

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: SB 1146

VERSION: AMENDED MARCH 25, 2026

AUTHOR: GONZALEZ

SPONSOR: CALIFORNIA MEDICAL ASSOCIATION

STAFF RECOMMENDED POSITION: SUPPORT

SUBJECT: HEALTH-RELATED CONSUMER PRODUCTS AND SERVICES: ARTIFICIAL INTELLIGENCE

Summary: This bill requires an advertisement for a health-related product or service that uses an 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 by artificial intelligence (AI), to include a clear disclosure stating that AI was used and that the person is not a health care provider.

Existing Law:

- 1) Makes it illegal to advertise or spread any statement that is false or misleading when selling goods or services. If someone knew or should have known the statement was untrue, they can be charged with a misdemeanor and face up to six months in jail, a fine up to \$2,500, or both. (Business and Professions Code (BPC) §17500)
- 2) Makes it illegal for licensed health care professionals to use any advertising or public communication containing a false, fraudulent, misleading, or deceptive statement, claim, or image regarding their professional services or products. Violations are subject to criminal charges, fines, and disciplinary actions such as suspension or revocation of their license. (BPC §651)
- 3) Prohibits a person or entity who develops or deploys an artificial intelligence system from having that system represent or imply that it is a licensed health care provider by using prohibited terms, letters, or phrases in its functionality or advertising. Violations are subject to the jurisdiction of the applicable licensing board. (BPC §4999.9)

This Bill:

- 1) Requires that any advertisement promoting the sale of a health-related consumer product or service that uses the image, audio, or video of a natural person representing themselves or identifying depicting a person as a health care provider that is generated or substantially altered using AI or other computer technology must

include a clear and conspicuous disclosure that the image, audio, or video of the person was generated or substantially altered by artificial intelligence and that the person is not a health care provider. (BPC §651.4(b))

- 2) Such an advertisement must also comply with the following (BPC §651.4(b)):
 - If the advertisement is visual media, the text of the disclosure must be in a prominent location and an easily readable size. For video, the disclosure must be displayed for the entire video run time.
 - If the advertisement is audio-only media, the disclosure must be read in a clearly spoken manner that can be easily heard, at the beginning of the audio and at the end of the audio. If the audio is greater than two minutes long, it must also be interspersed within the audio at least every two minutes.
- 3) Provides that the Attorney General or a district attorney may bring a civil action to enforce violations of the above, including but not limited to, injunctive relief. (BPC §651.4(d))
- 4) Allows a natural person who is identifiably depicted in an advertisement in violation of the above may bring a civil action against the person who created the advertisement, including seeking injunctive relief. (BPC §651.4(d))
- 5) Provides that the above requirements do not apply to an advertisement using an image, audio, or video of a person representing themselves or depicting a person as a health care provider that is generated or substantially altered by AI to sell a health-related consumer product or service, if all of the following are met (BPC §651.4(e)):
 - The person depicted in the advertisement is an identifiably depicted natural person who is licensed in the professional practice depicted in the ad;
 - That person has provided consent to the use of their image in the ad; and
 - That person agrees with all of the statements made by generated version of themselves in the ad.
- 6) Outlines factors to be used in considering whether a natural person is “identifiably depicted” in an electronic representation. These include whether the person is identified by their name, if the depiction uses visual or audio cues commonly associated with that person, and whether the ad addresses a subject matter or health issue that they specialize in. (BPC §651.4(f))
- 7) Defines “artificial intelligence” as an engineered or machine-based system that varies in its level of autonomy, that can explicitly or implicitly, infer from the input it receives how to generate outputs that can influence physical or virtual environments. (BPC §651.4(a)(1))

- 8) Defines “generated or substantially altered using artificial intelligence or other computer technology” means when visual or audio media of a natural person is either (BPC §651.4(a)(2):
- Completely created using AI or other computer technology, and would appear authentic to a reasonable person; or
 - Materially altered by AI or other computer technology, which would cause a reasonable person to have a fundamentally different understanding of the altered media versus the unaltered media.

This does not include immaterial alterations by AI such as cosmetic adjustment, color editing, or cropped or resized images.

- 9) Defines a “health-related consumer product or service” as one marketed as having a health benefit, such as for dietary supplements and medical goods and services. (BPC §651.4(a)(3))
- 10) Defines “identifiably depicted” means the visual likeness or voice of a natural person being represented electronically is readily identifiable, even if not identical to them. (BPC §651.4(a)(5))

Comment:

1) **Author’s Intent.** In their fact sheet for the bill, the author’s office notes that as AI use increases, it is becoming more difficult to distinguish between real and fake content. For example, there are numerous examples of “deepfake doctors” online, posing as medical professionals and endorsing products. Sometimes these advertisements use a real doctor’s image without their knowledge and mislead consumers about the effectiveness of products or treatments.

