassment prevention protections and more."⁹

Last session, two bills enacted protections related to digital replicas in the entertainment industry. AB 2602 (Kalra, Stats. 2024, Ch. 259) deemed unenforceable contractual provisions governing digital replicas that (1) do not sufficiently delineate the uses of the digital replica, or (2) for which the performer lacked proper representation, either by an attorney or labor union representative. Additionally, to prevent the unauthorized reanimation of dead celebrities, AB 1836 (Bauer-Kahan, Stats. 2024, Ch. 258) established a specific cause of action for beneficiaries of deceased celebrities for the unauthorized use of a digital replica of the celebrity in audiovisual works or sound recordings.

Synthetic performers. In contrast to digital replicas, synthetic performers do not correspond to any particular human being. The most prominent example is "Tilly Norwood," a fully AI-generated synthetic "actress" created in 2025. Tilly has a social media following, was signed by a talent agency, profiled in *The New York Times*, and has featured in multiple advertisements and videos. Her creator hailed her as the next Scarlett Johansson or Natalie Portman.¹⁰

Backlash from Hollywood has been swift. SAG-AFTRA stated "'Tilly Norwood' is not an actor . . . It's a character generated by a computer program that was trained on the work of countless professional performers - without permission or compensation."¹¹ SAG-AFTRA's most recent agreement with the studios establishes "a principle strongly favoring human performances" and bars the use of synthetic performers unless they bring "significant additional value" to a production.¹² Producers must notify and bargain with SAG-AFTRA before deploying a synthetic performer; if no agreement is reached, the union may arbitrate.¹³

Deepfake healthcare ads. According to a recent article, the use of AI performers to promote healthcare products online has become rampant:

⁸ Jennifer E. Rothman, *The Right of Publicity: Privacy Reimagined for a Public World* (Harvard University Press, 2018), p. 117.

⁹ Lawler, *Hollywood's actors vote to make their new deal official—the strikes are really over* (Dec. 5, 2023) *The Verge*, <https://www.theverge.com/2023/12/5/23990186/hollywoods-actors-vote-to-make-their-new-deal-official-the-strikes-are-really-over>.

¹⁰ Joel Mathis, "Is the first AI 'actor' the beginning of Hollywood's existential crisis?" *The Week* (Oct. 1, 2025), <https://theweek.com/media/first-ai-actor-tilly-norwood-hollywood-backlash>.

¹¹ Wesley Yin-Poole, "SAG-AFTRA Hits Out at Tilly Norwood, the AI-Generated 'Actress' That Has Enraged Hollywood" *IGN* (Sep. 30, 2025), <https://www.ign.com/articles/sag-aftra-hits-out-at-tilly-norwood-the-ai-generated-actress-that-has-enraged-hollywood>.

¹² "2026 Memorandum of Agreements Between the Screen Actors Guild-American Federation of Television and Radio Artists and The Alliance of Motion Picture and Television Producers," p. 132, <https://www.sagaftra.org/sites/default/files/2026-05/2026%20Theatrical-Television%20MOA.pdf>.

¹³ *Ibid.*

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.¹⁴

In some cases, digital replicas of actual doctors have been used without the doctor's consent or knowledge:

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.¹⁵

3) What this bill would do. This bill requires a person who creates or causes to be created an advertisement that 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 to include clear and conspicuous disclosure that the health care provider depicted in the advertisement was generated or substantially altered by AI or that no human health care provider is depicted. “Clear and conspicuous disclosure” means a disclosure that is difficult to miss, easily understandable, and presented in a manner that a reasonable consumer would notice, read, and comprehend, taking into account the medium, format, and context in which the advertisement appears.

¹⁴ 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).

¹⁵ 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>.

The bill provides that violation constitutes a violation of the FAL, enforceable pursuant to the UCL.¹⁶ The bill grants a private right of action for a person whose digital replica is used in an advertisement that violates the disclosure requirement, and provides that the person may seek injunctive relief and any appropriate remedy.

Recent amendments to this bill and the related SB 1050 (Ashby), which similarly requires a disclosure when any ad uses a synthetic reporter, largely align the approaches of the two bills. SB 1050 now expressly includes a carve out for violations of this bill, avoiding duplicative liability.

ARGUMENTS IN SUPPORT: California Medical Association, the bill’s sponsor, writes:

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.

¹⁶ California’s Unfair Competition Law (UCL), which prohibits “unlawful, unfair, or fraudulent” activities, including “anything that [is] a business practice and that at the same time is forbidden by law.” (*Nolte v. Cedars-Sinai Medical Center* (2015) 236 Cal.App.4th 1401, 1407, internal citations and nested quotation marks omitted.) An action under the UCL may be brought by the Attorney General, a district attorney, and, in certain large jurisdictions, city attorneys and county counsels, who may seek injunctive relief and civil penalties of up to \$2,500. While private plaintiffs who have suffered injury in fact and lost money because of unfair competition may bring a limited action for restitution and injunctive relief, in practice, this bill would likely be enforced almost exclusively by public prosecutors.

As AI-generated content becomes increasingly prevalent, Californians deserve clear protection against deceptive health advertising. SB 1146 strikes the right balance by promoting transparency, protecting consumers, and preserving responsible innovation.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Medical Association (CMA) (Sponsor)
American College of Obstetricians & Gynecologists - District IX
California Dental Association
California Dermatology Advocacy Network
California Orthopedic Association
California Podiatric Medical Association
California Radiological Society
Dental Board of California
Kaiser Permanente
Medical Board of California
San Francisco Marin Medical Society
University of California

Opposition

None on file.

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