

Date of Hearing: June 23, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, 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 development of generative artificial intelligence (GenAI) offers significant potential to enhance California's economy and improve residents' lives by rapidly generating text, images, and audio. However, these advancements come with new concerns. Recent reporting has shed light on the use of GenAI to falsely depict medical professionals endorsing or promoting suspect and unproven health products. The false or inappropriate medical advice offered by these GenAI medical professionals, can cause real harm to individuals. Relying on inaccurate advice can lead to unforeseen physical reactions from the promoted products or cause people to not seek the treatment they really need. This bill would require any advertisement that uses a digital replica or synthetic performer depicted as a health care professional and that advertises a health-related product or service, to clearly disclose the use of artificial intelligence.

This bill is sponsored by the California Medical Association, supported by a variety of medical professional organizations, and has no registered opposition. The bill previously passed unanimously out of the Assembly Committee on Privacy and Consumer Protection.

SUMMARY: Requires any advertisement for a health product or service that uses artificial intelligence (AI) to portray a healthcare provider in the advertisement, to disclose the use of AI. Specifically, **this bill:**

- 1) 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.
- 2) Provides that a violation of the bill is a violation of the False Advertising Law (FAL), enforceable pursuant to the Unfair Competition Law (UCL).
- 3) Grants a private right of action for a person whose digital replica is used in an advertisement that violates the requirement set forth in 1) and may seek injunctive relief and any appropriate remedy.
- 4) Specifies that the remedies under the bill are cumulative and are in addition to any other remedies provided by law.
- 5) Clarifies that a violation of 1) shall not constitute a misdemeanor.

6) Defines the following 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) “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.
- c) “Digital replica” means 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.
- d) “Generative artificial intelligence” means an artificial intelligence system that can generate derived synthetic content, such as text, images, video, and audio, that emulates the structure and characteristics of the artificial intelligence system’s training data.
- e) “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. Examples include, but are not limited to, dietary supplements and medical and dental goods and services.
- f) “Health care provider” means a person licensed under Business and Professions Code Section 650.01.
- g) “Synthetic performer” means 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.

EXISTING LAW:

- 1) Establishes the 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. (Business and Professions Code Section 17200 *et seq.*)
- 2) 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 17200.)

- 3) Establishes the 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. (Business and Professions Code Section 17500 *et seq.*)
- 4) 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. (Business and Professions Code Section 22757 *et seq.*)
- 5) 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. (Business & Professions Code Section 22757.3 (a).)
- 6) 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. (Business and Professions Code Section 22757.3 (b).)
- 7) 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. (Business and Professions Code Section 22757.3.1.)
- 8) 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. (Business and Professions Code Section 22757.4.)
- 9) Provides remedies for individuals who have suffered damages as a result of fraud or deceit, including situations involving fraudulent misrepresentations. (Civil Code Sections 1572-1573, 1709-1710.)
- 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. (Civil Code Section 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 Code Section 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. (Penal Code Section 529.)
- 13) Prohibits an advertisement for a person who is not a physician from using the terms "medical", "physician", or "doctor"; nor a term describing a specific area of medical practice such as "surgeon", "osteopath", "psychologist", "chiropractor", "podiatrist", "dentist", "optometrist", etc.; nor their linguistic variants; nor any similar designation implying that the person is a physician; in the advertiser's name or to describe the advertiser's services. In addition, an advertisement for a person who is not licensed as a physician in the specific area of medical practice named in the advertisement may not include a term describing a specific area of medical practice. (Cal. Code of Regulations, Title 8 Section 9823.)
- 14) Provides, pursuant to federal law, 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., amend. I.)
- 15) Requires, pursuant to federal law, an advertisement whenever it represents, expressly or by implication, that the endorser is an expert with respect to the endorsement message, that the endorser's qualifications must in fact give the endorser the expertise that the endorser represents as possessing with respect to the endorsement. (16 C.F.R. Section 255.3.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: The development of generative artificial intelligence (GenAI) offers significant potential to enhance California's economy and improve residents' lives by rapidly generating text, images, and audio. However, these advancements come with new safety concerns. Artificial intelligence, broadly speaking, involves computers mimicking human intelligence through algorithms that process various inputs into outputs, such as text or video. While image manipulation and video doctoring have long existed, the advent of GenAI, in combination with the abundance of open sourced GenAI tools available, has drastically simplified these processes, enabling the creation of convincing fake content with minimal effort. GenAI's ability to generate realistic imagery, video, and audio can pose significant risks when used maliciously that can harm individuals.

