

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 1146
 AUTHOR: Gonzalez
 BILL DATE: April 16, 2026, Amended
 SUBJECT: Advertisement Claims: Health-Related Consumer Products and Services: Digital Replicas and Synthetic Performers
 SPONSOR: California Medical Association

DESCRIPTION OF CURRENT LEGISLATION

Requires advertisements that promote a health-related consumer product or service that includes images, audio, or video of a health care provider created or substantially altered by artificial intelligence, as defined, to include a specified disclosure that the images, audio, or video are generated or substantially altered by AI and that no human health care provider is depicted.

Authorizes the Attorney General, a district attorney, or a natural person whose voice or image likeness was unlawfully used, to pursue a civil action to enforce the provisions of the bill.

BACKGROUND

[Business and Professions Code \(BPC\) section 651](#) generally prohibits a licensed health care practitioner from disseminating, or causing to be disseminated, any form of public communication (e.g., mail, radio, television) that contains a false, fraudulent, misleading, or deceptive statement, claim, or image for the purpose of or likely to induce, directly or indirectly, the rendering of professional services or furnishing of products in connection with the professional practice or business for which the person is licensed.

[BPC section 652](#) states that violations of the article that includes BPC section 651, and the section proposed to be added by SB 1146, by a licensed health care provider, will subject that provider to discipline by the appropriate licensing board.

ANALYSIS

According to the author’s fact sheet:

“With the rise of AI and GenAI it is becoming increasingly difficult to distinguish between real and fake content. This is especially true with the rise of deepfake “doctors” on social media who are garnering millions of views, endorsing products from weight-loss supplements to unproven medical treatments and devices. Recent reporting from the [New York Times](#) identified numerous medical professionals from San Francisco to Australia, who have had their...image used

to promote supplements or products that they have never seen, used, or endorsed across countless social media platforms.”

Key Terms Defined in the Legislation

“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.

“Creates” includes causing a video or audio media to be created through prompts to a generative artificial intelligence system.

“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.” That section further states that a 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.

“Generated or substantially altered using artificial intelligence or other computer technology” means when visual or audio media of a natural person is either of the following:

- Entirely generated using artificial intelligence or other computer technology and would appear to a reasonable person to be authentic.
- 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.

A visual or audio media of a natural person is not “generated or substantially altered using artificial intelligence or other computer technology” if the media is immaterially altered by artificial intelligence or other computer technology, including a cosmetic adjustment, color edit, cropped image, or resized image.

“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.

“Health care provider” means a healing arts practitioner licensed by a board within the Department of Consumer Affairs, including, but not limited to a physician, registered nurse, nurse practitioner, or physician assistant.

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

“Synthetic performer” means 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 in [Section 3344 of the Civil Code](#).

Disclosure Requirement Established

SB 1146 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 shall include a clear and conspicuous disclosure that the image, audio, or video, as applicable, of the person in the advertisement was generated or substantially altered by artificial intelligence and that no human health care provider is depicted.

- For visual media, the text of the disclosure shall appear in a prominent location and in a size that is easily readable by the average viewer. For visual media that is video, that disclosure shall be displayed for the duration of the video.
- For audio-only media, the disclosure shall be read in a clearly spoken manner and in a pitch that can be easily heard by the average listener, at the beginning of the audio, at the end of the audio, and, if the audio is greater than two minutes in length, interspersed within the audio at intervals of not greater than two minutes each.

The bill states that it does not apply to an advertisement that uses a digital replica 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 if all of the following conditions are met:

- The natural person whose digital replica is used in the advertisement is a health care provider.
- The digital replica in the advertisement is depicted as being licensed in the same profession as the natural person.
- The natural person has provided prior consent to the use of their digital replica in the advertisement.
- The natural person agrees with all of the statements made in the advertisement by the digital replica generated or substantially altered by artificial intelligence.

SB 1146 authorizes the Attorney General, a district attorney, or a natural person whose voice or image likeness was unlawfully used, to pursue a civil action to enforce the provisions of the bill. The bill further states that advertisements subject to the bill must comply with all other state and federal laws and that no other law (e.g., Board enforcement authority against a licensee who violates this legislation) is limited by this legislation.

Consideration of a Board Position

This bill supports transparency and accountability in health care advertisements aimed at consumers. Accordingly, Board staff recommend that the Board adopt a Support position on SB 1146.

FISCAL: Minor and absorbable enforcement and communication costs are anticipated.

SUPPORT: American Academy of Pediatrics, California District
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 identified.

POSITION: Recommendation: Support

ATTACHMENT: [SB 1146, Gonzalez. Advertisement Claims: Health-Related Consumer Products and Services: Digital Replicas and Synthetic Performers.](#)
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