

MEDICAL BOARD OF CALIFORNIA
LEGISLATIVE ANALYSIS

BILL NUMBER: SB 1146
AUTHOR: Gonzalez
BILL DATE: June 11, 2026, Amended
SUBJECT: Advertisement Claims: Health-Related Consumer
Products and Services: Digital Replicas and Synthetic
Performers
SPONSOR: California Medical Association
POSITION: Support

DESCRIPTION OF CURRENT LEGISLATION

States that 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 shall include a clear and conspicuous disclosure that the health care provider depicted in the advertisement was generated or substantially altered by artificial intelligence (AI) or 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.

SB 626 was not amended in a manner contrary to the position of the Medical Board of California.

RECENT AMENDMENTS

On June 11, 2026, SB 1146 was amended, as follows:

- Certain definitions in the bill were updated, including the addition of “clear and conspicuous disclosure” and “generative artificial intelligence,” the removal of “natural person,” “creates,” and “generated or substantially altered using artificial intelligence or other computer technology.”
- The requirement to disclose the use of a digital replica or synthetic performer depicted as a health care provider was recast and simplified.
- The language authorizing the Attorney General or any district attorney to bring a civil action to enforce the bill was recast.

BACKGROUND

[Business and Professions Code \(BPC\) section 651](#) generally prohibits a licensed health care practitioner from disseminating, or causing to be disseminating, 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 include 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.

“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.

“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.

“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.

"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.

"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.

Disclosure Requirement Established

SB 1146 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 shall 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.

The bill does not authorize use of a person's digital replica for commercial purposes without the individual's consent.

Enforcement Mechanisms for Violations

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, as specified. A violation of this bill by a licensed person constitutes unprofessional conduct and is grounds for suspension or revocation of their license by the board that issued their license.

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.

ATTACHMENT: [SB 1146, Gonzalez. Advertisement Claims: Health-Related Consumer Products and Services: Digital Replicas and Synthetic Performers.](#)
Version: 6/11/26 – Amended