Recent reporting has shed light on the use of GenAI to falsely depict medical professionals endorsing or promoting suspect and unproven health products. (Steven Lee Myers et al., *The Doctors Are Real, but the Sales Pitches are Frauds*, N.Y. Times (Sept. 5, 2025) available at: <https://www.nytimes.com/2025/09/05/technology/ai-doctor-scams.html>.) One such example, is Dr. Rober H. Lustig, an endocrinologist and professor at UC San Francisco, who was made—via

GenAI—to appear as though he was selling “liquid pearls” in ads appearing on Facebook. (*Ibid.*) A CBS News investigation uncovered dozens of accounts on various social media sites where generative AI doctors—some using the names of real doctors—were selling products or giving advice. (Alex Clark, *Deepfake videos impersonating real doctors push false medical advice and treatments*, CBS News (Aug. 14, 2025) available at: <https://www.cbsnews.com/news/deepfake-videos-impersonating-real-doctors-push-false-medical-advice-treatments/>.) According to recent findings, the false or inappropriate medical advice offered by GenAI, can cause real harm to individuals. (Ron Goldberg, *Trust in AI-Generated Medical Advice May Cause Harm, Data Suggest*, Cancer Therapy Advisor (July 2, 2025) available at: <https://www.cancertherapyadvisor.com/news/trust-in-ai-generated-medical-advice-may-cause-harm-data-suggest/>.) Researchers found that participants often preferred medical advice from GenAI, even though it was less accurate. (*Ibid.*) Relying on inaccurate advice can lead to people not seeking the treatment they really need. 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.

Although there are regulations in place that prohibit advertisements from falsely depicting a person as a physician who is in fact not a physician, existing law does not require advertisements to disclose if a depicted health care provider is not only not a doctor, but not a real person. (Cal. Code Regs., tit. 8 Section 9823; 16 C.F.R. Section 255.3.)

This bill would require a person who creates an advertisement that includes a synthetic performer or digital replica depicted as a health care provider and is promoting the sale of a health-related product or service, to include a “clear and conspicuous” disclosure that the depicted health care provider was generated—or substantially altered—by artificial intelligence. A synthetic performer is a digital figure that is generated by AI, but not readily identifiable as a natural person. A digital replica, on the other hand, is a realistic representation of an identifiable individual where the performance of the identifiable individual has either been altered or created as a whole.

A violation of this bill would be considered a violation of the False Advertising Law, and enforceable under the Unfair Competition Law. The UCL allows for injunctive relief and civil penalties as a means of enforcement. (Business and Professions Code Section 17200 *et seq.*) This bill also provides a private right of action for anyone whose digital replica was used in an advertisement that did not contain the required disclosure. The likely remedy would be an

injunction to remove the advertisement; however, the bill states that its remedies are cumulative to existing remedies, and therefore, a person who brings an action would likely be able to also bring an action for a violation of their right to publicity.

SB 1050 (Ashby), which will be heard in this Committee, would similarly require a disclosure when GenAI is used in advertisements. However, SB 1050 now specifically includes a carve out for a violation of this bill, preventing the potential for liability under both bills.