2) Related Legislation.

The Board is considering the following AI-related legislation this year:

- **AB 1979 (Bonta)** prohibits health facilities and medical offices from using artificial intelligence tools for any tasks that require the professional judgment of a licensed health care provider. It also bans the use of AI to direct or instruct unlicensed personnel in performing duties that require a professional license.
- **AB 1988 (Pellerin)** seeks to improve safety protocols for chatbots by requiring them to use a graduated response warning system that includes a 20-minute crisis interruption pause when a user is expressing intent or desire to harm themselves or others.

- **AB 2575 (Ortega)** establishes protections and accountability for the use of artificial intelligence and clinical decision support tools in health care by preventing developers from escaping liability, requiring plain-language disclosures for providers, and safeguarding workers' professional judgment from employer restrictions or retaliation.
- **SB 903 (Padilla)** establishes laws for the use of artificial intelligence (AI) in therapy and psychotherapy.

3) Staff Recommended Position. Staff recommends that the Board consider taking a support position on this bill.

4) Support and Opposition.

Support:

- California Medical Association (Sponsor)
- American Academy of Pediatrics, California
- California Academy of Child and Adolescent Psychiatry
- California Dental Association
- California Orthopedic Association
- California Podiatric Medical Association
- California Society of Pathologists
- Kaiser Permanente

Opposition: None at this time.

5) History.

03/25/26	From committee with author's amendments. Read second time and amended. Re-referred to Com. on P., D.T., & C.P.
03/16/26	Set for hearing April 6.
03/04/26	Referred to Coms. on P., D.T., & C.P. and JUD.
02/19/26	From printer. May be acted upon on or after March 21.
02/18/26	Introduced. Read first time. To Com. on RLS. for assignment. To print.

6) Links.

Link 1: [Article: Deepfake Videos Impersonating Real Doctors Push False Medical Advice and Treatments \(by Alex Clark, CBS News, August 14, 2025\)](#)

AMENDED IN SENATE MARCH 25, 2026

SENATE BILL

No. 1146

Introduced by Senator Gonzalez

February 18, 2026

An act to add Section 651.4 to the Business and Professions Code, relating to advertisements.

legislative counsel's digest

SB 1146, as amended, Gonzalez. ~~Health-related~~ *Advertisement claims: health-related* consumer products and services: artificial intelligence.

Existing law makes it unlawful for any person doing business in California and advertising to consumers in California to make any false or misleading advertising claim.

Existing law makes it unlawful for healing arts licensees, as specified, to disseminate or cause to be disseminated any form of public communication containing a false, fraudulent, misleading, or deceptive statement, claim, or image in order to induce the provision of services or products in connection with their licensed professional practice or business. Existing law makes a violation of these provisions punishable as a ~~misdemeanor~~. *misdemeanor and, in the case of a licensed person, provides that a violation constitutes unprofessional conduct and grounds for suspension or revocation of a license by the relevant board.*

This bill ~~would~~ *would, subject to specified exceptions,* require 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 to include a clear and conspicuous disclosure that the image, audio, or video, as applicable,

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of the person in the advertisement was generated or substantially altered by artificial intelligence. *intelligence and that the person identifiably depicted is not a health care provider.* The bill would also define terms for its ~~purposes.~~ *purposes and would provide for factors that may be considered in determining whether a natural person is “identifiably depicted” in an electronic representation.*

~~This bill would require actions for relief brought pursuant to this bill to be prosecuted exclusively by~~ *authorize the Attorney General or General, a district attorney in the name of the people of the State of California, attorney, or a natural person identifiably depicted as a health care provider in an advertisement to bring a civil action to enforce these provisions,* and would provide that a violation of the bill does not constitute a misdemeanor.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 651.4 is added to the Business and
- 2 Professions Code, to read:
- 3 651.4. (a) For purposes of this section, the following
- 4 definitions apply:
- 5 (1) “Artificial intelligence” means an engineered or
- 6 machine-based system that varies in its level of autonomy and that
- 7 can, for explicit or implicit objectives, infer from the input it
- 8 receives how to generate outputs that can influence physical or
- 9 virtual environments.
- 10 (2) (A) “Generated or substantially altered using artificial
- 11 intelligence or other computer technology” means when visual or
- 12 audio media of a natural person is either of the following:
- 13 (i) Entirely created using artificial intelligence or other computer
- 14 technology and would appear to a reasonable person to be
- 15 authentic.
- 16 (ii) Materially altered by artificial intelligence or other computer
- 17 technology and that alteration would cause a reasonable person to
- 18 have a fundamentally different understanding of the altered media
- 19 when comparing it to an unaltered version.
- 20 (B) ~~Any~~ *A* visual or audio media of a natural person is not
- 21 “generated or substantially altered using artificial intelligence or
- 22 other computer technology” if the media is immaterially altered

1 by artificial intelligence or other computer technology, including
2 a cosmetic adjustment, color edit, cropped image, or resized image.

3 (3) “Health-related consumer product or service” means a
4 product or service that is marketed for use primarily for personal,
5 family, or household purposes, and is marketed as having a health
6 benefit. Examples include, but are not limited to, dietary
7 supplements and medical *and dental* goods and services.

8 (4) “*Health care provider*” means a person licensed under this
9 division.

10 (5) “*Identifiably depicted*” means that the visual likeness or
11 voice of a natural person within an electronic representation is
12 readily identifiable, even if the electronic representation is not
13 identical to the natural person.

14 (4)

15 (6) “Natural person” means a natural human individual, and
16 does not include a firm, partnership, association, corporation,
17 limited liability company, or cooperative association.

18 (b) An advertisement that uses the image, audio, or video of a
19 natural person *representing themselves to be, or identifiably*
20 *depicting a person as, a health care provider* that is generated or
21 substantially altered using artificial intelligence or other computer
22 technology to promote the sale of a health-related consumer
23 product or service shall include a clear and conspicuous disclosure
24 that the image, audio, or video, as applicable, of the person in the
25 advertisement was generated or substantially altered by artificial
26 ~~intelligence~~, *intelligence and that the person identifiably depicted*
27 *is not a health care provider*, and shall comply with all of the
28 following:

29 (1) For visual media, the text of the disclosure shall appear in
30 a prominent location and in a size that is easily readable by the
31 average viewer. For visual media that is video, that disclosure shall
32 be displayed for the duration of the video.

33 (2) For audio-only media, the disclosure shall be read in a clearly
34 spoken manner and in a pitch that can be easily heard by the
35 average listener, at the beginning of the audio, at the end of the
36 audio, and, if the audio is greater than two minutes in length,
37 interspersed within the audio at intervals of not greater than two
38 minutes each.

39 (c) Advertisements subject to this section shall comply with all
40 other applicable state and federal laws. This section does not

1 abrogate, narrow, or otherwise limit any other applicable state or
2 federal ~~law~~ law, including, but not limited to, Chapter 1
3 (commencing with Section 17500) of Part 3 of Division 7. This
4 section does not authorize use of a person's likeness for commercial
5 purposes without the individual's consent.

6 ~~(d) (1) Actions for relief pursuant to this section may be~~
7 ~~prosecuted exclusively in a court of competent jurisdiction in a~~
8 ~~civil action brought in the name of the people of the State of~~
9 ~~California by the Attorney General or by any district attorney. This~~
10 ~~section shall not be deemed to create a private right of action, or~~
11 ~~limit any existing private right of action.~~

12 (d) (1) The Attorney General or any district attorney may bring
13 a civil action to enforce subdivision (b) and may seek any
14 appropriate remedy, including, but not limited to, injunctive relief.

15 (2) A natural person identifiably depicted as a health care
16 provider in an advertisement that violates subdivision (b) may
17 bring a civil action against the person who created the
18 advertisement and may seek any appropriate remedy, including,
19 but not limited to, injunctive relief.

20 (3) The remedies provided for under this paragraph are
21 cumulative and shall be in addition to any other remedies provided
22 for by law, including, but not limited to, Section 3344 of the Civil
23 Code.

24 ~~(2)~~

25 (4) A violation of this section shall not constitute a misdemeanor
26 for purposes of this article.

27 ~~(3)~~

28 (5) This section does not alter or negate any rights, obligations,
29 or immunities of an interactive computer service provider under
30 Section 230 of Title 47 of the United States Code.

31 (e) This section does not apply to an advertisement that uses
32 the image, audio, or video of a person representing themselves to
33 be, or depicting the person as, a health care provider that is
34 generated or substantially altered using artificial intelligence or
35 other computer technology to promote the sale of a health-related
36 consumer product or service if all of the following conditions are
37 met:

38 (1) The health care provider depicted in the advertisement is
39 an identifiably depicted natural person who is licensed in the same
40 professional practice as depicted in the advertisement.

1 (2) *The identifiably depicted natural person has provided prior*
2 *consent to the use of their image in the advertisement.*

3 (3) *The identifiably depicted natural person agrees with all of*
4 *the statements made by the image, audio, or video of themselves*
5 *generated or substantially altered by artificial intelligence.*

6 (f) *For purposes of this section, factors that may be considered*
7 *in determining whether a natural person is “identifiably depicted”*
8 *in an electronic representation include whether the electronic*
9 *representation identifies itself by the natural person’s name,*
10 *whether the electronic representation uses any visual or auditory*
11 *cues commonly associated with the natural person, and whether*
12 *the advertisement featuring the electronic representation addresses*
13 *a subject matter or health issue in which the natural person*
14 *specializes.*

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