Commercial Speech. The First Amendment provides that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” (U.S. Const., amend. I.) While commercial speech is a type of content-based restriction, and content-based restrictions ordinarily receive strict scrutiny analysis under the First Amendment, the U.S. Supreme Court has held that the First Amendment accords commercial speech lesser protection than other constitutionally guaranteed expression. This is in part because, unlike other varieties of speech, speech proposing a commercial transaction occurs in an area traditionally subject to *governmental regulation*. (*Central Hudson Gas & Elec. Corp. v. Public Service Commission* (1980) 447 U.S. 557, 562-63.) Ultimately, the First Amendment prohibits commercial speech against “unwarranted” governmental regulation.

The U.S. Supreme Court has articulated a four-prong test by which commercial speech regulations are evaluated for constitutionality. This test asks: (1) whether the expression concerns lawful activity and is not misleading; (2) whether the asserted governmental interest is substantial; (3) whether the regulation directly advances the governmental interest asserted; and (4) whether it is not more extensive than is necessary to achieve that interest. (*Central Hudson Gas & Elec. Corp.*, *supra*, 447 U.S. at pp. 561-66.)

Here, on the first prong, the activity at question, synthetic performers or digital replicas depicted as health care providers and promoting health-related products or services, appears to be *misleading on its face*. These are not doctors, nurses or dentists endorsing a product. They are AI generated performers. On the second prong, the important government interest is to protect consumers from the false impression a health product is supported by a licensed health care provider, when in fact it is not. This interest is quite substantial, as people trust medical professionals for health advice and as discussed above, relying on inaccurate information can lead to real health risks. Here, regarding the third prong, the regulation is to include a disclosure that the performers were created using AI. This regulation advances the governmental interest, because it provides the viewer of the advertisement with the information that the performer advocating for the product is not a real person. Lastly, for the fourth prong, the regulation does not appear to be more extensive than necessary to achieve the government’s interest. The bill does not prohibit the use of synthetic performers or digital replicas as health care providers; it simply requires a disclosure of the use of AI. Therefore, the bill would likely survive a First Amendment challenge.

ARGUMENTS IN SUPPORT: This bill is sponsored by the California Medical Association (CMA) and supported by a variety of medical groups, including the Medical Board of California and the Dental Board of California. CMA writes in support:

On behalf of more than 50,000 physician and medical student members, the California Medical Association (CMA) is proud to sponsor SB 1146 by Senator Lena Gonzalez to address the growing misuse of artificial intelligence to clone physicians' likenesses and voices, without their knowledge or consent, to sell unproven supplements and "miracle cures" and dispense baseless medical advice. SB 1146 establishes simple, commonsense transparency requirements for advertisements for health-related consumer products or services. If the ad uses the image, audio, or video of a person generated or substantially altered by AI, they must include a clear and conspicuous disclosure informing consumers that the content was created using AI.

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.

The California Dental Association writes in support:

The California Dental Association, representing 27,000 members throughout the state, writes in support of SB 1146 (Gonzalez), which would require an advertisement of a health-related consumer product or service that uses the image, audio, or video of a natural person that is generated or significantly altered using artificial intelligence, to include a clear and obvious disclosure that the advertisement was generated by AI.

With the rise of AI and Generative AI it is becoming increasingly difficult to differentiate between real and fake content. This is particularly true with the rise of deepfake "doctors" online, garnering views endorsing a variety of health-related products relying on the goodwill of medical and dental professionals. The use of artificial intelligence in advertising health related products raises concerns, particularly when it comes to accuracy, ethics, and consumer protection. While AI can be used to tailor messages to specific audiences, this

same personalization can also lead to the spread of misleading and incomplete health information. As a result, consumers may be influenced by purchasing products that are ineffective, unnecessary, or even harmful.

REGISTERED SUPPORT / OPPOSITION:**Support**

California Medical Association (CMA) (sponsor)
American Academy of Pediatrics, California
American College of Obstetricians & Gynecologists - District IX
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 Radiological Society
California Society of Pathologists
Dental Board of California
Kaiser Permanente
Medical Board of California
San Francisco Marin Medical Society
University of California

Opposition

None on file

Analysis Prepared by: Griff Ryan-Roberts / JUD. / (916) 319-2334